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Papers from the British Criminology Conference
An Online Journal by the British Society of Criminology

2014 Conference, (9-12 July)
Crime, Justice, Welfare: Can the Metropole Listen?
Hosted by the University of Liverpool

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Editorial

Andrew Millie

In 2014 the British Society of Criminology Conference was hosted by the University of Liverpool. Held from 9th to 12th July the conference had the title "*Crime, Justice, Welfare: Can the Metropole Listen?*". Various plenary and panel discussions explored the Western-centric nature of the discipline and the possibility that perspectives from the South are often overlooked. Indigenous and post-colonial perspectives were the focus of plenaries from Professors Raewyn Connell and Chris Cunneen, both from Australia. In fact, it was pleasing to see a strong contingent from Australia at the conference. There was also particular strength in policing scholarship, helped by a very active BSC Policing Network.

The papers included in this volume reflect the various strengths of the conference. Sixteen papers were submitted, with five being accepted for publication. As always the journal has a rigorous peer-review process but (hopefully) a sympathetic approach to authors - especially early career and postgraduate authors - with helpful feedback and advice, even if a paper is rejected. There is always a tight timetable in order to publish the same year as the conference and so I am hugely indebted to the editorial board, the various reviewers and the authors.

Reflecting the Australian influence on the 2014 conference we have two papers from Australian authors. First is a paper on the police handling of deaths: "When death is not a crime: Challenges for police and policing". This is authored by a team from Queensland University of Technology led by Belinda Carpenter. The second Australian paper takes us away from the metropole and considers crime prevention in Africa (by Paul Cozens and Paul Melenhorst): "Exploring community perceptions of crime and crime prevention through environmental design (CPTED) in Botswana". The theme of the conference is directly considered in a paper by J.M. Moore: "Is the Empire coming home? Liberalism, exclusion and the punitiveness of the British State". Matthew Davies provides an interesting paper on the relatively recent introduction of elected Police and Crime Commissioners in England and Wales in: "Unravelling the role of Police and Crime

Commissioners". And finally, Mike Sutton provides a fascinating tale of possible science fraud perpetrated by Darwin no less.

Next year's British Society of Criminology Conference takes place at the University of Plymouth 30th June to 3rd July 2015. Picking up on Plymouth's maritime heritage the theme will be "Criminology: Voyages of Critical Discovery". I look forward to seeing many of you there.

A change for next year is that I am standing down from being Chair of the BSC Publications Committee and Editor of this journal. It has been a great experience, but after seven years I thought it time to give someone else a turn. The BSC's publications will be in safe hands as from January 2015 the new Publications Committee Chair will be Anthony Amatrudo of Middlesex University. I wish Anthony every success. If you have any questions regarding BSC publications Anthony can be contacted at T.Amatrudo@mdx.ac.uk. I wish to thank the various BSC Presidents I have worked with during the past seven years, namely Tim Newburn, Mike Hough and Loraine Gelsthorpe. I am also hugely grateful to the other members of the BSC Publications Committee, Tim Newburn, Megan O'Neil, Nic Groombridge and Karen Bullock. I haven't needed to call on your services too often but it has been good to know you are there! Thank you.

Hopefully you will find something of interest in this year's journal and I wish everyone a happy Christmas and a peaceful New Year.

Andrew Millie, Edge Hill University, December 2014

When death is not a crime

Challenges for police and policing

Belinda Carpenter, *Queensland University of Technology*

Gordon Tait, *Queensland University of Technology*

Carol Quadrelli *Queensland University of Technology*

Ian Thompson, *Queensland Police Service*

Abstract

The over-representation of vulnerable populations within the criminal justice system, and the role of police in perpetuating this, has long been a topic of discussion in criminology. What is less discussed is the way in which non-criminal investigations by police, in areas like a death investigation, may perpetuate similar types of engagement with vulnerable populations. In Australia, as elsewhere, it is the police who are responsible for investigating both suspicious and violent deaths like homicide as well as non-suspicious, violent deaths like accidents and suicides. Police are also the agents tasked with investigating deaths which are neither violent nor suspicious but occur outside hospitals and other care facilities. This paper reports on how the police describe - or are described by others - their role in a non-suspicious death investigation, and the challenges that such investigations raise for police and policing.

Key Words: police; death; coroners; investigations

Introduction

The Coronial systems of Australia, like those elsewhere with their origins in English history, require investigation into a death where: the identity of the deceased is unknown; the death is violent or otherwise unnatural; the death is suspicious; the death is an unexpected outcome of a health procedure; a cause of death certificate has not been issued; or the death

occurred in care or custody (State Coroners Guidelines, 2013, Qld). The vast majority of these deaths are neither suspicious nor violent. Of the 28,563 deaths registered in Queensland in 2011-2012, only 4,461 deaths (15.6%) were reported to the Coroner. Of those reported, 40.3% were reported only because the cause of death was uncertain or unknown (these were natural, non-suspicious deaths), compared to 31.6% reported as violent or unnatural (accidental deaths and suicides) and 23% reported as health care related. The remaining deaths were reported due to occurring in care or custody (2.9%) or as a suspected homicide (2.3%) (State Coroner Annual Report, 2012). Unlike media representations of predominantly American style death investigations, the vast majority of deaths investigated by the state are non-suspicious natural deaths rather than suspected homicides. Similarly, and again unlike media representations of death investigations, Australian coroners rarely visit the scene of a death to gather information. Rather, it is the police who are charged with the task of attending every death scene and it is the police who are required to not only determine the suspicion or not of the death, but also to gather any relevant information, which may range from witness statements to suicide notes. They are also required to attend to a grieving and often traumatised family, as well as to engage with a dead body which may be disrupted or decaying.

Research also supports the fact that vulnerable populations are over-represented in coronial death investigations in Australia (predominantly the elderly, Indigenous people and those from low socio-economic status), some of whom are also over-represented in the criminal justice system (most notably those from low socio-economic backgrounds and Indigenous communities) (Carpenter and Tait, 2009). An implication of this is that families may bring pre-existing relationships with the criminal justice system and its personnel, to a non-criminal death investigation when, for example, the family is already known to the local police. In Australia, this tends to include Indigenous and other South Sea and Pacific Islanders. Families may also bring 'innuendos of suspicion' if they are perceived by police as belonging to a culture, ethnicity or religion that is situated as threatening to 'our way of life' or 'our national security'. In Australia, post 9/11, this tends to target the Muslim population. In such situations as these, there can be the general impression by both the bereaved family and the wider community 'that it is wrongdoing rather than tragedy that is being investigated' (Clarke and McCreanor, 2006: 33). Moreover, this occurs in light of the recognition that police have a role in the continued over-representation of vulnerable populations within the criminal justice system, and that this role may be just as relevant in the coronial system, but much less discussed.

In this paper, these three issues - the infrequent and random dealings police have with non-criminal death investigations, the contact police must have with families suffering the trauma and grief of a sudden death, and the over-representation of vulnerable populations - come together in this exploration of the ways in which the police are able to move between their criminal and non-criminal duties.

Method

This discussion is situated within a larger funded research project which sought to explore the specific ways in which Coronial personnel (Coroners, pathologists, counsellors, nurses and police) engaged with families during a death investigation, particularly those that presented as culturally or religiously different based on practices around death, dying and the disposal of bodies. This initially included Indigenous Australians, and Islamic and Jewish populations, but was extended to other South Sea and Pacific Islanders during the course of the research. Based on the purposive sampling of the most experienced personnel in one Australian jurisdiction, 30 coronial professionals were interviewed (9 full time coroners, 7 forensic pathologists, 3 coronial nurses, 4 police officers, 2 community police liaison officers and 5 coronial counsellors). Semi-structured interviews over a nine month period in 2012, focused on a series of relevant issues which included: understanding of the role of families in a death investigation; impediments to a family's involvement; the appropriateness of familial involvement in coronial decision making; and views on their colleagues' interactions with families.

Interviews were conducted at their place of work, and took between one and two hours each to complete. All interviews were conducted by one researcher for consistency of approach, and transcribed by a professional service before being sent back to each interviewee for confirmation. For the purposes of this paper, interviews were coded to identify all discussion of police by coronial professionals other than police and were then analysed around three key themes: grief, families and emotions; death, evidence and investigation; and religion, culture and autopsy. The police interviews were not coded but were analysed in their entirety across the same three themes. Three issues emerged from the analysis of the coronial personnel: the overarching criminal lens through which police approach a death investigation; the considerable emotional work required by police when investigating a death; and the ways in which both over- and under-policing is evident when specific cultural and religious groups are the subject of an investigation.

Police culture

Police culture has been examined extensively. It is argued to offer insight into the ways in which police 'become' police and how they learn what it means to be a police officer. This includes not only official policies, practices, training and procedures to be found in operating manuals, legislation, and codes of conduct, but also unofficial or 'on the job' socialisation. It is in the context of on the job socialisation that research affirms recurring features of police culture that appear to exist irrespective of time and place and which act to influence the ways in which police

interact with the public as well as undermining reform endeavours. Rarely has this been discussed in the context of non-criminal death investigations, nevertheless there are a number of recurring themes that have some relevance for our discussion. According to Loftus (2010: 1-2) these include: a craving for work that is crime-oriented and promises excitement; an overwhelming persona of cynicism, pessimism and social isolation; and, an inherent conservatism, suspicion and intolerance toward those who challenge the status quo.

Each of these elements of police culture work to frame discussion of the interview data in the following ways. First, the infrequent and random dealings individual police have with non-criminal death investigations is framed through their preference for work that is crime-oriented and promises excitement. Second, the contact police must have with families suffering the trauma and grief of a sudden death is framed through their social isolation, cynicism and pessimism. Third, the over- and under-policing of vulnerable populations is framed through an inherent conservatism, suspicion and intolerance toward those who challenge the status quo. Taking each of these in turn:

a) The criminal lens

Since police officers tend to 'construct their social worlds as primarily concerned with crime fighting action' (Innes 2002: 67) it may appear at first glance that the notification of a dead body has the potential to fulfil the desire for work that is crime-oriented and promises excitement. As Innes (2002: 70) has identified there is a 'predilection' in police culture to focus upon a small number of serious crimes, like murder, and then to proceed as if such activity is the principal way in which police spend their time. Such a 'mythology of policing' is both internally and externally projected, and supported by both fictional and factual media forms. However, the vast majority of sudden reportable deaths are neither criminal nor suspicious and this tends to mean that death investigations are low on the crime hierarchy and are thus afforded an inferior status by police. Couple this with the large amount of paper work associated with any death, whether it be the death at home of an elderly person from natural causes, or a suicide by hanging in open bushland, and this is enough to make sure that the task of a death investigation is allocated to the most junior and inexperienced of the police officers on duty (Henry, 2004). As two of the police officers interviewed noted, a death investigation is time-consuming and inconvenient.

Going to a death isn't a quick job. You don't go in and go 'Yep dead', fill out the forms, get the undertaker, and see you later sunshine (police officer 2).

Well the police have got limited time to get the Form 1 [coronial death investigation form] done and they're required to complete it by the end of their shift. So they're trying to get all of this

information, and put all this together, especially family advice. So if it's 3 o'clock in the morning they're going to have difficulty speaking to family. A lot of the police, the younger police, seem to baulk at asking those type of questions (police officer 1).

The recognition that a death investigation requires lengthy attention to detail, often at the end of a shift, is further exacerbated by its allocation to junior officers who are less likely to have developed the self-confidence, pragmatism and 'hardening' required to manage the tragedy of a death scene (Pogrebin and Poole, 1991: 402). This in turn has implications for the ways in which information is gathered at the scene and the family communicated with, and was a concern identified by other professional groups in a death investigation. For example, two experienced Coroners discussed their own familiarity with poor death investigations by police and attributed it to junior officers with little experience or training.

Given the number of sloppily completed or inadequately completed Form 1's [coronial death investigation form] that I got from police ... I get the feeling it was allocated to quite junior officers with little or no training. So I would say no; I would say that I wouldn't be confident that it was really very carefully investigated (Coroner 4).

One stumbling block is that we rely for the initial process on the information provided by the police. They don't record it properly, and they're junior constables that attend a death scene and they are given this terrible task of dealing with bereaved, recently bereaved and grieving people and asking the questions and then documenting it (Coroner 3).

This raises doubts about the quality of the material being communicated to Coroners, who rely on accurate information being gathered from the scene by police. As the legal officer tasked with overseeing an accurate cause of death certificate, the Coroner needs to rule out any suspicious circumstances, including third party involvement, make decisions about cause and circumstance of death, and determine the level of invasiveness of the non-consensual medico-legal autopsy. Poorly completed paperwork undermines confidence in the capacity of police to conduct non-criminal investigations such as these, and leads to questions about training and resources. In interview, specialised coronial counsellors, who are attached to each coronial state office in Australia and are experts in communicating with grieving families, raised concerns over the capacity of all police, not just junior officers, to gain accurate information from families, but also recognised that police were the only professional group who could logistically attend every death scene.

My neighbour suicided and I was assisting the wife in this whole process and I saw how the police asked those questions, which I was

absolutely appalled in terms of how the police is assisting. So more training in that area would be great. Ideally, in a dream world, it would be great to have a counsellor to go into all suicides, but it's never going to happen (Coronial counsellor 1).

I have incredible concerns about the way that information is reported [by the police] to the counsellors and to the coroner. And it's not any particular region, it's not any particular rank, it's just sometimes information is inaccurate, sometimes police say that they've asked the questions and they haven't ... And so we have significant and ongoing concerns with the way it's reported (Coronial Counsellor 2).

These criticisms from counsellors focus on the incapacity of the police to engage sensitively with grieving families. However, it has also been identified that such bureaucratic procedures contribute to the process of 'routinizing death', which 'dilutes a death's social consequences by providing the police officer with an element of control' (Henry 2004: 27). Focusing on tasks and procedures limits the officer's interactions with bereaved family, and offers protection from anxiety and embarrassment. Those officers most likely to 'hide behind' paperwork and police procedures are junior officers. It has also been identified by Henry (2004: 110) that police academy training prepares officers much better for the administrative aspects of police work, and less well for the complex interpersonal issues that various situations, like death scenes, present. Clarke and McCreanor (2006: 39) identify similar criticisms in their research on families' interactions with police during the death investigation process in New Zealand. Here, it was argued that the actions of police in following process 'to the letter' contributed to the family's sense of guilt at the death and complicated their grieving processes. In a similar fashion, Rock (1998) noted the intensity of a family's feelings and their sense of alienation from the process, especially when professionals such as police offered a dispassionate objectifying discourse.

As Howard et al. (2000, 297) identify, because 'police officers are routinely exposed to dangerous, unpleasant and horrific situations', they tend to retain a social distance from emotionally charged situations, through a 'detached and dispassionate demeanour' (Pogrebin and Poole 1991: 396). This is perceived as maintaining a professional persona as a competent police officer (Frewin *et al.*, 2006, 252). Such role distance may be an effective strategy in a criminal investigation where it can be difficult to distinguish a victim from an offender (Innes, 2002: 74; Sewell, 1994: 567), but its suitability in a death investigation needs further exploration given the complexity of the relationship between police and victims in the coronial system.

b) Emotion work

The ways in which police engage with families during a death investigation has the potential to either minimise or exacerbate the pain and suffering of a sudden death. The police tendency for professional detachment as an 'impartial finder of facts' constrains their capacity for tact and compassion toward the grieving family (Henry, 2004: 29). In the context of a death investigation, this tends to mean that families are asked to make important decisions by police when still in the grip of the shock and disbelief of the death notification. It is well recognised that this impacts on the decision making capacity of families, given their severely compromised ability to process and retain complex information at that time (Drayton, 2011: 238). This was well recognised by police during interview.

Most people are in shock. They won't even remember the conversations they've had with you (Police Officer 4).

Well the police have a very important role because they're talking to families immediately after the death of the deceased person and when the families are at their most vulnerable (Police officer 5).

In such confronting situations, emotional control by police is prioritised. Certain emotions come to be viewed as an occupational weakness and police officers are taught to repress feelings of fear and anxiety in order to maintain a professional image (Pogrebin and Poole, 1991; Howard *et al.*, 2000, 304). According to Hochschild (1979: 561) this is an example of 'emotion work' where police learn to identify and then to manage inappropriate emotional reactions to tragic and confronting deaths, where families may be grief stricken and bodies may be disrupted. This serves to create the social distance identified by police as necessary for a successful death investigation (Mitchell, 1996: 141).

In addition, the entire process of a death investigation can be quite protracted, and the traumatic impact of the death can be exacerbated or mediated for the junior officer by the presence or absence of the deceased's family, the quality of personal interaction with other more senior police, the circumstances of the death and the state of the corpse (Henry, 2004: 40). There is also an acknowledgement by police, missing from the interviews with all of the other coronial professional staff, that death scenes are overwhelmingly chaotic, messy and dirty. Smells and images of the dead remain with police long after the investigation (Henry, 2004). In such situations, the anxiety and fear of exposure to a dead body may be exacerbated by feelings of horror, disgust, and shock. Add to this the junior and inexperienced rank of the officers, the infrequent and random nature of death investigations, and grieving and traumatised families and you have a situation very different to that of the daily work of a police officer.

And dealing with people who are suddenly thrust into a grieving process is totally different from dealing with somebody who's had

their house broken into or somebody who is drunk and belligerent (police officer 2).

'cause they, let's face it, sometimes they take the easy way out and don't ask the hard question ... So yeah it's just a contentious issue it's a thing that police don't like to do ... we're not counsellors (police officer 1).

Emotional engagement with families is bemoaned by police as an unrealistic expectation. This is not because police fail to feel compassion, but as junior officers they often 'lack the experience to enact their feelings through appropriate words and behaviours that will bring solace and comfort and be acceptable police behaviour' (Henry, 2004: 143). A request for a differentiation between police officers and counsellors is thus telling and speaks to the perception that sympathetic or nurturing behaviour falls outside the realm of real police work. Frewin et al. (2006, 250-251) suggest that this is because police cast emotion as undermining control, rationality and performance, based in the belief that such feelings produce a sense of vulnerability and endanger self and others. When exposed to potentially emotional situations such as a death scene, police officers can become conscious of what Hochschild (1979: 562) calls 'pinch' or discrepancy between what they actually feel and what they should feel. In response, they try to eliminate the pinch by working on these inappropriate feelings. One of the most recognised ways in which police officers do this is through the use of black humour (Young, 1995; Mitchell, 1996; Loftus, 2010). In our interviews with police officers, this strategy became evident in a familiar and light-hearted nonchalance with death and the dead body.

