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CHANGING CONTOURS OF CRIMINAL JUSTICE

Edited by Mary Bosworth, Carolyn Hoyle, and Lucia Zedner

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EDITED BY
MARY BOSWORTH, CAROLYN HOYLE,
AND LUCIA ZEDNER

CENTRE FOR CRIMINOLOGY
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To our students—past, present, and future

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MAPPING THE CONTOURS OF CRIMINAL JUSTICE

AN INTRODUCTION

Lucia Zedner, Carolyn Hoyle, and Mary Bosworth

This volume has been produced as part of the Oxford Centre for Criminology's 50th anniversary celebrations in 2016. All the contributors have a connection to the Centre, either as current members of staff or former faculty and students. Their essays demonstrate the breadth and ambition of enquiry characteristic of the research carried out by those at the Centre. They explore the ways in which that research has engaged with, shaped, and been shaped by changes in criminal justice policy over the last half century.

However, this collection is very much more than a *Festschrift* or tribute to the work of the Oxford Centre. Rather, it is a sustained exploration of how criminal justice scholarship relates to criminal justice practice over time. To this end, the authors reflect on the changing nature of criminal justice over the last 50 years, examine the challenges it faces today, and its possible futures. They explore shifts in its scope, dominant concerns, values, and aims. Together their essays reveal a landscape in flux, in which certain issues or institutions have disappeared from view, some remain constant, and a host of new problems, practices, and challenges have arisen. They also hint at the changing contours of the academic habitus, as criminology's working relationship with the government waxes and wanes, and the academy becomes subject to other institutional demands, not least for demonstrable impact beyond the university.

Some developments spring from substantive changes in crime, policy, and practice, whereas others owe their origins to innovations in academic thought or the findings of pioneering research. Just as criminal justice practice has changed significantly, so too has criminal justice scholarship. Teasing out the complex interactions between academic research, policy development, and practice is a daunting task. Taking the Oxford Centre as a microcosm of that interaction permits a closer enquiry into the interface between the work of one founding centre of criminological research and the wider world. Since its inception, the Oxford Centre has had a particular focus on criminal justice (Ashworth 2011; Zedner 2003). So exploring its contributions makes possible larger reflections on the emergence and expansion of criminal justice scholarship as a distinctive and increasingly dominant aspect of criminological research.

CRIMINAL JUSTICE SCHOLARSHIP— A BRIEF HISTORY

At the risk of compressing a complex history, this section sets out the main trajectories, crossroads, and key junctures in the development of criminal justice scholarship in the UK. Criminal justice as an object of sustained and systematic academic enquiry is a relatively recent endeavour: little more than half a century ago, it was only emerging as a topic of serious enquiry (Ashworth 1988: 111–12; Rock 1994: 131). Even the establishment of the larger field of criminology as an academic discipline in the UK can only be traced back to just before the Second World War. Central to this story is the impact of a powerful triumvirate of distinguished European émigrés, Max Grünhut and Hermann Mannheim, who had fled Nazi Germany, and Leon Radzinowicz, who had left Poland a little earlier. Radzinowicz went to Cambridge (where he later founded the Institute of Criminology); Mannheim secured a lectureship at the London School of Economics; and Max Grünhut finally escaped in 1939 to All Souls College Oxford, which made it possible for him to pursue his studies.¹ Once there, Grünhut formed a close relationship with Oxford's Department of Social Policy and Social Work at 'Barnett House', which was also temporary home to the Howard League for Penal Reform, allowing for the development of a relationship with that organization that continues to this day.

Although Radzinowicz, Mannheim, and Grünhut were very different in character, outlook, and interests, all three shared a common view of criminology as scientific, practical, and purposive. Its role, they believed, was to ensure that policy formation was informed by expert knowledge and scientifically rigorous empirical studies. Grünhut's *Juvenile Offenders before the Courts* (1956) was one such ground-breaking study of the court process. Its novelty at the time was captured by one review that observed, 'the experience accumulated by the courts in the course of the years is enormous but it has been allowed to remain inchoate and has never been so organised that it has become available knowledge' (James 1956: 617). Yet making such knowledge 'available' was severely limited by the tiny numbers of scholars then engaged in criminological research. In recognition that the penal process was little studied and poorly understood, the 1959 Government White Paper *Penal Practice in a Changing Society* sought to promote criminological research as a basis for a better informed penal policy. It committed the government not only to fund long-term research within the Home Office and universities (Home Office 1959: 7–9) but also to the creation of institutional structures that would provide an enduring basis for scientific inquiry (Zedner 2003: 207).

