History of critical criminology in Australia

Kerry Carrington and Russell Hogg

Introduction

Those working in the critical criminology tradition have been centrally concerned with the social construction, variability and contingency of the criminal label. The concern is no less salient to a consideration of critical criminology itself, and any history of critical criminology (in Australia or elsewhere) should aim itself to be critical in this sense. The point applies with equal force to both of the terms ‘critical’ and ‘criminology’. The want of a stable theoretical object has meant that criminology itself needs to be seen not as a distinct discipline but as a composite intellectual and governmental hybrid, a field of studies that overlaps and intersects many others (sociology, law, psychology, history, anthropology, social work, media studies and youth studies to name only a few). In consequence, much of the most powerful work on subjects of criminological inquiry is undertaken by scholars who do not necessarily define themselves as criminologists first and foremost, or at all. For reasons that should later become obvious this is even more pronounced in the Australian context. Although we may appear at times to be claiming such work for criminology, our purpose is to recognize its impact on and in critical criminology in Australia.

More important to our purposes here is the need to be alert to the shifting and contested meanings of terms such as ‘critical’ and identify shortcomings in the uses to which critique has sometimes been put, as well as to acknowledge the variety of forms of, and possibilities for, critical work in criminology. 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 1960s and 1970s 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’, ‘correctional-ist’, ‘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 policing) have borne little intellectual fruit over the years, let alone in the present when critical work in criminology has become unmistakably ‘mainstream’ in Australia.
(Anthony & Cunneen, 2008) as elsewhere (Carlen, 2010). In 1988 Stan Cohen observed of his own engagement with criminology:

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 PhDs, 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, p. 8)

The point has lost none of its salience in the ensuing years.

**Importing theory: the beginnings of critical criminology in Australia**

Critical criminology in Australia had its origins in the particular international political and intellectual conjuncture of the 1960s and 1970s: the rise of the New Left and the counterculture, 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, 1988, p. 115). ‘New’, ‘radical’ and ‘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 & Brown, 1982), including police killings and deaths in custody (Hogan, Brown, & Hogg, 1988; Zdenkowski & Brown, 1982), the policing of indigenous peoples (Blagg, 2008; Cunneen, 2001; Cunneen & Robb, 1987; Wilson, 1982), miscarriages of justice (Carrington, Dever, Hogg, Bargen, & Lohrey, 1991), violence against women, (Stubbs, 1994) and policing of young people (Alder & White, 1994; Carrington, 1993; Maher, Dixon, Swift, & Nguyen, 1997; Poynting, Noble, Tabar, & Collins, 2004; White, 1990; Youth Justice Coalition, 1990). Its politics and alliances were heavily inflected by native libertarian political and intellectual currents of long standing, although much of its theory was imported (Carrington & Hogg, 2002). It was particularly influenced by the National Deviancy Conferences that commenced in the UK in 1968 and its seminal texts included the ground-breaking works *The New Criminology* (Taylor, Walton, & Young, 1973) and *Critical Criminology* (Taylor, Walton, & Young, 1975), and Thomas Mathiesen’s (1974) landmark study of the Scandinavian prisoners’ movements, *The Politics of Abolition*.

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 totalizing conceptual and programmatic sweep announced by a text such as *The New Criminology*, having as a central purpose ‘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’ (Taylor et al., 1973, p. 270). Ironically, but inevitably, a program of such ambition makes little room for politics, which as we are constantly reminded is unavoidably particular and local in nature (Hogg & Brown, 1998). 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. Although it was often belied by the realities of much local political activism, radical critique did engender a maximalist oppositional political lexicon of the sort so bitingly and effectively satirized by the Monty Python team in *The Life of Brian*.