You'd be what's called a shit magnet on the road. If you weren't a shit magnet you could be three years and get one dead body in three years. Yet the person you're working with on the day that might be their 10th body in 12 months, do you know what I mean? Some people just - I mean we call it bad luck because it's a lot of paperwork and not many police like doing dead bodies (police officer 4).

Irrespective of the reason for the humour and cynicism, it is manifest in a social distance from families and is a source of criticism by coronial colleagues. Given that families who are most likely to present a challenge to police - due to their religious and cultural practices around death, dying and disposal, their political manifestations of difference, or their familiarity with the criminal justice system - may also be over-represented in the coronial system, it behoves an exploration of whether this emotion work continues to operate within a police culture which prioritises the criminal lens.

c) Vulnerable and marginalised families

The role of police investigating a sudden death is made more complicated by the legislative requirement, variously enacted in all Australian states, that a family's religious and cultural status and concerns about the non-consensual medico-legal autopsy be communicated to the police at the time of the death notification. Those most consistently identified as falling within this legislative requirement in Australia, are Indigenous people, and those of Jewish and Muslim faiths. This requires such bereaved families to not only identify themselves to police but to understand and negotiate, in the traumatised state of a sudden bereavement, the medical and legal implications of a challenge to the internal autopsy of a loved one (Drayton, 2011).

For Indigenous people, who are over-represented in coronial death investigations due in large part to such structural factors as endemic violence, poor access to health care, low life expectancies and high rates of chronic disease (Tatz, 2005), this presents a distinct problem. As previously noted, it is the police who are legislatively required to investigate all coronial deaths but this occurs within a long and well documented history of poor relations between police and Indigenous people, where 'volatile conflict' and accusations of 'police abuse and harassment', 'excessive force' and 'institutional racism' are common features (Cuneen, 2006). The effect of this poor relationship is exemplified in previous research which found that Indigenous people were unlikely to raise a concern against the autopsy despite a legislative capacity to do so (Carpenter and Tait, 2009). We surmised that one of the reasons for this may be found in the police role in the practical enforcement of colonisation, and that as a consequence, Indigenous people simply did not wish to have their cultural identity known to police. Another reason contemplated was that their well-documented over-representation in the criminal justice system may mean that their Indigenous cultural identity is already known to the police through previous adverse dealings. In such a context, Indigenous people can feel powerless to have their objections heard. The recognition that police were not the best people to investigate deaths in Indigenous families was well understood by the Coroners we interviewed:

But interestingly we rarely have many issues concerning autopsies within the Aboriginal community and we should do, there should be more and I don't know why. Now it could be that it's more of an urban population, and therefore it's not a particular issue for them, or it could be that no-one's actually asking the questions (Coroner 1).

I would expect that more often than not Indigenous communities didn't understand what their options were, and more often than not - you know - subjugated springs to mind. They just went along with what the police and authority figures have always told them (Coroner 8).

Ironically, the silence and invisibility of the Indigenous community within a coronial death investigation is evident even when an Indigenous status is identified and a cultural objection to autopsy articulated by Indigenous families. Previous research has demonstrated that Indigenous cultural objections did not affect coronial decision making on the invasiveness of the autopsy while religious objections did result in a decrease in the invasiveness of the autopsy ordered by Coroners (Carpenter *et al.*, 2011). Such outcomes occur against a backdrop of 'the endemic losses of colonialism and the heightened mortality of ongoing alienation', and which in other contexts, such as Maori in New Zealand, have been argued to increase, rather than decrease, the relevance of cultural practices in relation to loss and death (Clarke and McCreanor, 2006: 27). This is well understood by police liaison officers, but not so much by the police themselves, who when they spoke of them at all, demonstrated negative characterisations of Indigenous people.

Very hard, it is really hard to explain to the family what will happen to the body. As you would probably understand and are aware, the body of the loved one that has passed away, especially the elders, is handled with the most reverence. If there is an idea that the family think this is going to autopsy, it's really very hard for them to release the body (police liaison officer 1).

They're very family oriented and it's difficult because a lot of them are alcohol dependent and we can have really bad situations ... So we have family members turn up and it's hard to get someone that's actually - and I'm being honest with you - sober enough to deal with, whether it's the long lost uncle or cousin that's related somehow or the family elder (police officer 4).

Such declarations are in themselves telling of a lack of understanding, awareness or interest in the more complex family structures found in Indigenous families, as well as adherence to a negative stereotypical portrayal of drunkenness and incapacity. The poor record of police response unearthed in his own research on Indigenous suicide led Tatz (2005) to conclude that without training in Indigenous communication, a familiarity with explanations for Indigenous suicide and an understanding of the social, historical and political factors surrounding the low life expectancy of Indigenous people, police were ill-equipped to deal with Indigenous deaths. He suggested the American model of utilising forensic anthropologists in death investigations as a useful addition to the coronial system in Australia. For similar reasons, an increase in the status and numbers of Aboriginal community liaison officers who operate in many rural communities was also suggested by Tatz (2005) as an important addition to Indigenous death investigations.

Police officers demonstrated similar intolerance to Muslim families when they identified themselves and sought to communicate concern about the autopsy of their loved one. However, the issues for Islamic families are quite different to those experienced by Indigenous communities. For one thing, Muslims are not over-represented in coronial death investigations, and when their religious objections are heard, research suggests they are supported by Coroners who order less invasive autopsies as a consequence (Carpenter *et al.*, 2011). However, like Indigenous families, Muslims must first negotiate the validity of their objection to police.

And I have found that the Muslims have a tendency to object big time. And it seems that the Muslims, it's not that I hate Muslims *laughs* it's just that they are prominent on the objection side. 'Oh you don't need to do this because you're cutting up the body'... I immediately get suspicious when somebody says, 'Oh no you shouldn't you shouldn't'. What have you had to do with this death in that case? I think we need to look at this a little bit further if you're objecting so strongly and putting it under the guide of religious or cultural concerns (police officer 2).

It is convenient to point to the rising Islamophobia in western nations post 9/11 (Spalek, 2008; Poynting and Mason, 2006), as the central reason for this racist and ignorant pronouncement by a police officer. Police culture is inherently conservative and it is perhaps not surprising that this sector of the population has embraced the recent moral panic around terrorism, where any expression of Islamic religious identity is suspicious, indicative of an underlying and dangerous fundamentalism (Humphrey, 2007: 13). In a similar fashion, the rule orientation of police culture is easily aligned with the creation of 'suspect communities' who need to be monitored by state agencies such as police (Spalek, 2008: 211). Such an understanding is widespread in Australian society, and not just in the police service, with the 'Arab other' constructed through a complex process of 'recurrent negative media portrayals, prejudiced political pronouncements and racist populist rhetoric' (White, 2009: 366). That said, Muslim immigrants have been seen as a problem community by police ever since Lebanese Muslims started arriving in Australia in significant numbers from the 1970s (Humphrey, 2007: 12; Poynting and Mason, 2007), so it is not so simple to position this as a recent outcome of global political factors. Rather, as Loftus (2010) maintains, police culture is remarkably resistant to change, and despite the rise of new styles of policing which asks officers to adopt a more service-oriented role, accompanied by the increasing multicultural nature of many police organisations and the growing diversity of client communities, police cultures remain crime-oriented, intolerant and conservative.

Conclusion

Death investigations are almost always challenging, emotional and disruptive to the professional persona of police. They can be an affront to all of the senses and it is well documented that an officer's first death scene is well remembered many years after the event. Death investigations rarely include a suspect or an offender and so require a different model of communication in a context where police officers may emotionally identify with the grieving family. Coronial professionals tend to agree that the police are not the most appropriate to attend to a death scene and gather the information that is required by the Coroner in their decision making. Nevertheless, in Australia at least, they are the only profession who is logistically available across the State 24 hours a day. As a consequence, death investigations will remain police work. The challenge is to make sure that the police have the capacities to perform this non-criminal investigation in a manner that protects police and does not re-traumatise the families. This is especially important for vulnerable and marginalised families who have a culturally different relation to the dead.

References

- Carpenter, B., Tait, G., Adkins, G., Barnes, M., Naylor, C. and Begum, N. (2011) 'Communicating with the Coroner: How religion, culture and family concerns influence autopsy decision making', *Death Studies*, 35(4) 316-337.
- Carpenter, B. and Tait, G. (2009) 'Death, health and Indigenous Australians in the Queensland Coronial System', *Australian Aboriginal Studies*, No.1, 29-41.
- Clarke, E. and McCreanor, T. (2006) 'He wahine tangi tikapa ...: Statutory investigative processes and the grieving of Maori families who have lost a baby to SIDS', *Kotuitui: New Zealand Journal of Social Sciences Online*, 1(1) 25-43.
- Cuneen, C. (2006) 'Aboriginal deaths in custody: A continuing systematic abuse', *Social Justice*, 33(4) 37-51.
- Drayton, D. (2011) 'Organ retention and bereavement: Family counselling and the ethics of consultation', *Ethics and Social Welfare*, 5(3) 227-246.
- Frewin, K., Stephens, C. and Tuffin, K. (2006) Re-arranging fear: Police officer's discursive construction of emotions', *Policing and Society*, 16(3) 243-260.
- Henry, V. (2004) *Death Work: Police, Trauma and the Psychology of Survival*, Oxford: Oxford University Press.

- Hochschild, A. (1979) 'Emotion work, feeling rules and social structure', *American Journal of Sociology*, 85(3) 551-575.
- Howard, C., Tuffin, K. and Stephens, C. (2000) 'Unspeakable emotion: A discursive analysis of police talk about reactions to trauma', *Journal of Language and Social Psychology*, 19(3) 295-314.
- Humphrey, M. (2007) 'Culturalising the abject: Islam, law and moral panic in the west', *Australian Journal of Social Issues*, 42(1) 9-25.
- Innes, M. (2002) 'Organisational communication and the symbolic construction of police murder investigations', *British Journal of Sociology*, 53(1) 67-87.
- Loftus, B. (2010) 'Police occupational culture: Classic themes, altered times', *Policing and Society*, 20(1) 1-20.
- Mitchell, M. (1996) 'Police coping with death: Assumptions and rhetoric', in G. Howarth and P. Jupp (eds.) *Contemporary Issues in the Sociology of Death, Dying and Disposal*, Basingstoke: Macmillan Press.
- Pogrebin, M. and Poole, E. (1991) 'Police and tragic events: The management of emotions', *Journal of Criminal Justice*, 19(4) 395-403.
- Poynting, S. and Mason, V. (2007) 'The resistable rise of Islamophobia: Anti-Muslim racism in the UK and Australia before 11 September 2001', *Journal of Sociology*, 43(1) 61-86.
- Poynting, S. and Mason, V. (2006) 'Tolerance, freedom, justice and peace?: Britain, Australia and anti-Muslim racism since 11 September 2001', *Journal of Intercultural Studies*, 27(4) 365-391.
- Rock, P. (1998) *After Homicide: Practical and Political Responses to Bereavement*, London: Clarendon Press.
- State Coroners Guidelines (2013) www.courts.qld.gov.au/courts/coroners-court/fact-sheets-and-publications Accessed 24 June 2014
- State Coroner Annual Report (2012) www.courts.qld.gov.au/about/publications#CoronersCourtAnnualReports Accessed 24 June 2014
- Spalek, B. (2008) 'Muslim Communities post 9/11: Citizenship, security and justice', *International Journal of Law, Crime and Justice*, 36(4) 211-214.

Tatz, C. (2005) *Aboriginal Suicide is Different*, Canberra: Aboriginal Studies Press.

White, R. (2009) 'Ethnic diversity and differential policing in Australia: The good, the bad and the ugly', *International Migration and Integration*, 10(4) 359-375.

Young, M. (1995) 'Black humour: Making light of death', *Policing and Society*, 5(2) 151-167.

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Unravelling the role of Police and Crime Commissioners

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Abstract

In light of the introduction of Police and Crime Commissioners (PCCs) to invigorate the democratic governance of the police, I examine how PCCs perceived their new role within their first year in office. Based on 32 interviews with PCCs across England and Wales and one case study, I illustrate how the role has been perceived broadly, from police management through to crime-reduction co-ordination. I outline two PCC types that – while are not fixed and subject to change – have significant implications for how the role is delivered. I explore why these two perspectives have dominated the role, considering in particular professional and political backgrounds. These findings are then examined in the light of a wider political debate to expand the remit of PCCs, which may have significant implications both on their ability to carry out the role and in terms of holding PCCs to account.

Key Words: police; democracy; governance; crime reduction; politics

Introduction

Police and Crime Commissioners (PCCs) were introduced under the Police Reform and Social Responsibility Act 2011 with the hope of rejuvenating the democratic face of policing (Davies, 2014). To achieve this aim, politicians and think tanks formulated a wish-list of roles and responsibilities that they thought PCCs ought to have as the policy came into fruition. They argued that PCCs should be voices of the people (or more specifically, voices of the victims) (Home Office, 2012), local criminal justice figureheads (Carswell, 2002), crime fighters (Wasserman, 2011), police scrutinisers and commissioners (Police Reform Taskforce, 2007), amongst others. These arguments provided a series of images about the role which PCCs could model themselves on.

In this paper, I draw upon detailed interviews with PCCs to illuminate how they envisaged the role in their first six months in office. Three months after PCCs had been elected, I sent formal letters to all PCCs inviting them to be interviewed. Thirty-seven eventually responded, of whom 32 agreed to participate (a response rate of 78%). Telephone interviews with PCCs (lasting 45 minutes on average) were conducted between April and August of 2013 (five to nine months after PCCs had assumed office). The interviews entailed a broad set of questions relating to the nature of the role, relationships (predominantly with the public, chief constables and Police and Crime Panels) and measures of success, amongst other issues. This paper focuses on the results of PCCs' responses to questions about their role, ambitions and experiences in their first few months in office. These data were supplemented by further interviews with key stakeholders in policing and crime reduction in a case study area.

Using these data, I argue here that there were two dominant role-types played out by PCCs, which I term Police Managers and Crime Reduction Co-ordinators (CRCs). I illustrate that these specific interpretations of the role informed PCCs' responses to questions about their purpose, capabilities and visions of success. Using examples from the case study, I identify the malleability of these perceptions and the way in which the job can, and has, been broadly played out. I consider some of the characteristics of PCCs, such as professional backgrounds and political affiliation in order to elucidate the reasons for the diverse set of perspectives, before considering more generally the implications of calls to further expand PCC's reach into the criminal justice system. This analysis helps to elucidate the experiences of PCCs in their first year in office and bring greater clarity as to how the role has been envisaged by the subjects of this experiment in democratic policing.

The scope of the PCC role: From police management to crime reduction co-ordination

When PCCs were introduced, the Home Secretary made clear that PCCs would bring "real local scrutiny of how Chief Constables and their forces perform" (May, 2013), predominantly through their powers to hire and fire chief constables. But with crime reduction also at the heart of their role (May, 2010), PCCs were called to engage with the criminal justice system and "provide a holistic approach to crime reduction" by becoming powerful local figureheads (Police Reform Taskforce, 2007). Thus, both police management and crime reduction co-ordination were presented as two fundamental pillars of the PCC role. While these two aspects are interlinked (i.e. the police are one of the key actors in crime-reduction), they are also distinct. Holding the police to account requires PCCs to focus on the police organisation, while crime reduction implicates working with a broader set of actors in and beyond the criminal justice system. Faced with a heavy workload, PCCs were faced with difficult decisions as to the scope of their

role. In interviews with PCCs in their first several months in office, responses varied on a spectrum between police management and crime reduction co-ordination.

There was a tendency for over half of PCCs I interviewed to see the job as a police management role. I therefore referred to these PCCs as Police Managers. I defined Police Managers as those PCCs who were primarily concerned with the running of the police organisation and focused on the internal force mechanics. Conversely, approximately half of PCCs interviewed emphasised the significance of what they often termed the 'and crime' part of the job. This alluded to a wider responsibility for crime and justice management beyond the police service. They typically saw the role as an opportunity to fuse various aspects of the criminal justice system together into a more integrated and efficient system. I have used the label Crime Reduction Co-ordinator (CRC) to refer to the PCCs who tended to prioritise these aspects of the role.

PCCs differed in the extent to which they identified with police management and crime reduction co-ordination and almost all highlighted the importance of playing both roles. In total, I identified slightly more Police Managers (18) than CRCs (14). These categories emerged following analysis of transcripts using a qualitative data software package (Nvivo 10). This facilitated analysis of both the content and the language employed by PCCs in their responses to interview questions, which were subsequently coded into overarching themes and sub-themes.

While it is recognised that in reality most PCCs expressed elements from both perspectives, using this analysis it was possible to place PCCs into Police Manager and CRC groups on a scale. I plotted these PCCs on a spectrum according to their slant towards police management and crime-reduction co-ordination. The results are presented in Figure 1. Looking across the PCC mission scale, it is clear that some PCCs at the ends of the spectrum perceived the role in relatively narrow terms (i.e. predominantly as police management or crime reduction co-ordination). However, the majority of PCCs were placed towards the centre of the scale, revealing that many had at least understood the need to deliver both aspects of the role.

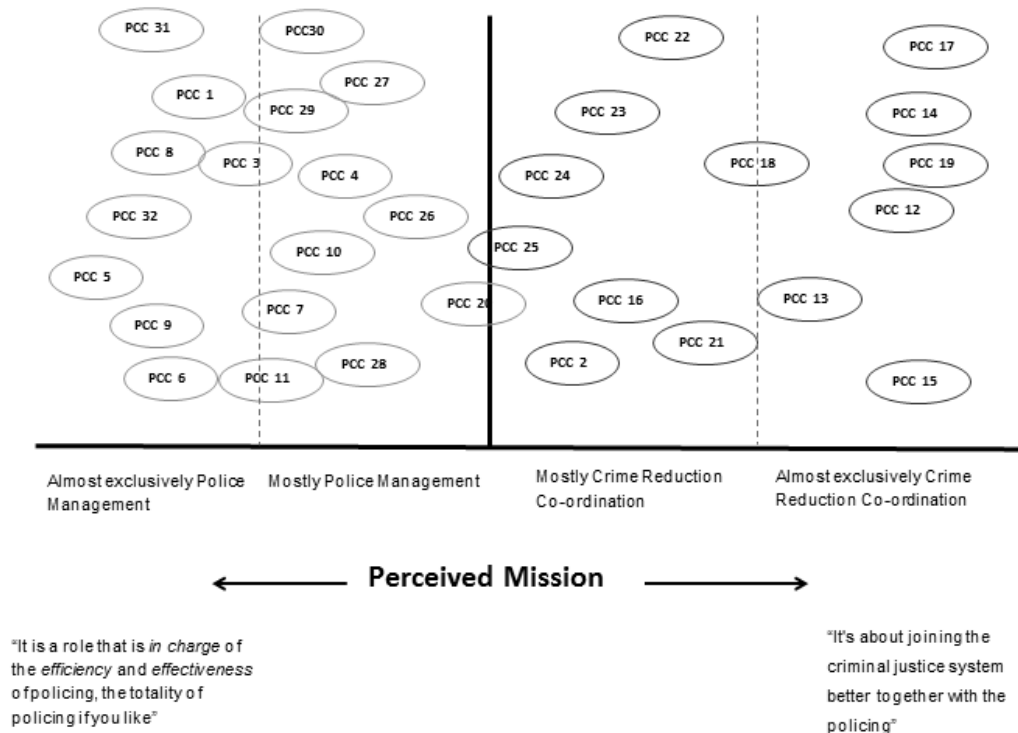
In interviews with PCCs, in order to tap into how they perceived the role, I enquired about the problems they believed they were there to address, how they were responding to these issues, and what success looked like for them after their first term in office. Police Managers and CRCs tended to respond differently to these questions.