This commitment was pivotal in the history of British criminology, funding not only the Home Office Research Unit, but also the Institute of Criminology in Cambridge in 1959 (Martin 1988: 35) and, in 1966, the Oxford Penal Research Unit—the precursor to the present Centre for Criminology at Oxford—by Grünhut's succes-

¹ This discussion of Max Grünhut draws on Roger Hood (2004). Grünhut was appointed to the first University Lectureship in Criminology in 1947 and made a University Reader in 1951, a post he held until his retirement in 1960.

sor as University Reader, Nigel Walker. As these developments make plain, the 1959 White Paper brought into being a close, if highly co-dependent, relationship between the academy and government. It ensured that what was then termed 'the penal system' remained a central subject of enquiry while insisting that criminological scholarship was policy relevant.

Although a number of studies of sentencing and punishment had already been published by 1966, including, for example, Roger Hood's authoritative *Sentencing in the Magistrates' Courts* (1962) and *Borstal Re-assessed* (1965), and Nigel Walker's classic textbook *Crime and Punishment in Britain* (1965), research into the criminal process was in its infancy. Ground-breaking studies into the operation of the criminal process and, in particular, the role of the jury (e.g. McCabe and Purves 1972, 1974) prompted one reviewer, struck by the innovative quality of this early research, to observe, 'field research into a province so lawyerly as the criminal trial is important and unusual' (Cornish 1973: 102). The relative scarcity of academic inquiry into the criminal process before the 1960s is partly explained by the fact that government funding was previously motivated more by an instrumental commitment to promote 'useful knowledge' (Zedner 2003: 206ff). It valorized empirical investigation of sentencing and punishment as means to tackle the increase in reported crime rather than the normative and legal challenges of criminal process and trial.

Whereas in the 1960s the Home Office tended to fund external academic research, in the 1970s, the number of researchers working within the Home Office began to grow faster than any university department. It was propelled by the drive toward policy relevance, which was only compounded by the stricture imposed by the Rothschild Report (1971) that all externally funded study must have a firmly identified governmental 'customer'. Remarkably, Roger Hood, who had been appointed to the Oxford Readership in 1973, managed to secure a five-year 'rolling grant' from the Home Office, giving the newly renamed Centre for Criminological Research² a welcome measure of intellectual freedom, at least in that its projects could be proposed by academics rather than set according to government agendas.

These institutional developments might at first appear to be of little more than local historical interest. But as David Garland has observed, '[i]ntellectual history can never be detached from the social and cultural settings in which ideas and sentences occur, and this is particularly true in respect of criminology which is so deeply marked by its institutional location' (1992: 414). These institutional structures produce and nurture but also mould and constrain the discipline's intellectual development over the post-war period. There may, nonetheless, be a hazard in overplaying this structuralist account: the development of criminal justice research was informed not only by its institutional settings but also by the rapidly changing world of criminal justice policy and practice and by ruptures within the academy itself.

Perhaps the most radical challenge to the discipline's sense of self was to come from outside the established circles of Oxbridge and London. In 1968, the first National Deviancy Conference in York gathered together a group of scholars who were attracted by the ferment of ideas coming out of the US sociology of deviance, including

² So named in order to reflect the broader range of interests and research activities of its members.

subcultural theory, social disorganization, and labelling theory (Downes 1988). These new theories consciously challenged the status quo within both criminal justice practices and scholarship and paved the way to radical, new left realist, and feminist critiques of what became known, disparagingly, as establishment or administrative criminology. The history of the discipline in the 1970s and 1980s can be characterized as riven by 'two irreconcilable conceptions of itself' (Zedner 2003: 197) as the chief protagonists waged verbal war on one another (for exemplars of these opposing views see e.g. Cohen 1988 and Radzinowicz 1999).