It also encouraged a criminology that was in its theoretical outlook both placeless and ahistorical. Although Australia is a small colonial settler society concentrated in dispersed pockets across a continent almost as big as the United States 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. This is not surprising given its Western cultural heritage and there can hardly be anything objectionable *per se* in embracing worldly intellectual influences, but an unquestioning tendency to look to what Connell (2007) calls ‘metropolitan thinking’ belied the importance of 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 lifeworlds. 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 combinations 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, much as some early European artists arriving in Australia painted the local landscape to conform to European experience, conventions and prejudices. In Australia 20 million people are dispersed (highly unevenly) across an area that could (with the excision only of Russia) contain the entire land mass of Western and Eastern Europe. These contrasts in patterns of settlement affect crime and justice in important ways that have been neglected, including notably turning on its head the usual (Euro-centric) assumption about the urban concentration of crime. In Australia rates of violence, in particular, are on average higher per capita in regional and rural communities (Hogg & 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 & Scott, 2008). The selective official and criminological gaze settles on the socially excluded and overlooks, or normalizes, violence elsewhere, including, for example, present links between the globalization of the resources sector, frontier masculinities and violence and other destructive social impacts (for examples see Carrington, McIntosh, & Scott, 2010).

The specificities of history were also made somewhat redundant by radical critique. The past was treated as a closed chapter, much as neo-liberals in the 1990s (with equal shortsightedness) depicted the collapse of Eastern bloc communism as the ‘end of history’.
History of critical criminology in Australia

(Fukuyama, 1992). Insouciant political voluntarism was, however, tacitly undergirded by the confident deterministic assumption that the laws of history were on the side of radical change. 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 (such as Margaret Thatcher) showed that there was nothing necessary or inevitable about the social democratic state and when soon afterwards 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). 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 established only in 1973. Pioneering Australian criminologists – such as John Barry and Norval Morris – were active on the left of Australian politics and deeply engaged with issues such as capital punishment and penal reform (Finnane, 1998, 2004, 2006, 2007). In the 1970s a younger generation of Australian academics contributed a sociological dimension to the developing Australian criminology (Edwards & Wilson, 1975; Wilson & Braithwaite, 1978). Some were at the beginning of long and distinguished careers of research, theorizing 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 (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 1970s exaggerated its differences with work and trends in the existing field and adopted an unduly narrow conception of what was critical in criminology.

From penal colony to penal populism

Taking a longer view, Australia’s own European history carried important, though mostly unheeded, 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, p. 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, as we detail below). This achievement was in no small part due to the freedoms, rights and opportunities that the new colony offered many of its new inhabitants, despite the privations and brutality that characterized parts of the convict system (Hirst, 1983). As Robert Hughes pointed out in his magisterial history of the convict era this historical experience might be taken as a sort of natural experiment that gives the lie to the biological and
psychological determinism of much criminology (Hughes, 1987, pp. xiii–xiv). Civil society and citizenship grew in the shell of the penal colony, its economic, social and political needs bursting its penal restraints, much to the horror of penal reformers such as Jeremy Bentham. However, with the cessation of transportation and the advent of self-government, a new penal dispensation appeared, one more in tune with Benthamite principles. Offenders would be reformed by denying them citizenship and rights, segregating them from society and subjecting them to a uniform disciplinary power in the new penitentiary prisons (Finnane & Woodyatt, 2002). The legal and political subjectivity of convicts, once central to the life of the colony, ceased to be an issue of significant public interest as convicts themselves were pushed behind prison walls and made the invisible objects of an administrative power.

From the second half of the nineteenth century active efforts were made to erase the ‘convict stain’ and depoliticize questions of crime and punishment. Prison protests and disturbances nevertheless punctuated Australian life over the next 100 years (Finnane & Woodyatt, 2002, p. 98), until the more serious conflicts of the 1970s rekindled political activity around prisons and crime (Zdenkowski & Brown, 1982). In Australia, as elsewhere, an emerging critical criminology became closely aligned with the ‘struggle for justice’ (American Friends Service Committee, 1971), 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 marketization 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 programme, where they did not actively champion it. There is currently no convincing alternative narrative offering a different progressive direction for criminal justice and public policy.

Although the advent of neo-liberalism has had Australian social democracy in retreat for some years, it is important to set the following (necessarily highly selective) survey of critical themes in Australian criminology against the backdrop of the Australian social democracy that emerged from the colonial experience. The ‘Australian settlement’, as it is sometimes referred to, was forged in the early twentieth century in a political consensus encompassing the labour movement and anti-free trade liberals based on four core planks: industry protection, labour market regulation, the family wage principle (and its correlate of family and female dependency) and racial exclusion. The scope and limits of inclusion and the fault lines of much social conflict in the Australian state for the next century were crucially defined by these principles. They also suggest a framework for considering key themes in critical criminological work in Australia.