Police Managers

Most PCCs who advocated this approach believed that they were there to replace Police Authorities who they believed had been ineffective in holding the Chief Constables to account. These PCCs regarded themselves as the answer to this problem and as one PCC described to me, were

'determined to reset the balance' of power between PCC and Chief Constable in their favour.

Figure 1. PCCs' perceptions of the role



Consider, for example the language used by one PCC who described how he held his Chief Constable to account through a new board he had established:

Q: How do you hold your Chief Constable to account?

A: [We convene a board which is based on] the measures set out in the Police and Crime Plan, but broadened to change management issues and HR personnel issues ... and we go through reports against the Plan and reports against changed management. ... I'm talking about crime recording programmes and applications and such like, some pretty weighty multi-million programmes, so we need to be keeping an eye on those in terms of delivery and benefit mapping and all of that. (Conservative PCC 9)

From this perspective, the police were regarded as an organisation which needed effective management through strong direction by keeping a close eye on finances. Getting the organisation to run effectively and efficiently was a key motivator for those PCCs who had adopted a police management mind-set. In some respects however, this approach reflected a

reinforcement of a performance-management regime, as targets were regarded as a means to achieve this. For example, one PCC explained that:

We put three clear aims at the start: Cut crime, catch the criminals that are committing it, and cut the costs. Keep it simple and a clear direction, and you will get the results. (Conservative PCC 11)

Ironically, this was one of the facets of police governance which the authors of the policy had hoped would be tackled by PCCs (see for example Police Reform Taskforce, 2007).

For some Police Managers, success lay in reduced levels of recorded crime. This was unsurprising in light of the comments made by the likes of the Home Secretary that the sole purpose of the police was to cut crime (May, 2010). In interviews with PCCs, it was clear that this target meant different things for Police Managers. Some settled on simply “less crime, fewer victims” as a sufficient indicator, while others focused on very specific crimes measured by police performance indicators.

However, some Police Managers were sceptical about their ability to affect crime levels and saw this only as a loose measure of their success. Instead, they pointed to a range of other measures, such as improved police performance and managing cuts to budgets effectively. Notably, these notions of success rested upon improvements within the police organisation and often sounded as if they were measures borrowed directly from the chief constable:

Q: What does success look like for you?

A: Success for me would be for [the force area] to have maintained its frontline resilience, the number of frontline officers ... And that the police are again able to say that they do police one of the safest counties in which to live (Labour PCC 3)

This came through even where other measures of success were highlighted. Concepts such as partnership were seen as a means towards better police performance (which ultimately meant crime reduction).

Crime Reduction Co-ordinators

Although there was a clear disposition amongst 18 PCCs towards police management, 14 PCCs I had interviewed tended to place greater emphasis on the ‘and crime’ part of the job in their responses. This alluded to a wider responsibility for crime and justice management beyond the police service. These PCCs typically saw the role as an opportunity to fuse various aspects of the criminal justice system together into a more integrated and efficient system.

CRCs emphasised the multi-faceted nature of crime that required more than just the police to tackle it, often pointing to the significance of

other local services. As part of this philosophy, CRCs believed that the fundamental problem that they were there to address was a lack of co-ordinated service provision. Therefore, strong leadership of the wider criminal justice system and beyond was seen as essential to the role. For example:

Q: What should the role of a PCC be?

A: I think a really huge role which is what I'm focusing on, is trying to make sense of what is a very fragmented and dislocated system ... I think it's about joining the criminal justice system better together with the policing, it's about perhaps making some of those shifts towards collaborative services and integrated services even which have been a long way from the table in previous years. So it's public sector reform to a great degree, getting the system to work better, and that's what sits at the heart of my Plan. (Independent PCC 1)

In contrast to the police management perspective, CRCs tended to perceive themselves as having little influence over the police and instead believed they were more likely to leave their mark through crime reduction in a more holistic sense. They tended to believe that they would make a difference through engaging with other local crime and justice stakeholders and mobilising collective action:

Q: What should the role of a PCC be?

A: ...the police, even if they had no one there, would get on and do policing. Frankly it would be for the most part, you wouldn't even notice the difference, it'd be done as well. It's the crime reduction bit where we can really make the difference. (Conservative PCC 13)

In this way, CRCs also spoke about the importance of leadership, but in a much broader sense than envisaged by Police Managers. This leadership approach was given greater prominence in the light of the austere financial climate that all organisations were facing. Many PCCs recognised that co-ordinating crime reduction services was essential to achieve savings through more efficient working practices and reducing duplication. Better partnership working was a commonly cited marker of success for CRCs. For Independent PCC 1, for example, success was about "getting all the partners to move in the same direction and talk to one another", while for Conservative PCC 4, it was likewise "being able to look at the whole policing and CJS and say yep, this now works better." As part of this, commissioning was explicitly identified as one of the most powerful tools at their disposal.

Q: What should the role of a PCC be?

A: ...We have put in very accountable [commissioning mechanisms]... to old people's homes, to youth clubs, all these kind of areas ... we would be getting bids from 2 or 3 different groups for

the same thing who didn't know that the other existed. Actually I could say 'well you're not all having the money unless you go for a joint bid and start to work together'. And that was a very powerful tool. (Conservative PCC 1)

Therefore CRCs believed that their strength lay in joining up the criminal justice system and commissioning was regarded as an instrument to achieve this.

Although some CRCs underlined crime reduction as an important feature, they were usually able to provide a wide range of other markers. Notions of public confidence and community safety were also at the heart of some of their agendas. For example:

Q: What does success look like for you?

A: I think community safety is an absolutely crucial part of the PCCs function. It's not just about the police. If you're talking about the 'and crime' bit, it's the community safety aspect of policing. And if you see my Plan, if you want it in a sentence, it's less crime, because that's what the Home Secretary has said she will mark me on. That's one target for the police so I couldn't really dip out on that one. But to me it's more peace and good order. (Independent PCC 5)

However, the majority of these PCCs were less clear about how exactly this kind of success would or could be measured and few were able to elaborate on how this might be achieved. Three PCCs made specific references to encouraging evidence-based policing and were able to cite academic research, but these PCCs were a minority.

On the point of success, one theme that tended to unite both Police Managers and CRCs was the significance of electoral success (both in terms of greater turnout at the next elections and re-election). This might have been expected given that one of the clear messages that was consistently voiced by the likes of the Home Secretary was that if a PCC failed to do their job, their ultimate sanction would come in the form of not being re-elected. For both Police Managers and CRCs, success became synonymous with a greater public appreciation of the role, and perhaps more importantly, their re-election. For example, one CRC could not envisage any other possible gauges of success:

Q: In 3 years from now what does success look like for you?

A: I think having some public appreciation for the role that I have and for what I have been able to achieve, such that more people take part in the next election.

Q: Are there any other indicators of success that you might look at?

A: Well getting re-elected obviously. (Labour PCC 11)

A Police Manager also spoke in similarly narrow terms:

Success will be when people have a measurably better understanding of the role of PCC ... primarily it comes down to people understanding that there is a value in this role. I'm committed to it and very committed working very hard and I want people to feel that the role is a success. (Independent PCC 2)

Aside from this consensus on electoral success, the Police Management and the CRC perspectives illustrated two distinct ways of understanding the role. Table 1 summarises the main distinctions. However, these perceptions of the role are not static and often PCCs appeared to move between both sides of the spectrum, as my observations in the case study site revealed.

Table 1. Key distinctions between Police Managers and CRCs

	Police Managers	CRCs
Operational remit	The police	Criminal justice system and beyond
The problem	Impotent and invisible Police Authorities; poor police performance	Lack of joint working in crime reduction - too much overlap in service provision
The answer	Leadership; business approach; performance indicators	Leadership; commissioning of services; partnership working
Success	Reduced crime; improved police performance; public awareness of role	Better partnership working; community safety; public awareness of role

Evolving perceptions of the role

I spent eight months in a case study area where I observed one PCC who appeared to move from a strict police management approach towards more crime-reduction co-ordination. Before the elections, the PCC seemed to approach the job from a police management perspective. In my initial interview with her and at hustings debates, it was apparent that the problems she wanted to address were police-related, such as issues around burglary detection rates, poorly recorded crimes and the policing of rural areas.

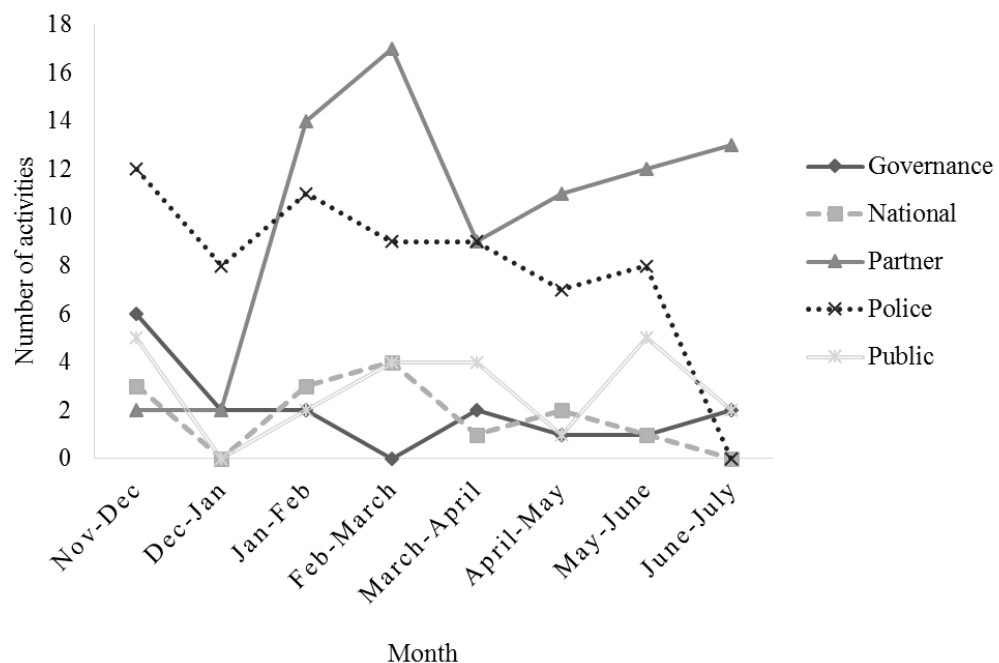
However, in our follow-up interview after the PCC had been in office for eight months, the Chief Constable observed that the PCC had begun to look beyond the narrow confines of police management - although much of this appeared to be initiated by other parties:

Q: How has the PCC balanced out her 'policing' and 'and crime' responsibilities?

A: ...[The PCC] has been quite engaged in the 'and crime' for the very practical reason that there are so many partnerships and so many people who want to kind of build a relationship or get engaged, she's just had to get on with it. So she's got most leverage over the police, but she's probably done in time wise, if you did a time and motion study, she probably spends quite a bit of time on the 'and crime' bit.

This comment prompted me to conduct a time and motion analysis based on data I had collected on a weekly basis from November 2012 to the end of June 2013, using the PCC's website which had listed her weekly diary commitments (Figure 2). The meeting types were categorised (for example, meetings with Police and Crime Panels were categorised as 'governance meetings'; meetings with government officials were termed 'national meetings', and so on). Through this process, it was possible to quantify the types of meetings that the PCC had been attending. It is probable that the PCC spent considerably more time with senior police managers than the diary data reveals due to the fact that informal meetings with the Chief Constable and his staff were not recorded. However, the data was useful in identifying the way in which the PCC had balanced her commitments.

Figure 2. Case study PCC's first eight months: Monthly activities



While the PCC had spent almost a third of her time meeting the police (31%), the majority of her recorded time (39%) was actually spent meeting local partners (for example, local councils and Community Safety Partnerships). The remaining time was dedicated to public engagement, governance meetings and national meetings. As Figure 2 demonstrates, the PCC spent the majority of her first three months in office on meetings with the police. But at the start of 2013, meetings with partners dramatically increased and remained her most prominent activity in all but one of the following months. Simultaneously, the numbers of meetings she had with members of the police declined at a steady rate. These trends are partially explained by the fact that she was obligated to write her Police and Crime Plan for March 2013, which entailed a large amount of consultation with local partners. While the number of such meetings fell significantly after this, they continued to take up the majority of her time and increased at a steady rate after April 2013.

From the PCC's perspective, she came to believe that she did not need to focus on the police as much as she had anticipated because she had taken over a competent police force which was already well run. Consequently, she felt that she did not need to spend as much time on the organisation compared to other PCCs. This revealed that she had gone through a learning process since she had come into office. This PCC had formerly been a member of a Police Authority where she had dealt with force performance figures, but as a PCC, she found herself consulting more frequently with a wide range of actors within the criminal justice system. This shift in activities meant that she had gradually started to appreciate some of her additional 'and crime' responsibilities. In this way, perceptions of the role are dynamic and in this case they were shaped by the experiences the PCC faced in her first few months in office.

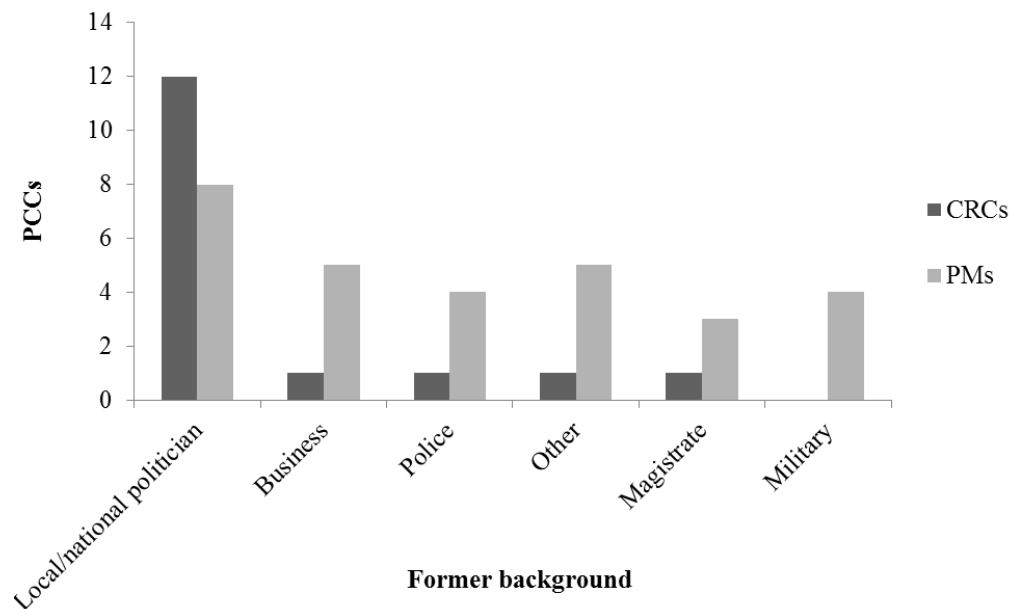
Nevertheless, I believe that she fundamentally regarded the job in police management terms. Observations of both public and private meetings with local partners highlighted a police-oriented focus. Issues such as detection rates, police budgets and force priorities were also recurring conversation topics. At times, it felt as if a police representative was leading the meetings. Based on these experiences, the PCC appeared to remain closer to the police management perspective. I concluded that this persistence on this aspect of the role was partially a product of her previous career experience (having been involved in business and working on the Police Authority). Indeed, the background of PCCs may be a significant explanatory factor in shaping perceptions of the role as I discuss next.

The wider context

The evidence presented above illustrates a diverse set of interpretations regarding the role. Some of this variation may be explained by the wide range of backgrounds which PCCs have come from. For example, most CRCs

previously had a career in politics, either as a local or national politician, while Police Managers came from a more diverse set of backgrounds, including local politics, the police, the military and business, amongst others (Figure 3). Those coming from political backgrounds may have been more acquainted to working across sectors, which might explain why some CRCs perceived the job in broad terms. By contrast, four Police Managers were former police officers and a further four had previously worked in the military. It is possible that coming from a hierarchical organisation, such as the army or the police, may have shaped these PCCs' ideas about what the role entailed and how it ought to be delivered (for example, through leadership and target-setting). Five Police Managers also had previous experience in running businesses, which may further explain why several PCCs equated their role to being the head of a large organisation.

Figure 3. Police Manager (PM) and CRC backgrounds

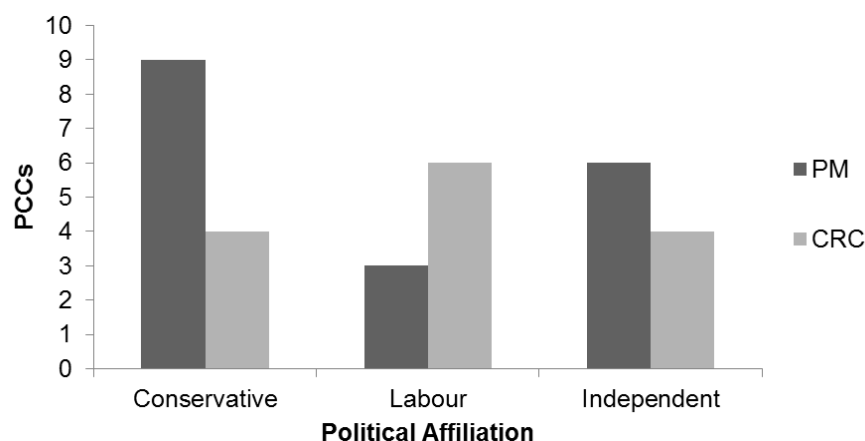


PCCs will have also developed specific networks from these backgrounds, which may further define their role. Those from a local councillor background, for example, might be expected to bring partners together more readily under the PCC role than those who had spent their lives in the military, because they may have had pre-existing relationships in particular local networks. Conversely, PCCs from the police may have had strong ties with others in the organisation and feel more comfortable managing within the confines of the police organisation.