In the longer term this rivalry was largely overcome as new left realists found themselves carrying out research for radical local councils that made their oppositional, state-sceptic stance difficult to maintain (Walton and Young 1998); while those in the supposed mainstream were influenced by what were no longer radical agendas, such as realist exploration of the human costs of crime that fell disproportionately on the vulnerable. So, for example, studies of victimization were carried out by left realists at the behest of the London boroughs of Islington, and Hammersmith and Fulham, as well as Merseyside (e.g. Jones et al. 1986), at the same time as researchers at the Oxford Centre conducted pioneering research into victims' experiences of crime and the criminal justice system (e.g. Shapland et al. 1985). Such studies made apparent the benefits of large-scale victimization surveys that had been used in the US since the 1960s, challenging the ideological schism over methodology and introducing a more pragmatic 'mixed methods' approach that continues today. A rapprochement of sorts is also suggested by the fact that engagement with theoretical criminology³ became a mainstream activity no longer the preserve of 'rebels'.

In the 1990s, the location of many criminology departments within law faculties⁴ made possible what was to become a central strand of enquiry addressed to jurisprudential questions of how best to 'do justice' in the context of criminal justice (notable work by Oxford academics included Ashworth 1994; Sanders and Young 1994). Major series like *Oxford Monographs on Criminal Law and Justice*, founded and edited by Andrew Ashworth in 1992, and the *Clarendon Studies in Criminology*,⁵ inaugurated with Roger Hood as the first general editor in 1994, became important vehicles for cutting-edge scholarship in this period. Other drivers include the interplay between legal, socio-legal, and criminological scholarship (e.g. Hawkins 2002), and exploration of human rights as means of defending the liberties of individuals caught up in the criminal process (Ashworth 2001, 2002). If the resulting works did not always provide immediately policy-relevant recommendations or proposals for reform of the sort once demanded by the Home Office, by drawing on moral, political, and legal philosophy and rights theory, they offered sophisticated conceptual frameworks on the basis of which a better criminal justice could be conceived and elaborated.⁶

³ Witness the founding of the journal *Theoretical Criminology* in 1997—current General Editors Mary Bosworth and Simon Cole.

⁴ The Oxford Centre was made an integral department within the Oxford Law Faculty in 1991.

⁵ A collaborative venture between criminologists at Oxford, Cambridge, and LSE.

⁶ For example, the elaboration and endorsement of 'just deserts' by scholars like Andrew Ashworth and Andreas von Hirsch directly informed the principled framework for proportionality in sentencing introduced by the Criminal Justice Act 1991. More recently, former Director and present Professor of the Oxford Centre, Ian Loader, together with his colleague Richard Sparks, have sought to establish how we might advance 'a better politics of crime' (2010, ch. 5).

CRIMINAL JUSTICE AS ACADEMIC DISCIPLINE

Criminology, itself an interstitial discipline, draws on sociology, social administration, law, politics, psychology, and economics. Despite its continuing eclecticism, criminology now has an established place in the academy, stable institutional structures, a wealth of conferences and meetings, numerous dedicated journals, and its own professional bodies (Garland 2011). Yet although much of what is done under the banner of criminology is in fact criminal justice (the study of policing, probation, criminal process, the trial, sentencing, and punishment), criminologists—particularly in Britain—seem curiously unwilling to acknowledge this fact (Ashworth 2011; Zedner 2011). Perhaps one reason for this reticence is that, whereas those engaged in broader criminological endeavour have developed a strong sense of the vitality of their collective enterprise (Bosworth and Hoyle 2011), criminal justice scholarship has always been a less cohesive venture. It has found such intellectual coherence as it possesses in its common substantive focus on the legal system by which the state seeks to prevent crime and respond to alleged infractions of the criminal law, rather than any unity of disciplinary approach. Its territory is the agents, institutions, procedures, and practices by which the state governs offending and maintains order.