**Indigenous criminalization and critical criminology**

The opportunities and freedoms afforded to convicts, ex-convicts and free settlers 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. At no time in the colonial period or until the 1970s did the question of their political status and rights receive more than passing attention. Rather violent dispossession of land and destruction of culture saw indigenous people make the forced transition from ‘tribe to inmate’ (Rowley, 1972a,b).
This occurred along two pathways. First, the failure to recognize indigenous rights to land meant resistance was criminalized where it was not more brutally suppressed. Second, from the late nineteenth century indigenous Australians were made subject to ‘protection’ laws, which permitted their segregation on reserves and missions (Goodall, 1996). It was only with the end of the ‘protection’ era that their large-scale encounter with the criminal justice and prison systems would begin. Although the over-representation of indigenous peoples in the penal and criminal justice systems of settler societies is a worldwide phenomenon (Broadhurst, 1999; Havemann, 1999; Hogg, 2001; Tauri, 2005), in contemporary Australia it is a catastrophic problem, with at any one time at least one in five young indigenous men under some form of criminal justice supervision. Such levels of criminalization, and the collateral consequences for indigenous communities (demographic, social and psychological), create a self-perpetuating cycle.

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 (e.g. Behrendt, 2003; Cunneen & White, 2007; Dennison, Stewart & Hurren, 2006; Ferrante, Loh, & Maller, 2004; Jeffries & Bond, 2009; Wundersitz & Hunter, 2005). However, the issue of over-representation really came to national prominence through the Royal Commission into Aboriginal Deaths in Custody (RCADIC) established in 1987 to investigate 99 deaths (RCADIC, 1991). A major finding of the Royal Commission was that Aborigines died in custody at a rate far higher than non-Aborigines only because they were many times more likely on national average to be detained in custody. Although deaths in police custody have since dramatically declined, deaths in prison have continued to grow in line with the growth in indigenous incarceration (Dalton & Edwards, 1999).

Explanations for these levels of detention and criminalization are contentious. At one extreme, commonsense representations of crime and violence, especially in rural communities, tend to assume that crime is simply an Aboriginal problem disconnected from a complex array of factors linked to Australia’s history of colonization (Hogg & Carrington, 2006). Critical researchers have instead drawn attention to the over-policing of indigenous communities, the susceptibility of indigenous communities to law and order policies, and the shift from welfare segregation to the criminalization of cultural difference in Australian towns and regions as the key socio-historical factors driving up the crime and imprisonment rates of indigenous Australians (Carrington & Pereira, 2009; Cunneen, 2001; Hogg & Carrington, 2006; Snowball, 2008; Wundersitz & Hunter, 2005).

It is a salient fact, however, that the repeal of racist segregation laws and the championing of a new era of indigenous self-determination in the 1960s and 1970s – in keeping with the progressive temper of the times – coincided with the end of the long post-war boom and the restructuring of capitalist economies. Belonging to the most marginal, unskilled (and disproportionately rural) strata of the labour market meant that real economic opportunities actually began to shrink for a large number of indigenous people, especially men, at precisely the moment of their supposed admission to full citizenship. Where the extension of civil and political rights had encouraged expectations of economic and social advance, this created the classic conditions for social strain, for a growing subjective sense of relative deprivation and assaults on identity that invariably play out in crime and other personally and socially destructive behaviors. The factors likely to be fuelling increases in indigenous offending should not therefore be overlooked even if it is also the case that strong, residual
popular racism was readily displaced into law and order anxieties and campaigns whose thinly veiled targets were local indigenous communities.

Reflecting the reality of these problems, other critical voices were added to those highlighting deaths in custody and over-representation in the penal system, pointing also to the massive over-representation of indigenous Australians as victims of violence. This issue has been subject to a number of government inquiries and agencies (e.g. Australian Institute of Health and Welfare, 2006; Memmott, Stacy, Chambers, & Keys, 2001; Northern Territory Government, 2007). This has presented a conundrum for the anti-statist strain and inclinations within critical criminology, for it is clear that the malign, criminalizing interventions of the state only constitute one part of the contemporary challenge of confronting crime and delivering justice in indigenous communities.