Political affiliation may also account for some of the different perceptions of the role. Half of all Police Managers were Conservatives, while CRCs were more evenly split by political affiliation, with the majority coming from the Labour party (Figure 4). From this perspective, one could

speculate that Conservative PCCs may be reluctant to deviate from the Home Secretary's assertion that policing is about cutting crime, with the corollary being that they perceive their own job as 'making the police more effective crime fighters' (Loader, 2013: 44). In comparison, Labour PCCs may be more inclined to think of the job more broadly in crime reduction terms, in line with Labour-led initiatives, such as Community Safety Partnerships.

Figure 4. Police Manager (PM) and CRC Political Affiliations



Discussion

This analysis provides a snapshot into certain elements of the role which PCCs saw as fundamental to their mission. It should be noted that PCCs claimed to have a wide interest in a number of other areas, such as public engagement, victim satisfaction and innovation (for example, see Policy Exchange, 2013). However, this paper has focused on two of the most dominant perceptions of the role as expressed by the majority of PCCs interviewed.

PCCs concerned with police management recognised significant problems with the governance of the police, particularly with regard to the impotence of police authorities and poor accountability over Chief Constables. For Police Managers, leadership - particularly in a business-type manner - was their solution to some of these issues. When these PCCs looked ahead to the end of their first term in office, success was usually rooted within the police organisation, based on reduced crime figures, stronger accountability mechanisms and improved policing.

The CRC perspective revealed a set of contrasting perceptions about the role. CRCs generally identified similar problems to Police Managers, but they were also able to point to a broader set of issues relating to the wider criminal justice system. Like Police Managers, CRCs placed great value on leadership, but for them it was about managing a cacophony of voices from within local criminal justice networks. Finally, with regards to success, CRCs highlighted a broader set of success indicators, such as partnership

working, public engagement and community safety - although electoral success was a recurring theme for all PCCs.

These perspectives were undoubtedly linked to the backgrounds and pre-existing relationships that the PCCs had. Those with expertise and networks in politics came into the job with a different perspective of the scope of the role compared to those coming from the police or the military. Similarly, political affiliation and caution about deviating from a political line may have shaped PCCs' definitions of the role and visions of success. Likewise, perceptions of the role should not be divorced from other contextualising factors, such as personality, relationships with Chief Constables or force size. These varying influences meant that PCCs were rarely fixed into one perspective and swayed between both ends of the spectrum - as my experiences in the case study area suggested.

As debate continues over the future of PCCs, the nature of the role will evolve. Since the inception of PCCs, one particular debate has revolved around whether PCCs ought to have greater powers in the criminal justice system (see for example, Police Reform Taskforce, 2007; Independent Police Commission, 2013). Indeed, this was a sentiment expressed to me by several CRCs who wished to have greater powers beyond the confines of the police organisation, which they felt would provide them with more ability to affect crime reduction more broadly.

However, expanding the role of PCCs may come at the price of stretching their capacity to deliver the job. In this study, I found that there were a number of PCCs who were facing significant pressures related to the fact that they had perceived the job in broad terms and had decided to take on a large proportion of the workload alone. As a result, almost half of all PCCs I interviewed made reference to the intensive workload they were facing, several of whom reported working frequent 12 hour days. Alongside concerns about the ability to deliver the job, expanding the role may therefore also have welfare implications, particularly given the age profile of many of the PCCs (at the time of interviews, 38 out of 41 PCCs were over the age of 50, while nearly two thirds [26] were over 60).

This may also have implications for decisions to stand again for election. At the time of interviews (roughly six months in office), four had already ruled out running for the post again - some citing the tiring nature of the job. Given that the re-election of PCCs was supposed to be one of the central planks of accountability over PCCs (see for example, May, 2010), this raises some questions about the ability to hold PCCs to account who have already decided that they will not be standing again. Broadening the role any further in legislation may therefore have impacts on the accountability of PCCs, which has been a key area of concern discussed elsewhere (see for example, Chambers, 2014; Lister, 2014). Decisions to expand the role should therefore be weighed against these potential costs.

The breadth of interpretations of the role is indicative of the novelty of the policy in which PCCs are testing the limits of the role. As one PCC explained to me, "the PCC role is big. No one quite knows yet how big, because we're still defining it and pushing the tent out". But it also

encapsulates the spirit of the reform, which provides flexibility to PCCs to deliver local solutions to policing and crime reduction in the name of localism. This aim, however, should not preclude clear central guidance as to what the job entails, not least because of the implications this may have on the delivery of a democratically accountable policing service - one of the fundamental drivers of the PCC policy.

References

Carswell, D. (2002) *Direct Democracy: Empowering People to Make Their Lives Better*, London: C-change.

Chambers, S.J. (2014) 'Who is policing the Police and Crime Commissioners?' *Safer Communities*, 13 (1) 32-39.

Davies, M. (2014) *Beyond the Ballot*, London: Police Foundation.

Independent Police Commission (2013) *Policing for a Better Britain*, London: Independent Police Commission.

Lister, S. (2014) 'Scrutinising the role of the Police and Crime Panel in the new era of police governance in England and Wales', *Safer Communities*, 13(1) 22-31.

Loader (2013) 'Why do the police matter? Beyond the myth of crime fighting, in J. Brown (ed.) *The Future of Policing*, London: Routledge.

May, T. (2010) 'Theresa May: A plan to fight crime'. Available at: www.conservatives.com/News/Speeches/2010/10/Theresa_May_A_plan_to_fight_crime.aspx [Accessed 02 June 2014].

May, T. (2013) *The Pioneers: Police and Crime Commissioners, One Year On with Theresa May*, London: Policy Exchange.

Police Reform Taskforce (2007) *Policing for the People*, London: Policy Review.

Policy Exchange (2013) *The Pioneers: Police and Crime Commissioners, one year on with Theresa May*, London: Policy Exchange.

Wasserman, G. (2011) *How can Police and Crime Commissioners cut Crime and Disorder?* London: Criminal Justice Alliance.

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Is the Empire coming home?

Liberalism, exclusion and the punitiveness of the British State

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Abstract

The rapid expansion in the use of incarceration and the criminal justice system's penetration of new areas of private and public life have been linked to the emergence of neoliberalism. This expansion of punitiveness has been portrayed as a reactionary departure from a previously civilising and progressive social history (Pratt, 2002). Rejecting this view this paper reconceptualises the British state to include the colonial as well as the metropole. The first section highlights how the incorporation of colonial experiences into the history of punishment shows the British state has a long history of penal excess. In the second section the links between this colonial history and the 'new punitiveness' are investigated and similarities identified. The final section argues that nineteenth century liberalism used exclusionary exceptions to reconcile liberty at home with domination and racism in the colony. The section then explores the resemblances between this classical liberalism and contemporary neoliberalism to show how these play a legitimising role in punitive and exclusionary policies. The paper concludes that the punitiveness currently being deployed at the metropolitan centre should be seen not as a new development but as a continuation of punitive strategies that were tested and developed in the colonized periphery whose subjugated populations' direct descendants are now among its main targets.

Key Words: British State; colonialism; liberalism; new punitiveness; neoliberalism.

Introduction

The main theme of the 2014 British Society of Criminology conference was framed as a question: 'Crime, Justice, Welfare: Can the Metropole Listen?' This paper seeks to contribute to the answering of this question by placing what has been described as the 'new punitiveness' in the context of British imperial history. By highlighting the experiences in the colonial periphery

my intention is to challenge the idea that this enhanced punitiveness, currently being experienced in the metropole, is new or indeed that it is in some way an aberration from a centuries old liberal tradition of progressively increasing tolerance. Instead I argue it is a continuation of well-established British penal traditions. Furthermore I argue that this punitiveness is underpinned and legitimised by the philosophy of liberalism.

Much has been written about a 'new penology' (Feeley and Simon, 1992); the emergence of 'populist punitiveness' (Bottoms, 1995); the development of 'gulags, western style' (Christie, 2000) and a 'new punitiveness' (Goldson, 2002). These all highlight a movement, particularly in contemporary Britain, towards a more punitive state characterised by: mass incarceration with ~~both~~ more individuals being incarcerated and for longer; increased state surveillance and control; reduced social tolerance combined with an expansion of the scope of the law to criminalise a range of previously tolerated behaviours; and the increased targeting of working class youth and black and minority ethnic communities by law enforcement agencies (Reiner, 2007; Sim, 2009; Bell, 2011; Goldson, 2010).

This movement towards increasing punitiveness in the later twentieth century is often associated with the neoliberalism that emerged as the victor of the political and economic crisis of the 1970s (Hall *et al.*, 1978; Reiner, 2007; Bell, 2011). Neoliberalism has been described as 'liberalism without a human face' (Therborn, 2011: 103) and represented a rejection of the collectivist, interventionist and social democratic values which had first emerged in the late-nineteenth- and early twentieth-centuries as the New Liberalism and later formed the social-democratic consensus which dominated the post second-world-war decades (Therborn, 2011; Freedman, 1978). As a result state interventions in response to problems generated by economic insecurity, poor mental health, poverty and 'naughtiness' have increasingly been characterised by the use of criminal justice sanctions rather than the welfare solutions which characterised the post-war settlement (Roberts and McMahon, 2007). Although these trends are not exclusive to Britain the focus of this paper is on the British state, in both the metropole and colony.

Looking beyond the metropolitan centre to see the colonial periphery

Histories of criminal and penal law are often portrayed as the triumph of enlightened civilisation over pre-modern brutality. When Radzinowicz (1948) published his first volume of 'A History of English Criminal Law' he could look back on two centuries of the apparent progress of civilisation in English punishment. Despite his revisionist reinterpretation of this Whig history Foucault (1991) largely accepts its chronology. This is no more evident than in the famous opening of *Discipline and Punish* which contrasts the pre-modern brutal execution of the regicide Damiens in the late

eighteenth century with the structured modern order of an early nineteenth century reformatory. In a similar way Christie (2000: 46) has highlighted how the Norwegian Penal Code of 1815 translating the old into the new by substituting the 'losing (of) a hand' with 'imprisonment for ten years'.

Garland (1985) has argued that the New Liberalism of the late nineteenth and early twentieth century offered the state a range of alternative opportunities for control and discipline based around education, welfare and inclusion rather than terror, repression and exclusion. Indeed, reading much of the early twentieth century penal reform literature it is common to find confident claims of the imminent abolition of imprisonment for certain categories of people or indeed in its entirety (Brockway, 1928; Calvert and Calvert, 1933). This optimism was at least in part based on the emergence of a range of alternatives to prison: fines paid by instalment; the introduction of probation; borstals for young lawbreakers; reformatories for inebriates and the feeble-minded; and the first open prisons (Hood, 1965; Thomas, 1972). These all contributed, at least for a time, to a dramatic decline in the use of imprisonment. In England the number of prison receptions declined from over 200,000 in 1908 to less than 28,000 by 1918 (Rutherford, 1986). This was not a temporary decline - receptions were maintained around this level for the next quarter of a century (Fox, 1952). The evidence is clear, for most of the first half of the twentieth century the penal tide in England was clearly going out. But was this progress the whole story?

The prison's emergence at the centre of Europe's penalty in the long nineteenth century was mirrored by the development of the European global empires. Colonisation and occupation required the imperial power to establish mechanisms for controlling and disciplining indigenous populations. Many penal histories that present the prison as a product of western enlightenment, fully developed in the metropole and then exported to colonial and 'less developed' nations are not supported by the empirical evidence. In reality colonial penal arrangements developed in parallel with those at the empire's centre, the two systems' development being characterised by both a movement of people and a vigorous cross fertilisation of ideas (See for example Patton, 2004; Anderson 2007).

Whilst penal historians make extensive use of Home Office records and parliamentary debates and reports, they have largely ignored the records of the Colonial Office and the extensive parliamentary material focusing on penalty in settler, slave and extractive colonies. Administrators and Parliamentarians were simultaneously grappling with issues relating to prison and punishments in the metropole and colonial contexts. Solutions were developed independently in different parts of the Empire and ideas were exchanged and transported from the metropolitan centre to colonial outpost and back again. Maconochie's innovations on Norfolk Island were repatriated to Parliamentary Committees, English prisons and Crofton's Irish System (Moore, 2011). Crofton's innovations were in turn closely watched in London and indeed across Europe (Tomlinson and

Heatley, 1983; Carrafiello, 1998). Jamaica experimented with a nationalised prison system half a century before it was introduced to England (Patton, 2004).

The back cover of Hibbert's 'The Roots of Evil' (2003) describes it as his 'classic social history of crime and punishment' but a glance at the index finds no entries for India, Malaya or Kenya and the only references to Australia and the West Indies are in respect of convicts transported there from Britain and Ireland. The Oxford History of The Prison is subtitled 'the Practice of Punishment in Western Society' (Morris and Rothman, 1998). Writing in a collection entitled 'Crime and Empire 1840-1940' Emsley (2005: 8, 21), addressing 'changes in policing and penal policy in nineteenth century Europe' notes 'the value of cross-cultural and cross-national comparisons' whilst only making one passing reference to the French empire and none to the British or other European Empires. These omissions are both typical and serious. Colonial history supplies rich evidence of European states' penal capacity and European penalty can only be understood by recognising that punishment is the exercise of state power and that its deployment at the colonial periphery is as significant and informative as its deployment in the metropole.

Some examples from this black hole of penal history demonstrate what is lost by these omissions. The jewel in the British Empire's crown was India. It presented major problems of control, particularly as the state, either directly or through the British East India Company, took direct administrative control of larger and larger portions of the sub-continent. In seeking to exercise state power Britain established a network of prisons in India and supplemented them with a network of penal colonies (Arnold, 1994; Anderson, 2004; 2007). British colonial justice could be dramatic. At a point that Foucault (1991) implies European penalty had moved beyond the bodily and theatrical, participants in the 1857-58 Indian rebellion were, following the due process of law, being tied to the muzzle of a cannon before its discharge spectacularly terminated their lives (Brown, 2014).

Throughout the nineteenth century British administrators and lawmakers engaged in a series of projects culminating in the Criminal Tribes Act 1871 that subjected difficult to manage sections of the Indian population to a range of punitive control mechanisms (Schwarz, 2010). As Brown (2002: 414) has pointed out, these extended the scope of the law from dealing with individual conduct to the introduction of crime by association and deemed criminality to be both hereditary and cultural. By the time Britain quit India in 1947 somewhere between three and four million children, women and men were subject to criminal tribe controls (Schwarz, 2010: 2).

In the West Indies native populations had been exterminated and replaced by slaves violently imported from Africa. As Paton (2004) has demonstrated, the prison was introduced and developed in Jamaica initially as an institution to sustain slavery. Recaptured runaways and privately committed slaves massively outnumbered those committed through any legal process. Despite British slave societies seeing their prisons as

evidence of their modernity, their reaction to resistance was bloody and spectacular. Following the 1831 slave rebellion in Jamaica at least 312 people were hanged, an unknown number shot without trial and the heads of the executed left for months displayed on poles. In the colonial state's response it was clear that 'disciplinary punishment gave way almost completely to the spectacular' (Paton, 2004: 30). Following 'emancipation' penal reform in colonial Jamaica progressed in advance of reform in England for a period (Paton, 2004). Despite this progress a quarter of a century later the 1865 Morant Bay Rebellion provoked an equally brutal and racist response. Hundreds were hung, hundreds were shot and over a thousand homes were fired (Heron, 2003).

In trying to understand the 'new punitiveness' Pratt (2002: 177) has asserted that:

... at some point during the 1980s and the early 1990s, the state ... push(ed) back the existing boundaries of punishment to much more unfamiliar regions, even to conjure up new possibilities of punishing which previously seemed to have no place in the civilized world.

However, if we go back only a few decades to the 1950s and consider Anderson's (2005) and Maloba's (1993) descriptions of over a thousand judicial executions, the mass internment in concentration camps of over a million people, and the widespread torture and brutality that resulted in the genocide of hundreds of thousands of Africans during the Kenyan 'Emergency', we find the boundaries of punishment in Pratt's 'civilised world' were broad enough to include women being 'beaten, whipped, and sexually violated with bottles, hot eggs, and other foreign objects...' and men being subjected to 'sodomy with foreign objects, animals, and insects' (Elkins, 2005a: 220-1, 208). These were not new techniques; they had been developed in response to resistance to colonial power in Malaya, India, South Africa, and the West Indies and were to be further refined in Cyprus, Aden and the north east of Ireland.

The above examples are inevitably selective and give only the smallest flavour of colonial penalty. Indeed, by exploring colonial policing or other aspects of imperial governmentality abundant further examples of exceptionalism, corporality, classification and exclusion can be identified. The examples I have given, however, highlight the rich sources of material that are regularly excluded from Eurocentric and Anglocentric penal histories and criminology theory.

From colonial punitiveness to the new punitiveness

Colonial histories of punishment therefore demonstrate that the British state's punitive capacity is not new. In this section the links between colonial punitiveness and the new punitiveness are highlighted through exploring their common focus on punishment as exclusion; the use of the

spectacular; the central role of surveillance to both; and the centrality of 'race' in the targeting of criminal justice.

Whereas in the colonial context state punishment was predominately exclusionary, within the metropole throughout most of the twentieth century the dominant penal discourse was reformatory with a focus on social inclusion. Whilst the metropole saw the introduction of the borstal system, open prisons and reformatory philosophies (Fox, 1952; Hood, 1965) - all strategies intended to remake the lawbreaker as a productive and useful member of society - the British State at the colonial periphery was in Kenya responding to the Mau-Mau emergency with over a thousand judicial executions for offences such as 'consorting with terrorists' and 'supply and aiding terrorists' (Maloba, 1993: 93). At the same time a further 70,000 were held in detention and subjected to brutal treatment (Elkins, 2005a). Exclusionary techniques can be seen elsewhere in the Empire with, for example, in India, by independence - as highlighted above - literally millions of people institutional excluded and subject to penal control through the Criminal Tribes Act.