One metric suggested by the sociologist Andrew Abbott for determining the status of a field of academic inquiry is whether ‘departments hire Faculty almost exclusively from their disciplines’ PhDs’ (Abbott 2016: 64). Partly in recognition of this need to foster the next generation of scholars, many centres of criminological research have established graduate and even undergraduate teaching programmes. Following the lead of other universities, Oxford launched a Masters in Criminology and Criminal Justice and a Criminology doctoral programme in 2001, explicitly drawing on its extensive research experience to teach the substantive and also the quantitative and qualitative methodological tools of the trade. The renaming of the Oxford Centre as the ‘Centre for Criminology’ in 2005 reflected the contribution that its members now make in teaching as well as criminological research.⁷ Today the Oxford Centre is a vibrant home to twenty-eight doctoral and thirty-three Masters students, as well as many visiting students and younger, as well as established, scholars.

Like many other criminology departments, the Oxford Centre has long been integrated into the Oxford Law Faculty, and its members teach criminology and criminal justice to undergraduate and postgraduate lawyers. As we observed above, such proximity with legal scholars not only provides mutually beneficial opportunities for intellectual exchange that fosters interest in the role of rules in the legal process, but also directs criminological research towards questions of justice, rights, due process, and legitimacy. Legislative developments, resultant changes in criminal justice policy and practice, and shifts in normative framework thus have a particular importance for the academic study of criminal justice. At the same time, generations of law students graduate from university with an understanding not just of ‘law in the books’ but also of law in practice—of the impact of political pressures, professional cultures, and the exercise of discretion—that they take forward in their work within the legal system.

⁷ In July 2005, Professor Ian Loader joined the Centre as its new Director, and in 2012, Professor Carolyn Hoyle took over as Director.

Criminal justice research, in Oxford as elsewhere, also has a particularly close relationship to the external world of politics, policy, and practice. In addition to funding from the main research councils (Economic and Social Research Council, Arts and Humanities Research Council, the British Academy, the Leverhulme Trust, European Research Council, the Independent Social Research Foundation), members of the Oxford Centre, for example, have carried out a range of projects funded by the Home Office, the Royal Commission on Criminal Justice, the Youth Justice Board, the Legal Services Commission, the Nuffield Foundation, among others. By responding to important contemporary issues as they perceive them, these various funders can influence the research agenda, shape the way academics do research, and the questions they seek to answer. This effect has perhaps been most apparent in funding from the EU, which has broadened the scope of research from domestic to European and international criminal justice matters, coinciding with the growing importance of international law and transnational criminal justice institutions.

Examining the development of criminal justice scholarship reveals how the social sciences respond to, interact with, and influence the world beyond the academy. This book does so at a cusp point at which the emergence of ‘impact’ requirements and ‘knowledge exchange’ partnerships alter incentive structures and approaches to scholarship. The growing nexus between funding and the ‘impact’ of academic research risks creating perverse incentives that may affect the issues academics choose to address and how they go about doing so. Likewise, academic recourse to communications technologies and social media as research tools and means of disseminating findings stand set to alter criminal justice scholarship, indeed all social scientific endeavours, beyond recognition. So it is timely to reflect on the development of criminal justice scholarship and to consider its future.

The hazards entailed in ensuring that research has ‘policy relevance’ (Hogg 1998; Laster 1994; Petersilia 1991) have long bedevilled criminal justice scholars in need of access and funding to pursue their research. Today it is no longer sufficient simply to be relevant—only demonstrable impact will suffice. Although criminal justice scholars have never enjoyed the luxury of being truly dispassionate observers and have long struggled with the tensions arising from their complex relationship with the penal state (Bottoms 1987; Downes 1978; Hood 2001), they are now vested, as never before, with a responsibility not merely to inform but positively to effect change. Criminal justice scholars need to be alert to the possible distortion of their priorities and reflect critically on what they are doing and, importantly, for whom.