Most criminological analysis, even of a critical kind, has been preoccupied with transgression in urban settings. The analysis of race and crime is no exception, focusing on the role of race in the social construction and policing of muggers, hustlers and black youth living in the inner-city ghettos of America and the United Kingdom (see Hall, Critcher, Jefferson, Clarke, & Robert, 1978, pp. 389–395). This focus is understandable in the context of the Northern hemisphere where critical modes of social inquiry influenced by the Chicago School of Sociology sought to describe, measure and manage the disorders and social pathologies of the rising urban, industrial societies of the nineteenth and twentieth centuries. In many Southern societies, and especially where indigenous peoples rather than immigrant minorities are concerned, patterns of race and crime are often related to very different socio-spatial contexts and forces. Taking a longer-term view, the high incarceration rates of indigenous youth and adults in some form of state custody need to be understood in relation to the spatial and temporal context of the historically shifting modes of regulating indigenous peoples in Australia (Hogg, 2001). The issue has preoccupied a large body of critical scholarship in Australia, only some of which is referred to above, and will continue to do so given that 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. Australia is an immigrant society, vitally shaped by the diverse ethnic, cultural and national origins of its successive waves of overseas arrivals. However, 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. The Act instituted the ‘white Australia policy’ that was to remain a centerpiece 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 stock from which it was ideally to be drawn. With the progressive diversification of the immigrant influx after the Second World War
History of critical criminology in Australia

(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 over-determining effect on the social construction and amplification of criminal threats.

The danger has been magnified where ethnic minority youth is concerned. The related patterns of media representation and criminalization of ethnic minority youth have been a significant focus of critical work in criminology and youth studies (Collins, Noble, Poynting, & Tabar, 2000; Lozusic, 2003; Maher et al., 1997; Poynting et al., 2004; White & Wyn, 2008). After 11 September 2001 these anxieties merged with global fears of terrorism (Poynting, Noble, Tabar, & Collins, 2004, p. 64), fuelling a growing ‘Islamophobia’ in Australia (as in other Western nations) – a general bias against people of ethnic origins who are constructed as the Muslim ‘Other’ (Poynting & Mason, 2007). ‘Muslim youth’ have since become 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). Critical criminologists have drawn attention to how the figure of the criminal and that of the terrorist have become so blurred that the fear of crime has in the public mind become interlaced with, and amplified by, fear of terrorist attack (Lee, 2007, p. 156).

This is an issue of considerable and ongoing relevance to critical scholars and others in a twenty-first-century climate shaped by ongoing anxieties about terrorism and other forms of transnational crime (Lee, 2007). 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 & Lambert, 2002; Pickering & Weber, 2006; Segrave, Milivojevic, & Pickering, 2009). In an increasingly troubled twenty-first century, destination countries have increasingly intensified their efforts to tighten their borders, to assert their sovereignty and expel ‘non-citizens’ (see Pickering & Lambert, 2002). This has effectively created a new class of criminal and new categories of criminality as anyone who arrives in Australia unlawfully, without a valid visa or travel documents, is automatically defined as an unlawful non-citizen and subject to mandatory detention. A body of research in critical criminology has drawn attention to how the detainee is consequently associated with guilt and wrong-doing (see Grewcock, 2010; Pickering & Weber, 2006; Weber, 2002) and named according to the recipe of labeling theory. This includes asylum seekers expelled from other countries, refugees fleeing persecution, illegal migrants looking for work and a better life, and women who enter unlawfully for the purposes of sex work. Even children are subject to mandatory detention in prison-like institutions, many of them located in the remote desert or tropical northern areas of Australia. The process of determining refugee status is generally lengthy and deliberately stigmatizing. The deviant status of unlawful entrants is reinforced by other labels, such as ‘boat people’, ‘human cargo’, ‘queue jumpers’, ‘unauthorised arrivals’, ‘unAustralian’, ‘aliens’ or ‘illegals’ (Pickering & Lambert, 2002; Poynting, 2002; Weber, 2002).