In the 1980s when social policy in the metropole moved away from the inclusionary welfarist focus that had characterised it throughout the twentieth century the centrality of the rhetoric of reformation within state punishment became redundant. This irrelevance of reformation to the emerging neoliberal social policy, combined with Martinson's (1999) review of research on correctional programmes, led to the collapse of the rehabilitative ideal (cf. Bottoms, 1980) and the need for a new rationale for penal policy. The exclusionary policies followed by the British state in the colonial periphery showed that punishment did not need inclusionary and reformatory justifications to be legitimised. From the late 1980s successive Conservative, Labour and Coalition governments have utilised the politics of risk, so central to neo-liberal thinking, to place incapacitation at the centre of their justification of state punishment (Wilson and Ashton, 2001; Bell, 2014). Incapacitation with its exclusionary focus does not require an explanation for prisons reformatory failure and is entirely consistent with an ever-growing prison population. Incapacitation means prisons are increasingly being focused on the removal or disposal of the criminal. The convict in the metropole is now like the convict at the colonial periphery, suitable for disposal rather than recycling.

Earlier in the paper I highlighted examples of the spectacular's central role in colonial punishment. This was very different from the metropole where punishment was taken away from the public gaze with parliament abolishing public whippings in 1862 (Weiner, 1990: 100) and public executions in 1868 (Pratt, 2002: 19). Later the emerging focus on reformation recognised the dangers of labelling, particularly of children, with Section 49 of the Children and Young Persons Act 1933 banned the reporting of anything that could identify any children involved in criminal court cases. Whereas in the colonial context the rights of the individual lawbreaker were overridden by the requirement to use them as a deterrent example. Within the metropole the focus on reformation saw, particularly

in the case of children, a very different balance. However the new punitiveness has seen the reprioritisation of deterrence (alongside incapacitation) in justifying state punishment and the widespread use of 'naming and shaming' by criminal justice agencies. In particular New Labour's anti-social behaviour policies led to the routine publication of the names, addresses and photographs of children subjected to ASBOs creating what Burney (2008: 137) has described as 'an expressive, humiliating character to the punitive experience'.

The emergence of the new punitiveness has seen an increased focus on surveillance. This has included the establishment of an extensive network of state and private CCTV, the establishment of a national DNA database, the routine monitoring of electronic communications, extensive use of civil injunctions such as ASBOs, the introduction of electronic tags and the widespread monitoring of job applicants for prior convictions. These strategies echo the surveillance of the population that was a constant priority for the colonial project. This surveillance focused on identifying risky groups as well as developing strategies for identifying individual 'risky natives'. In India, for example, British colonial strategies included - in addition to the Criminal Tribes legislation - godna, the tattooing of convicts on their foreheads; the invention and widespread use of fingerprinting; and the deployment of elaborate systems of bertillonage (Anderson, 2004).

A characteristic of the new punitiveness has been its increased focus on black and minority ethnic communities. At all stages of the criminal process - from street stop and searches through to imprisonment - BME communities are overrepresented (Burnett, 2009). Contemporary understandings of the concept of 'race' can be traced back to colonial history (Solomos *et al.*, 1982: 11). The construction of 'race' was deployed to justify both the act of colonisation and the inequality and exclusion that it subsequently generated (Kolsky, 2010). Within the British colonial enterprise 'race' was utilised firstly to distinguish the coloniser from the colonized and then 'to establish and naturalize imperial inequality' (Kolsky, 2010: 14). Explanations of crime sought to locate its causes within 'the native body, the native climate, and most commonly constructions of native culture' (Sen, 2000: 48). Once established this understanding of the native character and the link between it and criminality 'remained remarkably impervious to contradictory evidence'. (Brown, 2014: 138). This 'oriental myth-making' legitimised penal tactics which had dramatic consequences for colonised people leading at times to a 'carnival of excess' (Bayly, 1996: 173; Brown, 2014: 65).

The same racist stereotyping that was used to link 'race' to criminality was deployed to construct and enforce inequality throughout colonial society with, for example, Evans (2005: 191) highlighting that in the case of early twentieth century South Africa the array of legal measures deployed to institutionalise racism included:

Political disenfranchisement, 'job color bars' that legally reserved certain jobs for whites only, residential segregation, a pass system

for controlling the mobility and involuntary servitude of blacks, and a bifurcated legal system that subjected blacks to draconian administrative control ...

As Kolsky (2010: 10) has pointed out, 'race' was an 'enduring presence ... in the colonial administration of justice.' Its consistent impact was summed up ironically by the radical Indian nationalist Bal Gangadhar Tilak who observed in 1907 that the 'goddess of British Justice, though blind, is able to distinguish unmistakably black from white' (cited in Kolsky, 2010: 4).

Post-war migration has seen a movement of postcolonial subjects to the metropole where they have experienced racism across all aspects of their life including their interactions with the criminal justice system (Fryer: 1984: 372-399; Whitfield, 2013). Despite the 'very limited extent' of black involvement in crime by 1970, Lambert (1970: 184) had identified that 'the idea of the immigrant as worthless or dangerous' was already established in police attitudes. These attitudes were shared at the top with Sir Kenneth Newman, the Commissioner of the Metropolitan Police between 1982 and 1987 describing Jamaicans as 'a people who are constitutionally disorderly ... It's simply in their make up' (cited in Gilroy 2002: 84). The consequences of these attitudes was that migrant communities experienced widespread injustice from the criminal justice system (for examples from this period see the case studies in Humphry 1972). The Macpherson report into the police investigation of the death of Stephen Lawrence in 1993 provided official recognition, at least in part, to this injustice when it identified the Metropolitan Police Service as being institutionally racist (Souhami, 2013). Subsequent to Macpherson both the 'war on terror' and the increased intolerance shown to migrants from outside the European Union have increased the importance of 'race' within the economy of the new punitiveness. The 'war on terror' has represented the Muslim population in the UK as a suspect community making 'the radicalized 'Muslim Other' ... the pre-eminent 'folk devil' of our time' (Morgan and Poynting, 2012: 1). At the same time refugees and other migrants have been subjected to much more punitive treatment. Intensified day to day restrictions, denial of access to services and dispersal away from family and friends have been accompanied by a dramatic rise in the number held in detention and enforced deportation (Hall, 2012; Bhatia 2014; Bosworth 2014; Cockcroft, 2014). The Islamophobia underpinning the treatment of ~~the~~ Muslim communities repeats the stereotyping of colonial attitudes to colonised subjects whilst the marginalising and exclusionary treatment of migrants echoes settler colonialism's treatment of indigenous people's at its imposed frontier.

Liberalism in the metropole and the colony

Liberalism is a concept with many, often contradictory, meanings. As Bellamy (1992: 1) has observed '[f]rom New Right conservatives to

democratic socialists, it seems we are all liberals now.’ In this essay my use of the term refers to mainstream British liberal philosophers such as Hobbes, Locke, Smith, Bentham and JS Mill who played a central ideological role in the governance of Britain and its empire. The ‘narrow, lucid and sharp-edged philosophy’ of this ‘classical bourgeois liberalism’ was essential for achieving the metropole’s transition from a, predominately rural, social economy to a, largely urban, political economy (Hobsbawn, 1962: 235). Liberalism sought to legitimise middle class political and economic advances through either the promotion of utility - the greatest good for the greatest number - or of ‘natural rights’. Its core beliefs were that humans were individuals best able to promote their own self-interest through engaging in free market contractual activities which would inevitably lead to the best overall outcome. The state’s role was not to actively seek to promote welfare but to restrict itself to protecting private property and ensure freedom to engage in commercial activity (*ibid*, 234-241). In practice these ideas could be deployed to promote harsher poor laws; free trade; severe penalties under the bloody code for property offenders; master and servant laws with penal sanctions on employees; the transfer of commonly owned land into private hands through the Enclosure Acts; and the limiting of the suffrage to property owners.

In the same way that liberalism had legitimised the changed social relations that had accompanied the development of capitalism in the metropole it also legitimised the imposition of change within the colonial periphery. Colonised territories’ economies and social structures had to be dismantled and rebuilt to reflect liberal values of the market economy (Loomba 2005: 9). As Hall (1996: 250) has argued, colonisation is central to understanding the development of capitalism, as it:

displaces the ‘story’ of capitalist modernity from its European centering to its dispersed global ‘peripheries’; from peaceful evolution to imposed violence; from the transition from feudalism to capitalism ... to the formation of the world market.

The imposition of liberal political economy meant that traditions of indigenous collective land ownership were replaced by individual white settler land title and self-sufficient subsistence farming was replaced by contracts of employment. In Kenya, for example, the Land Apportionment Act of 1930 effectively transferred land collectively owned by the indigenous population to white settlers, although it had to be amended sixty times before independence to legitimise further transfers (Elkins, 2005b: 210). Those forced to enter labour contracts found themselves subject to draconian and unjust terms and conditions that, justified by the racist construction of the ‘myth of the lazy native’, were enforced by punitive and corporal punishments (Alatas, 1977; Hay and Craven 2004,). For the colonised the impact was dramatic with Cesaire (2000: 43) describing this disruption of the ‘natural economies’ of colonised territories as being:

about societies drained of their essence, cultures trampled underfoot, institutions undermined, lands confiscated, religions smashed, magnificent artistic creations destroyed, ... food crops destroyed, malnutrition permanently introduced, ... the looting of products, the looting of raw materials.

The utility of liberal philosophy to this colonial project can be illustrated by a brief examination of the ideas of J.S. Mill whose great achievement was to fit the liberal square into both the bourgeois circle and the imperial triangle by legitimising exclusion in both the metropole centre and the colonial periphery. Three aspects of his philosophy highlight this. Firstly Mill deployed the concept of inclusionary discipline. This was developed as a direct answer to the question that if people were to be free how could they be stopped from behaving in a hedonistic and undisciplined manner? Mill's response was to require those who were to be given rights to develop 'character' and 'self-restraint'. To encourage them to impose this on themselves, 'self' discipline was made a requirement of inclusion. This effectively limited the right to liberty and full participation to those who behaved in ways that conformed to the liberal understanding of the individual. Those who rejected the market economy, employment on the terms offered or who lived in homes whose title had not been appropriately purchased found themselves classified as vagrants and squatters and subject to prosecution, eviction, whipping and imprisonment. For Mill (1977a: 219) liberty required protection from 'the tyranny of the majority'. Therefore democratic participation was restricted to those who demonstrated self-sufficiency, thereby excluding those on poor relief and requiring a specified level of education and the payment of tax (Mill, 1977b: 472; Mill, 1997c: 323).

Mill's second innovation was the introduction of the concept of exclusionary exceptions (Brown, 2005). These were particularly important to the pressing need to reconcile the bourgeoisie liberalism of the metropole with the British state's imperial domination of its growing number of colonies (Pitts, 2006). Freedom at home and domination in the empire needed reconciling. Through the deployment of exclusionary exceptions Mill (1977a: 224) was able to respond unequivocally to the proposition that the non-white colonies should govern themselves arguing that:

Despotism is a legitimate mode of government in dealing with Barbarians, providing the end be their improvement, and the means justified by actually effecting that end.

Liberty could be denied to colonial subjects as it was clearly not in their interests, unless they were kith and kin (Griffiths, 2006).

Thirdly, 'race' was central to Mill's liberalism. His theories presumed and depended on a homogeneous 'race'. Multi-cultural democracy was a

complete anathema to him (Griffiths, 2006). If people were to be allowed to govern themselves they must be similar enough to have common interest. Writing in 1861 Mill (1977b: 547) asserted:

Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the workings of representative government, cannot exist.

The development of New Liberalism in the metropole towards the end of the nineteenth century represented a significant retreat from liberalism's early fundamentalism and saw the development of a more collectivist and welfarist political economy (Freedon, 1978). However, despite this progress in the metropole, social reforms were rarely extended to the colonial periphery, at least not beyond white settler populations. In fact profits extracted from the empire contributed to funding welfare reforms in the metropole (Stoler, 2002: 18). The earlier examples of the British state's imperial penal excesses illustrate that there were also dramatic difference in penalty between the colonial periphery and the increased civilization and penal tolerance identified in metrocentric histories of punishment (Radzinowich, 1948; Pratt, 2002). Despite these differences the governance of both the metropolitan centre and colonial periphery both drew on variants of liberal philosophy to determine their very different boundaries of exclusion.

When the crisis of British capitalism of the 1960s and 1970s led to the emergence of a new dominant strand of liberalism - neoliberalism - it was inevitable that changes would occur in penalty (Hall *et al.*, 1978). Neoliberalism's offer of 'a new kind of society, consisting only of profit maximizing individuals' was remarkably similar to that of classical liberalism (Therborn 2011: 103). Indeed, this link was highlighted by Hayek (1960: 1), one of the founding fathers of neo-liberalism, when he observed: 'If old truths are to retain their hold on men's minds, they must be restated in the language and concepts of successive generations.' In particular, neoliberalism draws on the prioritisation of exclusion/penalty over inclusion/welfare which was most obvious in classical liberalism in the colonial context and now deploys them in the metropole. Furthermore the institutionalised and individual racism at the heart of the colonial project, and which was justified by liberalism, remains a powerful presence in contemporary society. Neoliberalism's exclusionary tendencies inevitable exploit 'race' whose very construction was central to colonialism's 'politics of exclusion' and subjects postcolonial migrants in the metropole to them (Stoler, 2002: 17).

Conclusion

By focusing on the British state's exercise of power only in the metropole we risk spectacularly misunderstanding the emergence of the new

punitiveness. Whilst in England the extent and severity of state punishment did decline significantly from the late nineteenth century until the last third of the twentieth century, colonial history shows that throughout this period the British state has repeatedly been prepared to suspend 'rights', impose 'responsibilities', intern populations and use spectacular punishments to terrorise communities. It is this power - which the state regularly unleashed on colonial populations - that we are witnessing today in the metropolitan centre.

Neither the 'new punitiveness' nor its philosophical roots are new. Their origins lie in nineteenth century liberalism and its deployment in the associated colonial project. The philosophy of Mill and other liberal thinkers incorporated key ideas enabling the state to legitimise nineteenth century imperialism and subsequently to validate the various elements of the contemporary 'new punitiveness'. This can be seen by the manner in which criminality and crime control, rights and responsibilities, inclusion and exclusion, have become increasingly conceptualised in official discourses through linkages between migration, 'race', culture, religion and terror. As Sivanandan (2006: 2) has observed, these 'have converged to produce a racism which cannot tell a settler from an immigrant, an immigrant from an asylum seeker, an asylum seeker from a Muslim, a Muslim from a terrorist.'

Whilst the United States of America's major colonial project of the eighteenth and nineteenth century was slavery at home, thereby requiring it to manage its colonial and post-colonial subjects by deploying Mill's exclusionary exceptions within its domestic governance, Britain's colonial subjects were located at the periphery. This allowed the British state to utilise liberalism to simultaneously promote inclusion and welfare at 'home' whilst engaging in exclusion and terror in its colonial domains. Twentieth century globalisation and migration has however seen the relocation of former colonial subjects to the metropolitan centre and made this bifurcation strategy untenable. The exclusionary exceptions of liberalism have consequently been relocated to the metropole where in the guise of the 'New Punitiveness', they are used disproportionately against the direct descendants of the subjugated populations of the colonized periphery where they were tested. This is no coincidence. The exclusionary instinct inherent in Liberalism has come home.

References

Anderson, C. (2007) *The Indian Uprising of 1857-8*, London: Anthem Press.

Anderson, C. (2004) *Legible Bodies: Race, Criminality and Colonialism in South Asia*, New York: Berg.

Anderson, D. (2005) *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire*. London: Weidenfeld and Nicolson.

- Arnold, D. (1994) 'The colonial prison: Power knowledge and penology in nineteenth-century India', in D. Arnold and D. Hardiman (eds.) *Subaltern Studies VIII: Essays in Honour of Ranajit Guha*, New Delhi: Oxford University Press.
- Bayly, C.A. (1996) *Empire and Information: Intelligence Gathering and Social Communications in India, 1780-1870*, New York: Cambridge University Press.
- Bell, E. (2014) 'The confines of neoliberalism', in V. Canning (ed.) *Sites of Confinement: Prisons, Punishment and Detention*, Weston-Super-Mare: EGSDSC.
- Bell, E. (2011) *Criminal Justice and Neoliberalism*, London: Palgrave Macmillan.
- Bellamy, R. (1992) *Liberalism and Modern Society: An Historical Argument*, Cambridge: Polity Press.
- Bhatia, M. (2014) 'Creating and managing 'mad', 'bad' and 'dangerous': The role of the immigration system' in V. Canning (ed.) *Sites of Confinement: Prisons, Punishment and Detention*, Weston-Super-Mare: EGSDSC.
- Bosworth, M. (2014) *Inside Immigration Detention*, Oxford: Oxford University Press.
- Bottoms, A.E. (1995) 'The philosophy and politics of punishment and sentencing', in C. Clarkson and R. Morgan (eds.) *The Politics of Sentencing Reform*, Oxford: Oxford University Press.
- Bottoms, A.E. (1980) 'An introduction to "the coming crisis"', in A.E. Bottoms and R.H. Preston (eds.) *The Coming Penal Crisis: A Criminological and Theological Exploration*, Edinburgh, Scottish Academic Press.
- Brockway, A.F. (1928) *A New Way with Crime*, London: Williams and Norgate.
- Brown, M. (2014) *Penal Power and Colonial Rule*, Abingdon: Routledge.
- Brown, M. (2005) 'Liberal exclusions and the new punitiveness', in J. Pratt, D. Brown, M. Brown, S. Hallsworth and W. Morrison (eds.) *The New Punitiveness: Trends, Theories, Perspectives*, Cullompton: Willan.
- Brown, M. (2002) 'The politics of penal excess and the echo of colonial penalty', *Punishment and Society*, 4(4) 403-423.

- Burnett, J. (2009) 'Racism and the state: Authoritarianism and coercion' in R. Coleman, J. Sim, S. Tombs, and D. Whyte (eds.) *State Power Crime*, London: Sage.
- Burney, E. (2008) 'The ASBO and the shift to punishment', in P. Squires, (ed.) *ASBO Nation: The Criminalisation of Nuisance*, Bristol: The Policy Press.
- Calvert, E.R. and Calvert, T. (1933) *The Lawbreaker: A Critical Study of the Modern Treatment of Crime*, London: Routledge.
- Carrafiello, S.B. (1998) *'The Tombs of the Living' - Prisons and Prison Reform in Liberal Italy*. New York: Peter Lang Publishing.
- Césaire, A. (2000) *Discourse on Colonialism*, (trans. Joan Pinkham), New York: Monthly Review Press.
- Christie, N. (2000) *Crime Control as Industry: Towards Gulags, Western Style*, London: Routledge.
- Cockcroft, E. (2014) 'Detention and asylum: Who safeguards our most vulnerable people?' in Canning, V. (ed.) *Sites of Confinement: Prisons, Punishment and Detention*, Weston-Super-Mare: EGSDSC.
- Elkins, C. (2005a) *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya*. New York: Henry Holt and Co.
- Elkins, C. (2005b) 'Race, citizenship, and governance: Settler tyranny and the end of empire', in C. Elkins and S. Pedersen (eds.) *Settler Colonialism in the Twentieth Century*, New York: Routledge.
- Emsley, C. (2005) 'The changes in policing and penal policy in nineteenth-century Europe', in B. Godfrey and G. Dunstall (eds.), *Crime and Empire 1840-1940: Criminal Justice in local and global context*, Cullompton: Willan.
- Evans, I. (2005) 'Racial violence and the origins of segregation in South Africa', in C. Elkins and S. Pedersen (eds.) *Settler Colonialism in the Twentieth Century*, New York: Routledge.
- Feeley, M.M. and Simon, J. (1992) 'The new penology: Notes on the emerging strategy of corrections and its implications', *Criminology*, 30(4) 449-474.
- Foucault, M. (1991) *Discipline and Punish: The Birth of the Prison*, London: Penguin.