Wider engagement with society is now a core strategic objective among all the research-active universities, including Oxford. The Oxford Centre, like many other institutions, engaged in knowledge exchange before it was fashionable. Its researchers have regularly shared learning, ideas, experiences, and expertise through collaborative work with individuals or organizations from beyond the academy at the start, during, and following research projects. They have also maintained partnerships with external bodies, promoted the application of social science outside of the academic community, and sought to maximize the impact of their research findings, as current work on immigration detention, policing, family violence, and the death penalty demonstrates (Bosworth 2014; Bradford et al. 2016; Condry and Miles 2016; Hood and

Hoyle 2015). They have done this by applying for funding from organizations that are less prescriptive than government; funders that trust academics to achieve the right balance between academically led, but policy relevant, scholarship. The discernible shift away from Home Office funding is perhaps indicative of a fear of being pushed too far down the road of policy-led research towards projects that may, in any case, be hidden on a high shelf in government if the findings do not meet with the approval of whichever Justice Secretary holds the power on the day of publication.

STRUCTURE AND THEMES OF THE BOOK

In line with the aspiration to explore the interactions between criminal justice as academic study and the shifting practices of criminal justice through the microcosm of the Oxford Centre for Criminology, the contributors to this volume all have, or have had, a close connection with it. Several are former colleagues (Farrall, Robinson, Young, Peay, O'Donnell, and Shapland), some are current or former students (Aliverti, Harris, Pascoe, Madden Dempsey), and the remainder present members (Loader, Bradford, Parmar, Roberts, Zedner, Bosworth, Condry, and Hoyle) or distinguished emeritus professors (Ashworth, Hood) of the Centre.

Invited to consider the changing contours of criminal justice over the last half century, contributors were encouraged to examine key critical issues within their area of expertise in order to explore the intellectual and methodological foundations of, developments in, challenges to, and tensions within it. Some consider their role as scholars in researching criminal justice, punishment, and state institutions (e.g. Hood, Pascoe). Others write about research primarily designed to improve, evaluate, or implement policy (e.g. Condry, Young). Still others reflect on the normative frameworks, principles, and values that underpin criminal justice (e.g. Zedner, Parmar).

Roughly reflecting the organization of the criminal justice process, the essays are structured into four sections: 'Politics, Legitimacy, and Criminal Justice', 'Justice, Courts, and Security', 'Punishment, Policy, and Practice', and 'Victims in, and of, the Criminal Justice System'. The essays range across criminal justice agents, institutions, and practices from police and policing (Loader, Bradford, Parmar), probation (Robinson), access to justice (Young), sentencing (Ashworth, Roberts and Harris), youth justice (Condry), to the pains of imprisonment (O'Donnell), and even the death penalty (Hood, Pascoe). All these topics would have been familiar enough to those studying criminal justice half a century ago. Other topics are newer—victims (Hoyle, Condry, Dempsey, Parmar), adolescent to parent violence (Condry), wrongful convictions (Hoyle), restorative justice (Shapland), and mental health (Peay). Some would have been unfamiliar to post-war criminologists (Zedner, Bosworth), while others, such as the legacy of Thatcherism (Farrall) or legitimacy (Bradford), might well have been regarded as the province of political scientists or political theorists, not criminal justice scholars. Topics now high on the criminological agenda would no doubt have been regarded as beyond the disciplinary horizon, for example migration control (Aliverti, Bosworth) and security and counter-terrorism (Zedner).

This collection makes clear that criminal justice scholars still value scientifically rigorous empirical studies that are able to inform policy but no longer believe, if they ever did, that quantitative approaches to data collection are the only appropriate method. There is an increasing appetite for comparative research (Pascoe), for intersectionality (Parmar, Condry, Zedner, Aliverti) and for more experimental methods, including visual (Bosworth). The intellectual resources now drawn upon include anthropology, migration studies, and postcolonial studies, and concepts such as citizenship, which were rarely invoked, have become integral to our sense of justice (Aliverti, Bosworth). At the same time, some aspects of the field have not changed much. Despite the important work at the Centre by Roger Hood on race and sentencing many years ago, for instance, race and ethnicity continue to be marginalized in criminal justice scholarship (Bosworth, Parmar, Loader).