Sex trafficking has also attracted considerable attention from feminist/critical criminologists who have exposed how the fight against sex trafficking ‘has enabled the expansion of border enforcement to the detriment of the human rights of women from the Global South’ (Segrave et al., 2009, p. 200). In Sex Trafficking, Segrave, Milivojevic and Pickering (2009) acknowledge the diversity of experiences of women engaged in transnational sex work. They call for policy responses that respect human rights and allow for legal opportunities to engage in international sex work, and regard criminal justice responses as only one of a number of possible responses to the problem of trafficking (pp. 200–203). The authors also
call for more ‘critical studies of the regulation of sex work’ that evaluate the impact of state and non-state responses to the issue (p. 203).

The authors point out that the control of sex trafficking is a gendered practice with adverse impacts upon the global mobility of women, mainly from poor countries in the global South (Segrave et al., 2009). Sex trafficking as a particular form of illegal border crossing has indeed attracted considerable concern from non-government agencies, governments and a whole host of feminist and religiously motivated groups, sometimes referred to as the rescue industry (Agustín, 2007; Carrington & Hearn, 2003). The main problem is that the rescue industry tends to construct all women engaged in transnational mobility for the purposes of selling sex as helpless victims, regardless of their particular circumstances or whether or not they want rescuing (Agustín, 2007, p. 163; Segrave et al., 2009). Some of the controversies in this body of scholarship overlap with those apparent in feminist criminology more generally.

Feminism and critical criminology in Australia

Also historically excluded from citizenship status in the Australian colony for the eighteenth, nineteenth and better part of the twentieth 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 Mukherjee and Scutt’s (1981) pioneering text on *Women and Crime* and Linda Hancock’s (1980) groundbreaking work on gender and juvenile justice. 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, p. 19). Feminism has had a testy but lively and ongoing impact on critical approaches to criminology in Australia, taking aim at the masculinism shared by both critical and mainstream criminology.

Like early versions of critical criminology, early feminist criminologies in Australia were built on the enterprise of critique. Feminist critiques of the criminal justice system sought to expose its masculinist bias, blind spots and misogynist treatment and representation of women (Mukherjee & Scutt, 1981). However, this kind of feminist critique came to be seen as not critical enough of the concept of crime or the state’s purchase on defining it. Although the project of 1970s and 1980s feminist critique may now seem limited, as Christine Alder, a pioneer and advocate of feminist criminology, once argued (Alder, 1996, p. 22), it was a necessary precondition for the development of more sophisticated feminist criminologies in Australia as elsewhere.

A body of feminist scholarship subsequently emerged in Australia around the late 1980s and 1990s that encouraged the outright rejection of criminology’s core disciplinary assumptions (Allen, 1988; Howe, 1994; Naffine, 1997). Criminology, a discipline dominated by men, had either overlooked or misrepresented half of humanity, and then universalized its theories based on observations of one sex: men (Allen, 1988, p. 20). The discipline failed to question the maleness of criminology and the maleness of crime (Naffine, 1997, p. 36). This theoretically informed body of feminist scholarship also rejected the positivist research methods that had dominated mainstream criminology in preference for feminist standpoint methodologies. What was distinctive about feminists in Australian criminology is that they had little choice but to work with and across existing institutions and university departments to secure support for their radical agendas.

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
criminalization of girls and women in Australia. This failing stemmed from essentialist assumptions (imported predominantly from Euro-centric feminism) that commonalities shared among the female sex made it possible to analyse women as a singular unitary subject of history (Allen, 1990, p. 88), despite their cultural, socio-economic, ethnic and racial diversity. The diversity of women’s experiences of crime and criminalization simply could not be adequately represented by merely adopting a singular feminist standpoint as theoretically informed empirical studies of female crime and delinquency illustrated (Carrington, 1993; Naffine, 1995; Ogilvie, 2003).

