



The fascination with crime

Social attitudes towards crime

Roger Bolton:

Well we've talked quite a lot about why crime is interesting, and why it scares us, and why we're drawn to it, but what about what crime actually is? I'm sure you've all sorts of definitions of crime in your minds but, what exactly are we talking about here? Perhaps we could start, with some thoughts from various people from both within and without the subject area.

Vox pop woman 1:

I think crime is when somebody breaks the law.

Vox pop man 1:

The papers that are full of real crime.

Vox pop woman 2:

If I'm reading the Inspector Frost books, I could spot like a little sketch person a mile off.

Vox pop woman 3:

I think that crime itself has become a very restrictive concept.

Vox pop woman 4:

I would say that crime is where harm has been caused from one party to another

Vox pop man 2:

There is also not just the aspects of behaviour which impinge upon the laws of our land, there's also the equal emphasis on behaviour which other people find unacceptable or hurtful.

Vox pop man 3:

Somebody broke in here a couple of weeks ago. Would I want that person in prison? Do I think it would do any good for any of us for that person to be in prison? Well, the answer's no.

Roger Bolton:

Now if somebody asked me what crime was, I'd say it was, well, breaking the law. Is that far too simplistic? Is that all that people on this course are going to have to study?

Dr Louise Westmarland:

Well it's about lots more than that. It's about, not only defining what crime is, but it's also what sort of crimes there are, and what sort of crimes people commit, and how much of certain crimes there are, and how many are committed, and the seriousness of that type of crime. Because, crimes are often categorised by how serious they are, but that's a very difficult concept to pin down really. Because, for some people, certain types of crime are very serious, but for others, they're not. So, it kind of depends on, whether you're the victim of that crime, and whether you consider certain things to be very serious or not. So for instance, some people think that murder's probably the most serious crime that's possible to commit, but on the other hand, if you've been a victim of say car crime or, you've had your house burgled, you might say that that's the worst possible thing that could happen. My point is that, burglary for some people is much more serious than for others. So, some people can be burgled and feel that they're going to claim on the insurance, and other people can be burgled and feel that they've been personally violated, and feel unsafe, and never be able to perhaps return to their home, and have to go and end up living, in the case of older people, in a residential place. So, to them that's a very serious life changing experience, which can nearly be almost as serious as actually being physically assaulted.

Roger Bolton:

So you're looking at different attitudes to crime, but you wouldn't go so far as to say you're going to study moral crime if you like, that which isn't legally an offence, but other people might consider is morally a crime?

Dr Louise Westmarland:

Yes, but we're certainly concerned with that sort of thing, because we're interested in the philosophical underpinnings of what crime is, and to do that, we have to consider how people judge crimes to be serious or not so ...

Roger Bolton:

Are you interested when an act isn't a crime at one time and then suddenly becomes one and vice versa. For example, sexual relations between men was a crime until relatively recently. Are you interested in looking at why society decides one form of sexual activity is a crime, say, and one isn't?

Dr Louise Westmarland:

Yes, over time and place, so it isn't just about things that do or don't become crimes over time, but also about different societies where certain acts might be considered perfectly acceptable, but in other societies might be considered a crime. Rape in marriage is another example. In the 1990s, new laws were enacted that meant that women could prosecute their husbands for rape. That's a result of changing attitudes in society, and society's attitudes are continually changing towards all sorts of things, including crime. So, we might argue that the women's movement has lobbied and petitioned for things like domestic violence to be regarded as a crime. There was a time when police officers would interrogate rape victims, as if somehow they were at fault for being out at night, or being, as they regarded it, inappropriately dressed.

Roger Bolton:

Well one of the people that we asked about crime, was the criminal psychologist Oliver James. Let's hear what he has to say about the criminal justice system.

Oliver James:

By far the most interesting analysis of what crime is, is provided by Leo Tolstoy's breathtaking novel, 'Resurrection', in which he shows that crime is, is invented as a concept, in order to protect the rich from the poor and the strong from the weak. Crime is about the fact that rich people have it and poor people don't have it, and in order to enable rich people to hang on to it, there has to be a group of people called police and the army who protect the rich people from the poor people. Now, that characterisation of crime I genuinely believe to be true. Having said that, obviously, because human beings, particularly men, have some jolly nasty parts to them, we have to regulate the transactions between people, and so, the purpose of having criminal justice systems is not purely to protect the rich and the poor, although that is ninety percent of it. In a really honest, just society there would still need to be laws to protect people from each other. So, in a pure system, crime would be about protecting people from, not even selfishness, the self interest, the fact is that people, human beings, in order to express themselves, must be self interested, and inevitably that will lead to conflicts of interest, and in the most equitable, just society that you could hope for, where people have all had the most wonderful childhood that anybody could imagine, and in which all bad genes have been got rid of, there would still be conflicts of interest, and these conflicts of interest would be impossible to avoid leading to court cases. But, that notion of crime as being about the Wisdom of Solomon, trying to divide up very, very tricky, ultimately moral, disputes between people, is a long way away.