Not only do the contributions to this volume recognize the need to frame research within a broader political landscape and culture (Farrall, Loader), but they also critique those criminal justice agencies and actors that work in silos (Robinson). Criminal justice scholars carry out empirical research with normative questions in mind to consider, for example, how legitimacy may be achieved in the criminal justice system (Bradford, Robinson). They are not satisfied with studying only at the local level, but, against the context of rapid globalization, look beyond geographical as well as disciplinary borders (Bosworth, Parmar, Aliverti). They also try to include 'hard to reach' populations, access to whom challenges our methodological resources as well as our peace of mind as researchers (Hood, Pascoe). In moving beyond the familiar territory of criminal justice, academics reach out to partner agencies not only with noble knowledge-exchange goals in mind, but also to obtain data that necessitates engagement with those on the ground, whether they are human rights NGOs (non-governmental organizations) or government agencies that are not always human rights compliant (Hood, Pascoe).

While academics may resist the idea of undertaking 'service' research, many have been willing participants in the endeavour to demonstrate the impact of scholarly research, notwithstanding the challenges posed by a fluid criminal justice landscape (Young). Despite their best endeavours, experts on the sentencing process are adamant that research has had little impact on policy and legislation (Ashworth, Roberts and Harris). Although O'Donnell expresses the view that the Oxford Centre is particularly well placed to have a positive impact in an increasingly punitive climate (Loader), Ashworth makes clear that criminological findings have been persistently ignored by governments more persuaded of the need to institute politically attractive measures for public protection against 'dangerous offenders'. As Zedner points out, governments have introduced increasingly restrictive laws to try to ensure public protection against terrorist threats but pay little regard to the concerns of legal scholars about the expansion of the security state and the growth of coercive legal powers.

The significant changes to the criminal justice system over the past 50 years also reflect shifting political landscapes including concerns about mass migration and globalization and, importantly, new fears about terrorism and the radicalization of Western Muslims (Parmar). From these contemporary concerns have emerged new sites of detention, new forms of coercive measure like deportation, and supposedly

non-coercive but nevertheless intrusive practices such as monitoring, data retention, and surveillance. These developments pose a challenge to our existing intellectual resources and require us to think not only about race and ethnicity but also about religion, culture, and what it means to be a citizen (Bosworth, O'Donnell, Zedner). Even within the long-established criminal justice system of the UK significant changes, including the privatization of some forms of punishment, have caused us to think differently about who controls us and how they do so (O'Donnell, Robinson). Challenges to the structures of policing, including the rise of Police and Crime Commissioners, could not have been imagined five decades ago (Loader, Bradford). Scandals in policing have come and gone, interest in crime has grown only to recede, and yet the police, in the UK at least, continue to attract significant public support and legitimacy (Loader, Bradford). Such findings suggest the need for further research to understand why some organizations remain stubbornly resilient to public criticism, whereas others do not.

Changing philosophies of justice that today prioritize risk and danger over care and rehabilitation also call for new intellectual resources (Peay, Robinson). The significant increase in services to protect the interests and rights of victims (Shapland, Madden Dempsey) has gone hand-in-hand with decreasing concern for offenders, and in particular for suspects' right to a fair trial (Hoyle). As Shapland's essay makes clear, there are grounds for concern that victims' voices do not take precedence over the public interest. Though criminal justice, like the world around it, has changed significantly over the past 50 years, O'Donnell reminds us of continuities, for example, dramatic changes have 'hardly penetrated the penal realm' and prisoners' lives today are broadly similar to how they once were. Researchers are, however, busily developing new resources with which to understand the harms caused by penal confinement of all types, by drawing on psychological research on trauma, pain, and resilience (O'Donnell, Bosworth, Hoyle).

While researchers have sought to keep up with the changing contours of criminal justice, some things have apparently slipped through the net. For instance, despite the work of Sarah McCabe and her colleagues many decades ago (McCabe and Purves 1972, 1974), there has been little research on the court process since the work of Mike McConville and his colleagues (McConville et al. 1994). Aliverti's chapter is therefore a welcome contribution, particularly given its exploration of the contemporary court through the lens of citizenship (see also Shapland). Similarly, although the Centre for Criminology once had within it a Probation Studies Unit run by Colin Roberts and Ros Burnett, today there is little academic attention to probation and non-custodial punishments (Robinson, Roberts and Harris). The dearth of empirical research on sentencing makes difficult the task of bridging the 'undoubted gap between theory and research on the one hand and penal policy and politics on the other' (Ashworth). Criminal justice scholars have not always immediately comprehended the political and ideological context within which they research (Farrall). They sometimes fail adequately to map the contours of a problem or to propose a normative framework for state responses (Hoyle) and do not always realize that the past might be an unreliable guide to the future (Loader). Today terrorism and counter-terrorism are considered new and exciting areas for research, which attract the