In the late 1990s and the first decade of the twenty-first century, tensions between feminist and other critical approaches to criminology waned with the rise of post-structuralism and the abandonment of essentialist forms of critique. It is now widely accepted that sex, class, age, geo-political location and ethnicity intersect to produce a tapestry of social phenomena interlaced with similarity and diversity. This approach has spawned a rich and varied array of Australian studies on the discursive effects of the media on legal policy and sexual difference, the role of language in the law’s positioning of the Other, intersections between sexual preference, race and criminalization and punishment (Mason 1995; Stubbs, 1994), sexual violence (Carmody, 2009), same-sex domestic violence (Hayes & Ball, 2009; Hayes, Jeffries, & Ball, 2008) and more recently trans-border crimes and sex trafficking (Segrave et al., 2009).

Importantly, much feminist criminology and activism in Australia cut across the anti-statism of radical critique. Although some categories of woman were seen as the victims of intrusive, moralizing state controls (e.g. prostitution laws that criminalized sex workers and not their clients) (Perkins, 1991), 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 that the state amend or implement laws and policies to assist the victims of violence (Carmody & 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 publishing sophisticated critical feminist engagement with law, social control and criminology. Feminist scholars, many of whom would not necessarily self-identify with traditions of critical criminology, have tended to collaborate on collective publishing projects more than in the past (see, for example, the diversity of chapters in the edited collection by Anthony & Cunneen, 2008). Nevertheless, the emphasis and focus of feminist scholarship in this field tends to be distinct from the main historical focus of critical criminology in Australia, which has been on youth.

Problematising youth crime and critical criminology

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, Findlay, Lynch, & Tupper, 1989), young people and juvenile justice (Cunneen
& White, 2007) 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 on occasions has fuelled moral panics associated with youth subcultures, magnified perceived threats and intensified categorical forms of surveillance and control aimed less at discrete criminal acts than at the enforcement of moral, social and spatial order (Bessant, Sercombe, & Watts, 1998; Cunneen & White, 2007; Watts, Bessant, & Hil, 2005; White, 1990; White & Wyn, 2008). Social historians have also contributed important studies of earlier instances of Australian working-class youth subcultures and their policing (Finnane, 1994; Stratton, 1992).

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 that is increasingly difficult to ignore as dramatic increases in official rates of female delinquency and violence have opened up new questions and research opportunities for critical criminology (for 47 years of data see Carrington & Pereira, 2009). The Internet has created a whole new, largely unregulated space of autonomy for young people, launched fresh anxieties concerning its use and impact and highlighted the need for critical research on, amongst other things, the links between cyberspace, youth culture, girls’ culture and violence (see Carrington & Pereira, 2009 for a summary of these research gaps).

Concluding comments: from critical criminology to the criminological imagination

It is a somewhat invidious exercise to single out, as we have done here, certain bodies of work from the broad and diverse inquiries that constitute contemporary critical criminology in Australia. More of value has probably been omitted than included in our survey (see Anthony & Cunneen, 2008). However, we have been guided in part by the desire to relate to international readers some connections with the historical, national, political and social context from which critical criminological work in Australia springs. We have also implicitly eschewed the standpoint of a certain style of critique in which analysis is tacitly conducted in terms of the failed or blocked realization of some general principle (‘full sociality’, social equality, non-patriarchal society, etc.) in favour of a wide and open definition of what may count as critical work in criminology.

Reflecting on a distinguished academic career Pat Carlen makes the point that all forms of criminological knowledge, 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, p. xxi). 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, p. 147). Such considerations therefore question the neat boundaries sometimes drawn around critical criminology to demarcate it from other (‘mainstream’, ‘administrative’, etc.) criminologies.

We conclude with one general challenge. 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 and new journals, and growing access to research funds. Most of this criminology is progressive and critical
in the broad senses we have attempted to recognize in this chapter. It is attuned to the dangers that lurk within the power to criminalize, 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. It is a salient question to ask, therefore, why, during the period of its greatest expansion, Western criminal justice and penal systems have also increased quite dramatically in size, reach and punitiveness.

References


Hancock, L. (1980). The myth that females are treated more leniently than males in the juvenile justice system. *Australian and New Zealand Journal of Sociology, 16*(3), 4–14.


History of critical criminology in Australia