- Fox, L. (1952) *The English Prison and Borstal Systems*, London: Routledge and Kegan Paul.
- Freeland, M. (1978) *The New Liberalism: An Ideology of Social Reform*. Oxford: Clarendon Press.
- Fryer, P. (1984) *Staying Power: The History of Black People in Britain*, London: Pluto Press.
- Garland, D. (1985) *Punishment and Welfare: A History of Penal Strategies*. Aldershot: Gower Publishing.
- Gilroy, P. (2002) *There Ain't No Black in the Union Jack*, Abingdon: Routledge Classic.
- Goldson, B. (2010) 'The sleep of (criminological) reason: Knowledge-policy rupture and New Labour's youth justice legacy', *Criminology and Criminal Justice*, 10(2) 155-178.
- Goldson, B. (2002) 'New punitiveness: The politics of child incarceration' in J. Muncie, G. Hughes and E. McLaughlin (eds.) *Youth Justice: Critical Readings*. London: Sage.
- Griffiths, P.G. (2006) *The Making of White Australia: Ruling Class Agendas, 1786-1888*. Unpublished PhD Thesis, The Australian National University.
- Hall, A (2012) *Border Watch: Cultures of Immigration, Detention and Control*, London: Pluto Books.
- Hall, S. (1996) 'When was 'the post-colonial'? Thinking at the limit' in I. Chambers and L. Curti, (eds.) *The Post-Colonial Question: Common Skies, Divided Horizons*, London: Routledge.
- Hall, S., Critcher, C., Jefferson, T., Clarke, J. and Roberts, B. (1978) *Policing the Crisis: Mugging, The State and Law and Order*, London: Macmillan Press.
- Hayek, F.A. (1960) *The Constitution of Liberty*: Chicago: Chicago University Press.
- Heron, I. (2003) *Britain's Forgotten Wars: Colonial Campaigns of the 19th Century*. Stroud: Sutton Publishing.
- Hibbert, A. (2003) *The Roots of Evil: A Social History of Crime and Punishment*, Stroud: Sutton Publishing.
- Hobsbawm, E. (1962) *The Age of Revolution, 1789-1848*, London: Weidenfeld and Nicolson.

Hood, R. (1965) *Borstal Re-assessed*, London: Heineman.

Humphry, D. (1972) *Police Power and Black People*, London: Panther.

Kolsky, E. (2010) *Colonial Justice in British India: White Violence and the Rule of Law*, Cambridge: Cambridge University Press.

Lambert, J.R. (1970) *Crime, Police and Race Relations: A Study in Birmingham*, London: Oxford University Press.

Loomba, A. (2005) *Colonialism/Postcolonialism*, Abingdon: Routledge.

Maloba, W.O. (1993) *Mau Mau and Kenya: An Analysis of a Peasant Revolt*, Oxford: James Currey.

Martinson, R (1999) What works? – Questions and answers about prison reform, in R. Matthews (ed.) *Imprisonment*, Dartmouth: Ashgate.

Mill, J.S. (1977a) 'On Liberty' (1859), in *Essays on Politics and Society Part I Collected Works Vol XVIII*, Toronto: University of Toronto Press.

Mill, J.S. (1977b) 'Considerations on Representative Government' (1861), in *Essays on Politics and Society Part II Collected Works Vol XIX*, Toronto: University of Toronto Press.

Mill, J.S. (1977c) 'Thoughts On Parliamentary Reform' (1859), in *Essays on Politics and Society Part II Collected Works Vol XIX*, Toronto: University of Toronto Press.

Moore, J. (2011) Alexander Maconochie's 'mark system', *Prison Service Journal*, Vol. 198, 38-46.

Morgan, G. and Poynting, S. (2012) 'Introduction: The transnational folk devil' in G. Morgan and S. Poynting (eds.) *Global Islamophobia: Muslims and the Moral Panic in the West*, Farnham: Ashgate Publishing.

Morris, N and Rothman, D.J. (eds.) (1998) *The Oxford History of the Prison: The Practice of Punishment in Western Society*, New York: Oxford University Press.

Patton, D. (2004) *No Bond but the Law: Punishment, Race and Gender in Jamaican State Formation, 1780-1870*, Durham: Duke University Press.

Pitts, J. (2006) *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, Princetown: Princetown University Press.

Pratt, J. (2002) *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society*, London: Sage.

Radzinowicz, L. (1948) *A History of English Criminal Law, Vol. 1: The Movement for Reform*, London: Stevens & Sons.

Reiner, R. (2007) 'Neoliberalism, crime and justice' in R. Roberts and W. McMahon (eds.) *Social justice and Criminal Justice*, London: Centre for Crime and Justice Studies.

Roberts, R. and McMahon, W. (eds.) (2007) *Social Justice and Criminal Justice*, London: Centre for Crime and Justice Studies.

Rutherford, A. (1986) *Prisons and the Process of Justice*, Oxford: Oxford University Press.

Schwarz, H. (2010) *Constructing the Criminal Tribe in Colonial India: Acting Like a Thief*, Chichester: Wiley-Blackwell.

Sen, S. (2000) *Disciplining Punishment: Colonialism and Convict Society in the Andaman Islands*, New Delhi Oxford: University Press.

Sim, J. (2009) *Punishment and Prisons: Power and the Carceral State*, London: Sage.

Sivanandan, A. (2006) 'Race, terror and civil society', *Race and Class*, 47(3) 1-8.

Solomos, J., Findlay, B., Jones, S. and Gilroy, P. (1982) 'The organic crisis of British capitalism and race: The experience of the seventies', in Centre for Contemporary Cultural Studies (eds.) *The Empire Strikes Back: Race and racism in 70s Britain*, London: Routledge.

Souhami, A. (2013) 'Understanding institutional racism: The Stephen Lawrence inquiry and the police service reaction', in M. Rowe (ed.) *Policing Beyond Macpherson: Issues in Policing, Race and Society*, London: Routledge.

Stoler, A.L. (2002) *Carnal Knowledge and Imperial Power*, Berkeley: University of California Press.

Therborn, G. (2011) *The World: A Beginner's Guide*, Cambridge: Policy Press.

Thomas, J.E. (1972) *The English Prison Officer since 1850: A Study in Conflict*, London: Routledge and Kegan Paul.

Tomlinson, M. and Heatley, P. (1983) 'British prisons in Ireland: Some historical notes', *The Abolitionist*, Vol. 15, 29-33.

Wiener, M. J. (1990) *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914*, Cambridge: Cambridge University Press.

Wilson, D. and Ashton, J. (2001) *What everyone in Britain Should Know about Crime and Punishment*, Oxford: Oxford University Press.

Whitfield, J. (2013) 'The historical context: Policing and black people in post-war Britain', in M. Rowe (ed.) *Policing Beyond Macpherson: Issues in Policing, Race and Society*, London: Routledge.

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The hi-tech detection of Darwin's and Wallace's possible science fraud:

Big data criminology re-writes the history of contested discovery

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Abstract

Priority for discoveries is awarded to those who are first to publish. If a scholar writes claiming to have discovered something or originated a theory that has been earlier published, or presented in public by another who got their first, then the peer review process, professional and public disapproval is relied upon to identify and correct the self-serving irregularity. Thereafter, the pretender to the throne of discovery is expected to retract and apologise. If there is evidence that such a counterfeit originator had prior knowledge of their supposedly independent discovery being first discovered by another, the professional repercussions are likely to be catastrophic. This article is about the devastating Big Data facilitated 2014 discovery that the world's most celebrated and studied natural scientist Charles Darwin, and his lesser known associate Alfred Russel Wallace, more likely than not committed the world's greatest science fraud by apparently plagiarising the entire theory of natural selection from a book written by Patrick Matthew and then claiming to have had no prior-knowledge of it.

Key Words: science fraud; plagiarism; Darwin; Matthew

Introduction

Contested knowledge was a major theme of the 2014 British Society of Criminology Conference where this paper was first presented. Dealing with that topic as regards the discovery of the theory of natural selection, this paper reveals important new circumstantial evidence supporting the contention that it is now, arguably, more likely than not that both Charles Darwin (Darwin and Wallace, 1858; Darwin, 1859) and Alfred Wallace (Wallace, 1855; Darwin and Wallace, 1858) plagiarised the prior-published

discovery by Patrick Matthew (1831) and then seemingly lied when claiming no prior-knowledge of it.

Experts in the field (e.g. Darwin, 1860a; Wallace, 1879; Dempster, 1996; Hamilton, 2001; Wainwright, 2008; Dawkins, 2010) have written very clearly and forcefully that the first scientific discovery of natural selection and detailed description of its evolutionary biological process are all unquestionably Patrick Matthew's (1831) unique discovery and creation. Darwin himself agreed as much in print after April 7th 1860, when the *Gardener's Chronicle* published Matthew's letter (Matthew, 1860a) politely explaining that Darwin had simply replicated his prior-discovery of natural selection. On April 21st the *Chronicle* published Darwin's reply (Darwin, 1860a) accepting Matthew's complete priority of 28 years standing. However, in his detailed reply to Matthew's letter in the *Chronicle*, Darwin (1860a) unflinchingly claimed to have independently discovered natural selection for himself:

I freely acknowledge that Mr. Matthew has anticipated by many years the explanation which I have offered of the origin of species, under the name of natural selection. I think that no one will feel surprised that neither I, nor apparently any other naturalist, had heard of Mr. Matthew's views, considering how briefly they are given, and that they appeared in the appendix to a work on Naval Timber and Arboriculture. I can do no more than offer my apologies to Mr. Matthew for my entire ignorance of his publication. If another edition of my work is called for, I will insert a notice to the foregoing effect. (Darwin, 1860a: 362-363)

Doubly amazing, at the same time, Alfred Russel Wallace, a specimen collector and correspondent of Darwin, who was, incidentally, mentored by Darwin's best friend's father William Hooker, claimed also to have independently discovered the exact same process (Darwin and Wallace, 1858).

Consigning Matthew to a footnote in the history of scientific discovery

Having established in the *Gardener's Chronicle* his claim to priority, what followed, however, set the scene for all subsequent Darwinist victories in this particular field of contested knowledge about the history of the discovery of natural selection.

Matthew's claim to full priority for his prior-published discovery had been earlier rejected in February 1860 by the Dublin University Review. Most surprisingly, however, his same claim was ridiculed in its pages following Darwin's capitulation in the *Gardener's Chronicle* (Darwin, 1860a). This previously unremarked, and so presumably undiscovered, deed of dismissal by the scientific establishment was done by David

Anstead (1860), a lecturer for the East India Company, writing under his known penname DTA. Anstead, who was a fellow graduate of Cambridge, personal correspondent of Darwin, fellow member of the Royal Society, former Vice Secretary of the Geological Society - taking up office on Darwin's great friend Charles Lyell's departure - authored a paper on the subject of palaeontology where he fully supported Darwin's (1859) *Origin* and in a lengthy footnote replied on behalf of the magazine to blatantly refuse to accept that Matthew had written anything at all that was original. In effect, Anstead successfully labelled the lately acknowledged originator of natural selection theory as an unoriginal and pathetically delusional publicity seeking crank!

Anstead's successfully delivered knee-jerk dismissal of Matthew's importance, although never before cited, clearly runs contrary to current, considered, eminent expert Darwinist acknowledgments that Matthew did first and uniquely discover and fully explain the theory of natural selection (e.g. Dawkins, 2010), yet it still has many latter-day influential counterparts in the Darwinist literature (e.g. Shermer, 2002) and in expert Darwinist commentary in the popular press (e.g. Moore, cited in Knapton, 2014).

Why should criminologists be interested in questions surrounding the likelihood of historic science fraud of this or any other kind?

Detailed analysis of the specific question of Darwin's and Wallace's possible plagiarism of Matthew's prior published discovery has attracted the attention of only a small number of published scholars (Wells, 1973; Eiseley, 1979; Clarke, 1984; Dempster, 1996; Wainwright, 2008; 2011). In this article, newly discovered knowledge about who read Matthew's (1831) book is examined in order to shine more light upon this important, yet relatively neglected, question of science fraud within the wider field of contested knowledge.

That scientific organisations, such as major drug companies do commit criminal acts by falsifying results, and are at times falsely accused of doing so (Cohen, 2013), and that individual scientists are regularly detected to have falsified their results and other claimed discoveries (Weiner, 1955; Goldacre, 2008; Reich, 2009), means that science fraud, both old and new, proven and feared, is an important yet strangely neglected area in criminology. One way forward to tackle this problem and seek to ensure the public does not reject essential, and at times life-saving, scientific knowledge is to improve exiting, and find new ways to detect and reduce the occurrence of all kinds of science fraud (Davis and Riske, 2002; Grant, 2007).

The evidenced willingness of researchers from all disciplines to practice such academic investigation, and publish their results about both modern and historic science fraud is important, therefore, in the on-going struggle to convince wider society that sound scholarship, as opposed to

conspiracy theory literature and other kinds of pseudo-scholarship, offers the best route towards the goal of dissemination of definitive veracity in the public domain.

Scientists and other academics who commit science fraud by falsifying or concealing important results, and those who plagiarise, are generally understood by criminologists to be white collar criminals (Payne, 2013). There are several recognised sub-types of science fraud within white collar crime. This article deals with the more subtle kind that involves the deliberate failure to cite work that should be given credit because it significantly influenced the fraudster's own (Martin, 1992).

Off the beaten track of criminology

The nineteenth century inventor of the telephone, Alexander Graham Bell is famous purportedly for coining a turn of phrase that later became the motto of Bell Labs (Reich, 2009: 16): 'Leave the beaten track occasionally and dive into the woods. Every time you do so you will be certain to find something that you have never seen before.' Bell's truism serves as a useful motto to remind criminologists that unpredictable rewards may come from looking outwards to explore new areas.

Citing case study evidence, Payne (2012: 205) informs us: 'Today plagiarism is often uncovered when computer-based text searching tools are used to search for it...' Although this is a strangely unexplored area, which is well off the beaten track of criminology, on it lies a promising new resource and associated tools for criminologists to undertake research of the published literature. Namely, the new technology of Internet facilitated Big Data analysis, defined as such because the data in question comprises 30+ million scanned and then uploaded publications in Google's revolutionary uncategorised and uncatalogued Web based, library project, together with a growing number of completely independently web site archived, collections of letters, diaries, notebooks and other documents and new ways of analysing them all simultaneously in the search engine called Google Chrome.

Notably, Google's Library and other documents uploaded to the internet are unlike any traditional collection, because to search within documents for specific text you do not need to know in advance the name of the author, the name of the publication, nor its date. Internet facilitated word and phrase search techniques alone will find for you, filtered by date of publication if you wish, any scanned document that is publically available on the entire Internet containing precisely specified words, terms and phrases anywhere on its pages. Obviously, in the case of searching for who might have cited Matthew's book, however, knowing Matthew's name and the title of the book in question was essential.

At its simplest, the newly available research method used to inform this paper involved searching Google Books to discover whether anyone - contrary to all existing prior-knowledge beliefs that no one read it (Darwin,

1860a) - had, in fact, cited Matthew's (1831) book in the literature pre 1858, which is the date when Darwin's and Wallace's papers on their purportedly mutually independent discoveries of the theory of natural selection were read before the Linnean Society (Darwin and Wallace, 1858).

Debunking the Darwinist rationale for denying Matthew full priority for his prior-published discovery of natural selection

The current Darwinist rationale for dismissing Matthew's importance (e.g. Wells, 1973; Mayr, 1982; Bowler, 1983; Dawkins, 2010) goes back to the beginning of the twentieth century when, for example, Judd (1909: 342) wrote that Matthew: '...anticipated the views of Darwin on Natural Selection, but without producing any real influence on the course of biological thought...'

This unique in the history of science, and specifically tailored to fit Matthew, priority denial argument is somewhat incongruous. For instance, Mendel undoubtedly made an important contribution in the field of genetics, even though he failed to develop his ideas and received no recognition in his lifetime after personally failing to convince anyone of the importance of his discovery. Similarly, if taking one's own original ideas forward is a necessary condition for priority over those who might replicate them then Fleming should not be considered the discoverer of penicillin, because it was Florey and Chain who discovered Fleming's obscure published comment on his discovery. And it was they, not Fleming, who took that discovery forward (Fletcher, 1984).

Since both Mendel and Fleming are proven to have influenced other important pioneers to make further discoveries, if we are to accept the legitimacy of the Darwinist's uniquely tailored to Matthew denial criteria then the only remaining question is that of Matthew's supposedly zero prior-influence on the work of other celebrated pioneers in the same field who are known to have influenced and facilitated the pre-1858 work of Darwin and Wallace on natural selection. Therefore, the key question we need to ask is: Are Darwinists right now if they continue to claim that Matthew failed to influence their namesake and Wallace? To answer that question we must analyze the extent and significance of the newly discovered facts.

The newly discovered facts

Big Data analysis uncovered a total of 25 individuals who cited Matthew's book pre-1858 (Sutton, 2014). The text of these authors was read to look for any mention of Matthew's prior discovery of natural selection. Next, to assess the likelihood of knowledge contamination from Matthew's work to that of Darwin's and Wallace's, each citing author was further investigated

to discover whether or not they were associated with Darwin and/or his 'inner-circle' of close friends. Web sites, such as the Darwin Correspondence Project, Darwin Online, and the Charles Darwin Library were searched also for any evidence that named authors newly discovered to have cited Matthew also associated with either Darwin or Wallace or their inner circle of scientific associates; and, if so, how.