attention of doctoral students in particular. This leads Zedner to wonder why, despite 30 years of sectarian ‘Troubles’ in Northern Ireland and the IRA bombing campaign in mainland Britain, the securitization of criminal justice remained largely beyond criminological notice at the time and why we have failed to appreciate the profound implications of the growing convergence between police and security services. Of all the gaps in criminal justice scholarship, perhaps the most egregious oversight is the enduring insufficient attention paid to race (Parmar).

Although seismic shifts in the cultural and political landscape of criminal justice are a continuing challenge for those who study it, researchers also took too long to appreciate the damaging harms being done within the home. They finally caught up with this in the 1980s and 1990s, when they started to focus on violence in the family, and on children as victims of violence, both in the home and beyond its walls. Even then, however, little attention was paid to children’s violence against their own parents (Condry). Furthermore, criminal justice policy on abuse in the home seems to have gone full circle during this time, at least in the US, with changing views of the efficacy of ‘private’ and ‘public,’ ‘formal’ and ‘informal’ responses to violence (Madden Dempsey). Some of this has been in response to new academic studies, but often policy and practice change regardless. As Roberts and Harris note, in the context of sentencing in the UK, ‘Successive governments have legislated in a way that reflects little awareness of, or alternatively an indifference to, the lessons from the academy.’ How do academics influence a criminal justice system in flux (Young)? We can remember the past, understand the present and imagine the future. Doing so ‘will be the key to mapping the contours of imprisonment over the next 50 years’ (O’Donnell).

CONCLUSION

The question of how any social science discipline develops and changes does not invite easy answers. But the task is made all the more difficult where the subject under scrutiny is highly politicized, its own institutions are unstable, its practices are volatile, and its targets are rapidly evolving. Criminal justice is just such an area of study and it has changed almost beyond recognition over the past 50 years.

Topics that are now accepted as central to the study of criminal justice—victims, restorative justice, security, privatization, terrorism, citizenship, and migration (to name just a few)—were unknown to the discipline half a century ago. Indeed, most criminologists would once stoutly have denied that they had anything to do with it. Likewise, some central topics of past criminological attention, like probation, have largely receded from academic attention and some central criminal justice institutions, like Borstal and corporal punishment, have, at least in Europe, been abolished. Whereas criminal justice scholarship was once fairly parochial and confined to local, regional, or at most national studies, much is now global in its reach. Although the rapidity and radical nature of change make it quite impossible to predict what criminal justice will look like in 50 years’ time, reflection on its changing contours furnishes

a better understanding of how it arrived at its current form and may also hint at what the future holds.

Crime, once an enduring staple at the top of the agenda, has been knocked from pre-eminence and replaced by other concerns like restorative justice, transitional justice, terrorism, security, and migration. Whereas these were once deemed to be beyond the remit of criminological scholarship, such matters are now firmly within the field. Recognizing just how much the world has changed over the past 50 years invites further discussion of where and how we draw, and re-draw, the boundaries of criminal justice. It might also make us more alert to future shifts and receptive to emergent challenges to our conception of what criminal justice is and what it is for. At the same time, the contributions to this volume make abundantly clear that some issues are enduring and remain unresolved, like the influence of class, race, and gender, and the effects of their intersection on the justice process.

In sum, this volume is simultaneously a reflection on the troubled tangled pasts of criminal justice, its accumulated present, and its possible futures. It serves also, therefore, as an invitation to reflect on where we might anticipate the next major shifts will occur in the institutions and practices of criminal justice, in the nature and scope of the discipline, and in the concerns and preoccupations of criminal justice—and their possible resolutions.

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PART I

POLITICS,
LEGITIMACY, AND
CRIMINAL JUSTICE