In the meantime, we live frighteningly much in the society that Leo Tolstoy describes in 'Resurrection', or indeed that Anthony Trollope described in 'The Way We Live Now'. The fact is that the criminal justice system is incredibly weighted towards letting rich people off and convicting poor people. I mean, the work of Steven Box is obviously the person to read on this subject, on radical criminology. He shows very, very persuasively that, for instance, that insider trading, it is what everybody does in the city, and they make a lot of money out of it,

but the working classes have to go to betting shops or the lottery, and they do get sent to prison if they do wrong. Whereas, on the rare occasions that they upper classes do get caught out, like Jonathan Aitken or Archer, they get sent off to a nice open prison and eventually come out and declare themselves reformed characters who've become religious, and, it was ever thus, it will always be like that, it's a matter of degree, and you look at societies like Scandinavia have got it so much more right than us. You look at societies like America, and sadly we've been heading down the same plughole as America now for twenty years.

Roger Bolton:

Doctor Louise Westmarland, haven't we just heard a widely exaggerated picture of modern British justice. It would be true to say that in Tolstoy's Russia, the rich, perhaps, justice system was about the rich versus the poor. It was certainly true about this country in the past, but are we saying today that that is really what it's about?

Dr Louise Westmarland:

I think there are certain truths about it, because if you look at the composition of judges and some of the people in the criminal justice system, they're certainly not normally from poor backgrounds. I mean, for instance, if we talk about something like gender, or even to do with ethnicity, could you say that an old white, male judge would understand the circumstances of perhaps a young, black woman, who's been accused of not paying her television licence and is going to go to prison.

Roger Bolton:

Yeah, the logic of that is that the only people who can judge, young, black women are young, black women, and no legal system could guarantee to deliver a judge who's the same age, character, colour as the one who's being charged. I mean, you can't run a system like that can you?

Dr Louise Westmarland:

Yes, but you asked whether it's the rich running the system.

Roger Bolton:

Ah, but is it rigged in favour of the rich against the poor? Is that the distinctive mark about contemporary British justice, which is what Oliver James implies? And I'm saying that one surely should have an element of scepticism about that statement, or at least qualify it.

Dr Louise Westmarland:

Well, another way you can qualify it is by saying that the prisons are full of young men from impoverished backgrounds, and so if we're locking up, overwhelmingly, that group of people, we might say that there must be some class interest, because, otherwise, in prison we would have a whole range of people in prison. We wouldn't just have young predominantly, in some cases black, male prisoners.

Roger Bolton:

But you'd be able to say that in a lot of those cases they're poorly educated, some are illiterate, some don't have a range of skills, and that these are the key things which have contributed to them committing a crime. The crime has been committed, it's not a rich crime or a poor crime, the crime has been committed, the reasons for the crime may be different. You imply that there's no, as it were, moral ingredient at all.

Dr Louise Westmarland:

I think the problem with James's analysis is that he's implying that poor people, who are the perpetrators, target rich people. It sounds as if it's a class war between the rich and the poor, when in reality, we know that poor people very often victimise other poor people, and rich people in society generally have ways and means of protecting themselves, so they live in communities that are, perhaps gated communities, they live in homes that are, have better security.

So in a way, his is a rather old-fashioned, what we would call a sort of an old-fashioned, structural class-based argument. Whereas, left realists would say that the people who really are going to lose their property and become victimised are going to be people who live near the people who are burgling them.

Roger Bolton:

Well, that's a fact, isn't it? It's not just an opinion, it is a fact.

Dr Louise Westmarland:

Well, we have to be careful what we mean by facts.

Roger Bolton:

All right, all right. Well, the statistics suggest that.

Dr Louise Westmarland:

We'd certainly argue against the idea that it's simply the rich people so called, who are going to be the victims of crime, yes.