The most important contribution that this paper makes over prior claims of the likelihood of Darwin's science fraud by plagiarism (Eiseley, 1979; Wainwright, 2008; 2011) is that it reveals the new discovery that instead of the pre-existing 'knowledge belief' that no naturalist read it, seven of the 25 people newly discovered to have cited Matthew's book pre-1858 were actually naturalists! Most importantly of all, three of those seven - Loudon (1832), Chambers (1832) and Selby (1842) - were well known to Darwin and Wallace and their inner circle of scientific associates, who knew them to be working on the problem of species (see Sutton, 2014), and also played major roles at the epicentre of influence and facilitation of the pre-1858 published ideas of Darwin and Wallace. Most tellingly, this newly discovered information completely disconfirms what Darwin (1860a) famously wrote: 'I think that no one will feel surprised that neither I, nor apparently any other naturalist, had heard of Mr Matthew's views...'

It is important to emphasise at this juncture that before Sutton (2014), it is a little known fact that prior knowledge did exist (Dempster, 1996), although it is seldom discussed, that the naturalist and polymath publisher John Loudon both reviewed and cited Matthew's (1831) book pre-1858. It should be stressed, however, that until Sutton (2014), none appear to have spotted that Loudon (1832) actually used the term 'origin of species' in referring to Matthew's original discovery, which later became the essential component of the title of Darwin's (1859) famous book.

One of the subjects discussed in this appendix is the puzzling one, of the origin of species and varieties; and if the author has hereon originated no original views (and of this we are far from certain), he has certainly exhibited his own in an original manner (Loudon, 1832: 702-703).

Furthermore, none appear to have noticed that Loudon then went on to edit and publish Blyth's highly influential papers of 1835 and 1837 on species variety and organic evolution. This second fact is most significant, because Eiseley and Grote (1959) and Eiseley (1979) reveal the great influence these two Blyth papers had on Darwin's pre-1858 ideas about natural selection.

Darwin knew Blyth very well and from the third edition of the *Origin of Species* onwards, he (Darwin, 1861) fully admitted that Blyth was his most helpful and prolific informant on the subject of species as it related to organic evolution.

The 'gentleman geologist' and publisher Robert Chambers (1832), it is newly discovered, cited Matthew's book before anonymously authoring

the best-selling, heretical, 'Vestiges of Creation'. Chambers's (1844) *Vestiges of Creation* is the book attributed (Millhauser, 1959) with putting 'evolution in the air' in the mid-nineteenth century. Moreover, both Darwin and Wallace admitted the *Vestiges* was an important influence upon their pre-1860 work in the field of natural selection and in preparing the minds of the general public to accept their ideas on natural selection within the wider field of evolution theory. Many suspected, but only after his death in 1871 did his friends and family admit that Chambers had authored the heretical *Vestiges*.

The naturalist, artist, and landowner Selby (1842), it is also newly discovered, cited Matthew's book many times and then went on to edit and publish the journal containing Wallace's (1855) Sarawak paper, which laid down what needed to be done to confirm the hypothesis of natural selection. Darwin read that paper and corresponded with Wallace about it. Darwin and Wallace (1858) and Darwin (1859) then produced a multitude of confirmatory evidence for Matthew's hypothesis.

Selby had considerable professional involvement with Darwin's best friends and mentors (see Sutton, 2014): Lyell; Joseph Hooker; William Hooker; Huxley and Strickland. Given that Darwin's father was a guest at Selby's house, and the fact that Selby and Darwin enjoyed mutual membership of several scientific committees, it seems highly unlikely they never met or corresponded. Yet amongst what survives of Darwin's correspondence, much of which is missing, and in his torn-apart and much erased notes and in his journals, there is no record of them ever meeting or corresponding. This is rather curious, because Darwin was famously most curious about breeds of domestic pigeon (Darwin, 1859; Desmond and Moore, 1991) and wild doves; and Selby was a leading authority on that very topic. Similarly, all correspondence that Wallace had with Selby's scholarly journal - *The Annals and Magazine of Natural History* - any notes he may have made or letters he wrote about who edited and handled the publication of his Sarawak paper for that journal - are absent from his archive.

Of course, absence of evidence is not evidence of a conspiracy to hide it. Such thinking is irrational. But neither is it rational to believe that absence of evidence from the Darwin and Wallace archives is reliable evidence that either man did not know something, did not correspond with or did not meet any particular person not mentioned in what remains in those archives. In short, absence of evidence is not evidence of absence in such cases. For example, the Darwin archive, in particular, is known to be far from complete and contains only what Darwin, his family and his friends chose to leave for the public to see. Any Darwinist proposing that Darwin was unaware of Matthew's prior published theory, because he never wrote about it in his private notebooks or correspondence, would be relying on an irrational premise.

Understanding the significance of the newly discovered data about who did read Matthew's book before 1858

The research that led to the important discovery that others well known to Darwin and Wallace read Matthew's prior-discovery of natural selection before 1858 began with a minor discovery on March 5th 2013, when analysis of the scanned documents in Google's Library Project uniquely revealed that, contrary to prior knowledge beliefs, Darwin never coined the term 'natural selection' although many scholarly books claim he did (e.g. Thagard, 1992; Otto, 2011; Lau, 2012). The precise term, albeit with different meaning, was used by William Preston (1803) six years before Darwin was born. The next person discoverable to have used the same term was Francis Corbaux (1829)¹, Darwin's fellow member of the Royal Society, who used it in a vaguely bio-social context in an essay on actuarial science. At least two others were discovered to have used the exact term 'natural selection' before Darwin (1858), but neither employed it in a biological sense (Sutton, 2014).

Patrick Matthew (1831) was apparently next to use the term, after Corbaux, albeit in an extended form, when he wrote of 'the natural process of selection' to name his hypothesis for the exact same mechanism for organic evolution that Darwin and Wallace replicated in 1858. Most tellingly, research in Google's Library Project of 30+ million publications reveals that 'natural process of selection' is a term apparently coined by Matthew (1831) that was uniquely four word shuffled into the only grammatically correct alternative 'process of natural selection' by Darwin (1860a).

The notion that Darwin could have, independently of Matthew's prior published discovery, replicated both his exact same complex hypothesis, highly idiosyncratic examples to explain it (see Sutton, 2014), and then adopted the same four words to name it, surely beggars rational belief.

Darwin's apparent lies about Matthew's prior discovery

In the *Gardener's Chronicle*, Matthew (1860b) replied to Darwin's (1860a) capitulation letter. He did so on the 12 May:

The Origin of Species, - I notice your Number of April 21 Mr. Darwin's letter honourably acknowledging my prior claim relative to the origin of species. I have not the least doubt that, in publishing his late work, he believed he was the first discoverer of this law of nature. He is however wrong in thinking that no naturalist was aware of the prior discovery...

¹ Although detected independently, Professor Milton Wainwright discovered Corbaux's use of the term first and published his finding on the website <http://wainwrightscience.blogspot.co.uk/>

Mathew went on to explain in his same letter of reply that the famous naturalist, publisher and garden designer John Loudon had reviewed his book in the press. That Matthew (1860b) informed Darwin that Loudon had read his book, commented upon it and reviewed it, means that Darwin seemingly lied when he wrote in the third edition of the *Origin of Species* (Darwin, 1861), and in every edition thereafter, that Matthew's ideas had passed unnoticed until he brought them to Darwin's personal attention in 1860. (Darwin 1861: xv-xvi):

Unfortunately the view was given by Mr Matthew very briefly in scattered pages in an Appendix to a work on a different subject, so that it remained unnoticed until Mr Matthew himself drew attention to it in the *Gardener's Chronicle*...

Moreover, on the subject of that same apparent lie published in the *Origin of Species* (Darwin, 1861) that Matthew's book had gone unnoticed, Darwin knew that Loudon was not the only scholar who had read Matthew's heretical ideas, because Matthew (1860b) had, in the *Gardener's Chronicle*, informed him of others besides:

I had occasion some 15 years ago to be conversing with a naturalist, a professor of a celebrated university, and he told me he had been reading my work "Naval Timber," but that he could not bring such views before his class or uphold them publicly from fear of the cutty-stool, a sort of pillory punishment...

In that same letter, Matthew then went on to explain that the age was not ready for his heretical bombshell discovery:

It was not least in part this spirit of resistance to scientific doctrine that caused my work to be voted unfit for the fair city [Perth in Scotland] itself.

What makes Darwin's (1861) falsehood all the more audacious is the fact that he knew also that Matthew's ideas were not merely contained in an appendix, nor briefly scattered. Because Matthew (1860) published large passages of text, cited as coming from his book - a great deal of which came from the main body of the book - in his letter in the *Gardener's Chronicle*. And Darwin knew that because he purchased a copy of Matthew's book, read it before replying to Matthew's letter, and wrote as much about those same passages, although somewhat cryptically, to Joseph Hooker (Darwin 1860b):

The case in *G. Chronicle* seems a little stronger than in Mr. Matthews [sic] book, for the passages are therein scattered in 3 places. But it would be mere hair-splitting to notice that.

It seems that perhaps Darwin thought telling the truth about what he knew about who read Matthew's book, what was in it, and how it was organised, would be mere 'hair splitting' where it came to the question of how to best defeat Matthew's due priority (Merton, 1957) for having written it and published it first.

Darwin's biographer, Clarke, was convinced that Darwin must have read Matthew's (1831) book:

Only the transparent honesty of Darwin's character, which shines out so brightly from the archives, makes it possible to believe that by the 1850s he had no recollection of Matthew's work. (Clarke 1984: 130-131).

But Clarke was clearly wrong about Darwin being an honest character.

Is it more likely than not that Darwin and Wallace each deliberately plagiarised Matthew's discovery?

Surely only two possibilities can account for Darwin using the same four words to name his supposedly independent discovery that Mathew had chosen years earlier: (1) Darwin had read and then fraudulently four-word-shuffled Matthew's term, or else (2) a miraculous quadruple concurrence occurred, whereby he:

1. Independently discovered Matthew's exclusive discovery of the complex theory of the 'natural process of selection' after it appeared in print.
2. Independently chose the exact same four words that Matthew used to name the same process.
3. Independently alighted upon the exact same concepts and examples to explain it.
4. He did all three of the above because those he knew well as correspondents, scientific organisation and mutual committee members, who had read Matthew's ideas, namely Chambers and Selby, who influenced his thinking on the same topic, and who knew he was working on the problem of species, failed to tell him about the one book in the world he really needed to read.

19th Century platform blocking in the realm of contested knowledge

Moving on, 36 years after Matthew's acknowledged discovery of the natural process of selection, the British Association, which was then meeting in Dundee on September 4th 1867 for its annual conference, was responsible for one of the most shameful examples of scholarly platform blocking in the history of modern science.

Matthew at the age of 77 years wanted to give a paper at the conference on his discovery of natural selection. We learn by way of his letter of complaint published in the Dundee Advertiser (Matthew, 1867) that he was thwarted.

Matthew wrote of his outrage that his paper, which had been placed last on the programme, was seemingly blocked on the spurious grounds that there was insufficient time for him to read it. Although the British Association never did publish his paper it should perhaps not pass unremarked that papers from the conference, which did end up in print, were published by John Murray of London (British Association, 1868) the very same publishing house of Darwin's *Origin of Species* no less!

Conclusions

For the purposes of going further than merely proving priority, in order to argue a case for science fraud, within the word limits of this article, it has been sufficient here to establish that Matthew more likely than not did influence both Darwin and Wallace via the natural scientists Loudon, Chamber's and Selby. The criminological premise here being that because those influencers were so closely connected to Darwin and Wallace's circle of scientific associates it would be beyond the bounds of rational belief to accept none had noticed in Matthew's book the significance of what Matthew had written that Darwin and Wallace should otherwise see, or that there had been a 'keep it from Darwin and Wallace' conspiracy not to inform them of the one book they most needed to read above all others.

Darwin and Wallace most likely committed science fraud when they claimed no-prior knowledge of Matthew's discovery and ideas. This conclusion is reached by weighing the facts presented in this paper along with others published elsewhere (Sutton, 2014) of six apparent lies that Darwin told to achieve primacy over Matthew and of both Darwin's and Wallace's replication of unique terms, concepts and explanatory examples.

Arguably, the empire of evolutionary biology's colonization of knowledge in the area of the history of the discovery of natural selection is not fit for scholarly purpose when it comes to the story of Matthew, Darwin and Wallace. Abiding by the science principle of *nullius in verba*, the Darwinist claim that Matthew's book went unread by anyone of any importance, and was unread by naturalists known to Darwin and Wallace, is now completely disproved by the Information Age technological progress of Big Data analysis, which provides us with new, independently verifiable facts about who did read Matthew's book.

A most telling question is now raised by the newly discovered data about who did read Matthew's prior-published discovery of natural selection, who also knew Darwin and Wallace. Namely, are we to now accept that it is no more than an incredible tri-coincidence, improbable beyond rational belief, that three out of only seven naturalists now known to have cited Matthew's book played such major roles at the epicentre of

influence and facilitation of Wallace's and Darwin's pre-1858 work on natural selection?

If there are no such things as miracles, and if it was not merely an exceptional concurrency, then the newly discovered facts about who did read Matthew's book debunk Darwinist mythical explanations for why Darwin's and Wallace's otherwise immaculate and mutually independent conceptions of the prior-published theory of natural selection were neither miraculous nor merely an exceptional coincidence.

The criminological discovery of Darwin's most probable science fraud is, arguably, quite an important finding of disconfirming evidence for the established history of scientific discovery, because the theory of natural selection that is attributed to him is widely recognised as one of the most important scientific discoveries of all time.

In terms of what happens next, we should note that in areas of contested knowledge powerful interests rarely decolonise existing knowledge-niches, at least not without a fight (Connell, 2014). Therefore, within the natural sciences dominated scientific and associated publishing 'Darwin industries' it is unlikely that the lone voice of a criminologist, seriously contesting such an important chapter in the history of natural science, will be given readily a publication platform by those purporting, and considered, to be experts in the area, who are named after the very scientist whose reputation is being challenged with new data. The way forward, for presenting such contested knowledge, initially at least, is likely to be in less partial scholarly journals of social science such as this one. After all, it is perhaps too much to expect that those self-identifying as Darwinists can objectively weigh the new evidence for their own journals and books that they are named after the wrong scientists only because their namesake more likely than not committed the world's greatest science fraud and then apparently lied to conceal it.

References

Anstead, D. (1860) *The Dublin University Magazine*, Vol. 55, January to June, 717-718.

Blyth, E. (1836) 'Observations on the various seasonal and other external changes which regularly take place in birds more particularly in those which occur in Britain; with remarks on their great importance in indicating the true affinities of species; and upon the natural system of arrangement', *The Magazine of Natural History*, 9(64) 393-409.

Blyth, E. (1835) 'An attempt to classify the "varieties" of animals', with observations on the marked seasonal and other changes which naturally take place in various British species, and which do not constitute varieties', *The Magazine of Natural History*, (8)1 40-55.

Bowler, P.J. (1983) *Evolution: The History of an Idea*, Berkeley. The University of California Press.

British Association for the Advancement of Science (1868) *Report of the Thirty-Seventh Meeting of the British Association for the Advancement of Science. Held at Dundee in September 1867*, London. John Murray.

Chambers, R. (1832) in Chambers, W. and Chambers, R. Chambers's Edinburgh Journal. William Orr. Saturday March 24th. p. 63.

Chambers, R. (anonymous) (1844) *Vestiges of the Natural History of Creation*, New York. Wiley and Putnum.

Clarke, R.W. (1984) *The Survival of Charles Darwin: A Biography of a Man and an Idea*, New York. Random House.

Cohen, D. (2013) 'Roche offers researchers access to all Tamiflu trials', *The British Medical Journal*, 04 April. 346 doi: <http://dx.doi.org/10.1136/bmj.f2157>.

Connell, R. (2014) *Decolonising Knowledge: Criminology and the World Context*. Plenary paper presented at the British Society of Criminology Conference. University of Liverpool, July 2014.

Corboux, F. (1829) 'On the Laws of Mortality, and the Intensity of Human Life', *The Philosophical Magazine*, vol. 5. 198-205.

Darwin, C.R. (1861) *On the Origin of Species by Means of Natural Selection. Or the Preservation of Favoured Races in the Struggle for Life*, Third Edition, London. John Murray.

Darwin, C.R. (1860a) 'Natural selection', *Gardeners' Chronicle and Agricultural Gazette*, No. 16 (21 April) 362-363.

Darwin, C.R. (1860b) *Letter to Hooker. 13th April*, Darwin Correspondence Project, Available at: <http://www.darwinproject.ac.uk/entry-2758> [Accessed 16 December 2014]/

Darwin, C.R. (1859) *On the Origin of Species by Means of Natural Selection. Or the Preservation of Favoured Races in the Struggle for Life*, First Edition, London. John Murray.

Darwin, C. R. and Wallace, A. R. (1858) 'On the tendency of species to form varieties; and on the perpetuation of varieties and species by natural means of selection', *Journal of the Proceedings of the Linnaean Society of London*, Zoology 3 (20 August) 45-50.

Davis, M. and Riske, M.L. (2002) 'Scientific misconduct', in D. Levinson (ed.) *Encyclopedia of Crime and Punishment: Vol. 4*, Thousand Oakes. Sage.

Dawkins, R. (2010) 'Darwin's five bridges: The way to natural selection', in B. Bryson (ed.) *Seeing Further: The Story of Science and the Royal Society*, London: Harper Collins.

Dempster, W.J. (1996) *Evolutionary Concepts in the Nineteenth Century*, Edinburgh. The Pentland Press.

Desmond, A. and Moore, J. (1991) *Darwin*, New York. W.W. Norton and Co.

The Dublin University Magazine (1860).Vol. 55. January to June, 717-718.

Eiseley, L.C. and Grote, A (1959) 'Charles Darwin, Edward Blyth, and the theory of natural selection', *Proceedings of the American Philosophical Society*, 103(1) 94-158.

Eiseley, L. (1979) *Darwin and the Mysterious Mr X: New Light on the Evolutionists*, New York. E. P. Dutton.

Fletcher, C. 1984. 'Why one man became the world hero. Review of Macfarlane, G. (1984) *Alexander Fleming: the Man and Myth*', *New Scientist*, March 22. p.30.

Goldacre, B. (2008) *Bad Science*, London. Harper Collins.

Grant, J. (2007) *Corrupted Science: Fraud, Ideology and Politics in Science*, Wisley: Artists and Photographer's Press Ltd.

Hamilton, W.D. (2001) *Narrow Roads of Gene Land, Volume 2: Evolution of Sex*, Oxford. Oxford University Press.

Judd, J.W. (1909) 'Darwin and geology', in A.C. Seward (ed.) *Darwin and Modern Science - Essays in Commemoration of the Centenary of the Birth of Charles Darwin and of the Fiftieth Anniversary of the Publication*, Cambridge: Cambridge University Press.

Lau, G.F. (2012) *Ancient Alterity in the Andes: A Recognition of Others*, Abingdon. Routledge.

Loudon, J.C. (1832) 'Matthew Patrick on Naval Timber and Arboriculture with Critical Notes on Authors who have recently treated the Subject of Planting', *Gardener's Magazine*, Vol. VIII. p.703.

- Martin, B. (1992) 'Scientific fraud and the power structure of science', *Prometheus*, 10(1) 83-98.
- Matthew, P. (1867) 'Letter in the Dundee Advertiser', in W.J. Dempster (1996) *Evolutionary Concepts in the Nineteenth Century*, Edinburgh. The Pentland Press.
- Matthew, P. (1860a) 'Letter to the Gardeners Chronicle. Nature's law of selection', *Gardeners' Chronicle and Agricultural Gazette*, (7 April): 312-13.
- Matthew, P. (1860b) 'Letter to the Gardeners Chronicle. Nature's law of selection', *Gardeners' Chronicle and Agricultural Gazette*, (12 May) p. 433.
- Matthew, P. (1831) *On Naval Timber and Arboriculture; With a critical note on authors who have recently treated the subject of planting*, Edinburgh. Adam Black/ London: Longmans and co.
- Mayr, E (1982) *The Growth of Biological Thought: Diversity, Evolution, and Inheritance*, Cambridge, MA: Harvard University Press.
- Merton, R.K. (1957) 'Priorities in scientific discovery: A chapter in the sociology of science', *American Sociological Review*, 22(6) 635-659.
- Millhauser, M. (1959) *Just Before Darwin: Robert Chambers and the Vestiges*, Middletown, CT: Wesleyan University Press.
- Knapton, S. (2014) Did Charles Darwin 'borrow' the theory of natural selection? *The Telegraph*, 28 May, Available at: www.telegraph.co.uk/science/science-news/10859281/Did-Charles-Darwin-borrow-the-theory-of-natural-selection.html#disqus_thread [Accessed 17 December 2014].
- Otto, S.L. (2011) *Fool Me Twice: Fighting the Assault on Science in America*, New York: Rodale.
- Payne, B.K. (2013) *White-Collar Crime*, Thousand Oaks, CA: Sage.
- Payne, B.K. (2012) *White-Collar Crime: A Text/Reader*, Thousand Oaks, CA: Sage.
- Preston, W. (1803) *The Argonautics of Apollonius Rhodius*, Vol. III, Dublin: Graisberry and Campbell.
- Reich, E.S. (2009) *Plastic Fantastic: How the Biggest Fraud in Physics Shook the Scientific World*, New York: Palgrave Macmillan.

Selby, P.J. (1842) *A History of British Forest-Trees: Indigenous and Introduced*, London: Van Voorst.

Shermer, M. (2002) *In Darwin's Shadow: The Life and Science of Alfred Russel Wallace: A Biographical Study on the Psychology of History*, Oxford: Oxford University Press.

Sutton, M. (2014) *Nullius in Verba: Darwin's Greatest Secret*, Cary, NC. Thinker Media Inc.

Thagard, P. (1992) *Conceptual Revolutions*, Princeton, NJ: Princeton University Press.

Wainwright, M. (2008) 'Natural selection: It's not Darwin's (or Wallace's) theory', *Saudi Journal of Biological Sciences*, 15(1) 1-8.

Wainwright, M. (2011) 'Charles Darwin: Mycologist and refuter of his own myth', *Fungi*, 4(1) 13-20.

Wallace, A. R. (1855) 'On the law which has regulated the introduction of new species', *The Annals and Magazine of Natural History*, Series 2. 16. 184-196.

Wallace, A.R. (1879) 9 May. *Letter to Samuel Butler*. Unique WCP identifier: WCP1586. Wallace Letters Online. Natural History Museum. Available at: www.nhm.ac.uk/research-curation/scientific-resources/collections/library-collections/wallace-letters-online/1586/1365/T/details.html#2 [Accessed 16 December 2014].

Weiner, J.S. (1955) *The Piltdown Forgery*, Oxford. Oxford University Press.

Wells, K.D. (1973) 'The historical context of natural selection: The Case of Patrick Matthew', *Journal of the History of Biology*, 6(2) 225-258.

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Exploring Community Perceptions of Crime and Crime Prevention through Environmental Design (CPTED) in Botswana

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Abstract

Crime Prevention through Environmental Design (CPTED) is a place-based crime strategy located firmly within the perspectives of post-industrial Western societies. It has been implemented in many developed countries in the United Kingdom (UK), North America, Europe, Australia, New Zealand and in parts of Asia and the Middle East. However, CPTED has found limited formalised use in the developing world. This paper investigates the application of CPTED to a non-Western setting in the developing world. It explores to what extent local perceptions of community safety align with the Western principles of CPTED in a case study of Gaborone, Botswana. The findings suggest the Western CPTED Audit and the non-Western Setswana respondents in the Community Safety Survey both indicated there were low levels of CPTED features in the environment. However, the local respondents reported high levels of personal safety. The features of CPTED appear to be identified in similar ways but may not be linked to feelings of personal safety in a non-Western context in the same way. CPTED concepts appear to be intact - but their transferability as a crime prevention strategy remains in question.

Key Words: perceptions; Crime Prevention through Environmental Design (CPTED); hegemony; the metropole; Botswana.

Introduction

Crime Prevention through Environmental Design (CPTED) is an increasingly popular approach to reducing crime in Western, post-industrial societies. This place-based crime prevention strategy is located

firmly within the hegemony of the metropole – it is a dominant perspective, which emanates from Western cities. Its origins lay in North America and the UK and it has been implemented in many developed countries in Europe, Australia, New Zealand, South Africa and in parts of Asia and the Middle East (Cozens, 2014). However, CPTED has found limited formalised use in the developing world or in non-Western contexts (Ekblom *et al.*, 2013).

In 2010, the United Nations estimated that approximately 3.4 billion people lived in urban areas (United Nations, 2010). This represents around half of the world's population and urban populations are projected to rise to 60% by 2030 (van Ginkel and Marcotullio, 2007). The United Nations Population Fund (UNPF) estimated that 93% of this growth would occur in developing countries with 80% in Asia and Africa (UNPF, 2007). The problems associated with rapid global urbanization (including crime) are therefore increasingly more significant at the 'periphery' of the developing World. Research repeatedly indicates that safety and security are primary concerns for citizens in both developed and developing countries (Vandershueren, 1998).

The United Nations (UN) established the World Urban Forum in 2002 to examine the impacts of this rapid urbanization. The potential for increased levels of crime has been identified as an important issue along with the need for improved crime prevention, including more effective use and application of CPTED strategies. The UN promotes the use of CPTED via the United Nations Human Settlements Programme (2007) and the International Centre for the Prevention of Crime (ICPC, 2008). CPTED seeks to 'design out' opportunities for crime before urban spaces are constructed and to modify existing environments in order to reduce crime. However, it has been argued that many applications of CPTED fail to use CPTED as a process and instead, apply it as an outcome - irrespective of local context (Cozens, 2011; 2014). This situation has increased importance in relation to non-Western contexts. Ekblom *et al.* (2013: 94) observed, "understanding the role of context is challenging within familiar Western settings. Understanding CPTED in more radically different setting might seem harder still."

For Connell (2006: 262), "one of the problems about northern theory is its characteristic idea that theory must be monological" - where one theory allegedly has transferable application to every context. Further, in relation to First Nation peoples, Tauri (2012) has asked why so much Western criminological research is carried out on their behalf without engaging with their communities. In her keynote speech at the British Society of Criminology Conference, Connell (2014) highlighted the need to understand indigenous knowledge as a way to reconstruct a more democratic social science.

This paper moves beyond the metropole to the periphery, and explores the application of CPTED to a non-Western setting in the developing world. It investigates to what extent the local indigenous Setswana community perceptions of crime align with the Western

principles of CPTED, in a case study in the capital of Botswana, Gaborone (southern Africa). The research seeks to develop some 'peripheral vision' and 'openly explore and reflect' on geographical assumptions and the universality of current understandings and applications of CPTED (Aas, 2012).

CPTED and dominant Western hegemonies

On a global level, the criminal justice system (CJS) costs an estimated US\$424 billion per year (Farrell and Clark, 2004) and, is arguably, largely reactive and ineffective. In the USA, for example, 68% of prisoners were arrested for a new crime within three years of release from prison (Durose et al., 2014). Crime prevention strategies that go beyond the deterrence, punishment and rehabilitation promised by the CJS therefore have increasing appeal.

Place-based crime prevention approaches, such as CPTED are more proactive and seek to reduce opportunities for crime before crimes are committed. CPTED asserts "the proper design and effective use of the built environment [can] lead to a reduction in the fear and incidence of crime, and an improvement in the quality of life" (Crowe, 2000: 46). Broadly, there are six interrelated concepts; territoriality, surveillance, image management, access control, target hardening and activity support.

Territoriality seeks to promote notions of proprietary concern and a "sense of ownership" in legitimate users of space, thereby reducing criminal opportunities by discouraging the presence of illegitimate users. It includes symbolic barriers (e.g. signage; subtle changes in road texture) and real barriers (e.g. fences or design that clearly defines and delineates between private, semi-private and public spaces).

Promoting surveillance is a long-established crime prevention strategy. Opportunities for residents to observe the street can be facilitated by the design of the street, the location of entrances and the placement of windows. This surveillance is considered as a form of capable guardianship, which can potentially reduce crime since offenders who perceive that they can be observed (even if they are not), are less likely to offend, in the light of the increased potential for intervention, apprehension and prosecution.

Image management seeks to promote a positive image and routine maintenance of the built environment to ensure the continued effective functioning of the physical environment and this also transmits positive signals to all users. Poorly maintained urban space can attract crime and deter use by legitimate users. For example, vacant premises have been found to represent crime "magnets" providing opportunities for a range of deviant and criminal offences. This also links with the concept of crime attractors (Brantingham and Brantingham, 1998).

Access control uses spatial definition to deny access to potential targets. It uses real or psychological barriers to discourage unwarranted intrusion by offenders. Real barriers include a picket fence, a brick wall or a

hedge, for example. Psychological barriers can be created by surface treatments, a flower garden or a change in ground level. Inside a building, psychological barriers can be created by something as simple as a change in floor colour. Access to neighbourhoods can be controlled by traffic re-routing or by using barriers to convert a gridded street into a cul-de-sac, for example.

Target hardening is a long-established and traditional crime prevention technique and seeks to improve building security. It focuses on denying or limiting access to a crime target through the use of physical barriers such as fences, gates, security doors and locks. Target hardening is often considered to be access control at a micro scale (e.g. individual buildings).

Activity support uses design and signage to encourage acceptable behaviour in the usage of public space and places 'unsafe' activities (such as those involving money transactions) in 'safe' locations (those with high levels of activity and with surveillance opportunities). Similarly, 'safe' activities serve as attractors for legitimate users who may then act to discourage offending. It promotes the creation of on-site facilities such as day-care centres and organised playgrounds. Care should be taken to avoid conflicting activities overlapping.

CPTED is a process, and in theory, it can be configured to suit a range of local conditions (Crowe, 2000; Cozens, 2011). However, it has been argued that CPTED concepts are too vague (Ekblom, 2009; 2011; Johnson et al., 2014) and it is often applied as an outcome, rather than a process based on crime risks in the local context (Cozens, 2014).

Although a detailed discussion is outside the scope of this paper, there are a range of criticisms, limitations and contradictions about CPTED (for a review see Cozens et al., 2001; 2005; Armitage, 2014).

Armitage (2014) maintains there is a lack of flexibility in the principles, guidance and application of CPTED. Standards are often rigidly applied rather than adapted to a specific context. This may be linked to the culture of agencies involved, such as police and security consultants, who do not traditionally challenge instructions. CPTED is also delivered in a non-standardised manner across and within most countries. This relates to both who is responsible and how CPTED is applied. This lack of consistency hinders comparison. There is also confusion in CPTED, relating to the impact of through movement on crime. On one side of the debate are those advocating increased connectivity, not for crime prevention reasons, but to promote pedestrian movements and reduce carbon emissions. Here, the grid network is the preferred option. On the other side, the criminological evidence supports the use of the cul-de-sac layout while many other negative non-crime-related issues are also linked to this layout. The polarised nature of this debate has oversimplified issues and resulted in unnecessary confusion on a topic for which there is largely unambiguous academic evidence. Armitage (2014) also raises a note of caution about the lack of clarity in the scope of CPTED and its definitions and meanings (Ekblom, 2009; 2011; Johnson *et al.*, 2014). Confusion can result from a

misunderstanding of what all the concepts actually mean, where they all begin and end and how they might sometimes work against each other. For example, a large brick wall at the front of a residential property provides access control – but also limits surveillance opportunities.

CPTED has also arguably failed to align with the objectives of other agendas such as sustainability, walkability and public health (Cozens, 2014; Armitage, 2014). CPTED can make valuable contributions here, but the crime prevention focus needs to be balanced alongside other agendas.

CPTED has also been accused of failing to innovate and adapt to change in terms of modes of delivery and focus. Following economic crisis, few of the forty-three police forces within England and Wales for example, have adapted in the light of cutbacks (Armitage, 2014). Adapting to the changing nature of crime, away from the traditional focus on acquisitive crimes is another CPTED weakness.

A further limitation of CPTED relates to the inconsistent empirical findings about the effectiveness of territoriality (e.g. see Cozens et al., 2001), partly due to the ambiguity and confusion at both the theoretical and conceptual levels. CPTED assumes that guardianship occurs in locations where opportunities for surveillance exist. However, this expression of territoriality is not automatic or universal.

There is a limited understanding of how specific CPTED concepts work in (or not) and in what context they work most effectively. Evaluations commonly focus on measuring CPTED features at a particular environmental setting and measure levels of crime before and after environmental design modifications. Others measure CPTED features at sites exhibiting crime (e.g. burglarized properties) compared with locations without crime (e.g. non-burglarized houses) and some studies investigate CPTED features and fear of crime (see Cozens et al., 2001 for a review). While useful, these studies do not provide insights in the precise mechanisms underpinning any reductions in crime.

Significantly, CPTED can be abused - and can result in highly negative outcomes. Firstly, too much CPTED can result in over-fortressification and environments with too much security, which detracts from the livability of a location. Secondly, good CPTED spaces, which are capable of being defended, can become 'undefended', where fear and community withdrawal discourage residents from acting to defend their neighbourhoods. CPTED can also be used for illegal purposes, where gangs/criminals use the concepts to protect their own illegal activities. This is known as 'offensible space' and along with 'undefended space', demonstrates how the social fabric of a place can reduce the functionality and effectiveness of CPTED features.

Importantly, Ekblom et al. (2013: 94) observed how "few studies exist of CPTED in non-Western contexts, and [there is] little international comparative research". Ekblom et al. (2013: 94) make the point "much of the concept's meaning may be conveyed through buried, unexamined cultural assumptions". They explored CPTED in the relatively westernised city of Abu Dhabi (United Arab Emirates) concluding "while transferring

CPTED requires significant cultural, country and climactic adaptations, the main concepts seem to be intact and universal” (Ekblom, et al., 2013: 110). The transferability of CPTED will be tested and revealed initially, by the success or failure of guidance based on these principles over the coming decades. In addition, its transferability will also be tested in the future in terms of whether the principles stand up in very different contexts, for example, in urbanising African cities. Ekblom and colleagues (2013) call for more research in these areas.

As part of the discourse on hegemonic imperialism, critics have disputed the validity of the internationality of planning and design strategies (including CPTED) (e.g. Tauri, 2012). In Botswana, some (e.g. Larsson and Larsson, 1984) have been critical of the appropriateness of ‘other’ planning paradigms being imposed on the African urban form. Urbanisation creates significant social change and Rajagopal (2010) argues; “design for social change is a pudding that takes a long, long, long time to bake. Inexperienced Western bakers trying to cook their first pudding in an Indian or African oven are unlikely to be successful, and will probably leave a bitter aftertaste”.

CPTED has not thus far been formally utilised in Gaborone, Botswana. This research sought to explore its potential relevance and applicability. Reflecting on Rajagopal’s analogy of baking a cake, an objective of the research was to ascertain if the Western CPTED ingredients were understood and were seen to be appropriate or not.

Background: Gaborone, Botswana

Botswana has an archaeological record of indigenous San and Bantu habitation spanning 100,000 years. It is a sparsely populated (c. 2 million), landlocked country of 581,000 square kilometres, in southern Africa. Botswana’s urban settlements represent about 61% of the overall population, which is growing at 2.7% per year (World Bank, 2012). Along with the development of mining towns and regional centres, the urban conglomeration that has received most has been the capital, Gaborone, which has a population of around 200,000 (Johnson, 2006). It was created in the 1960s, and is a relatively stable and prosperous city with a mixture of informal, traditional and modern elements (Kent and Ikopoleng, 2011).

Grant (1995) has noted the Setswana spatial archetype - that agriculture has always been organised according to patterns of ‘urban’ settlement and the significant cultural achievement of the Botswana people is as community makers and town builders. Indeed, the first Europeans to visit Botswana in the early 1800s (including the missionary explorer David Livingstone) “invariably expressed both astonishment and pleasure at finding themselves amongst people who were creators of what they themselves termed ‘towns’” (Grant, 1995: 61).

It is important to acknowledge these ideas of harmony and community as being intrinsic to an understanding of spatial safety and

crime prevention and important in understanding perceptions of community risk and safety. This research investigates how people perceive crime and their local spatial environments and how this may (or may not) be aligned with the principles of CPTED.

Rising crime has been an issue in Botswana (Johnson, 2006) and Table 1 compares rates for different types of crime with those in the USA and in Japan in order to provide some global context to some of the issues. Clearly, acquisitive crimes such as robbery, burglary and vehicle crime are not a major crime problem in Botswana. However, rape, assault and murder are extremely high. This may mean that in terms of CPTED, it might affect how important and relevant residents and policy makers see this type of intervention as being, since it directed primarily at acquisitive crime.

Table 1. A Comparison of recorded crime rates

Type of Crime	Crime rate per 100,000 people		
	Botswana (1996)	USA (2001)	Japan (2000)
Murder	12.87	5.61	1.1
Rape	68.46	31.77	1.78
Aggravated assault	369.30	318.55	23.78
Robbery	72.88	148.50	4.08
Burglary	7.65	740.80	233.6
Car theft	111.87	430.64	44.28
Combined rate for all offences	1,338.54	4,160.51	1,709.88

Source: Data derived from Interpol (Jackson, nd; Winslow, 2006)

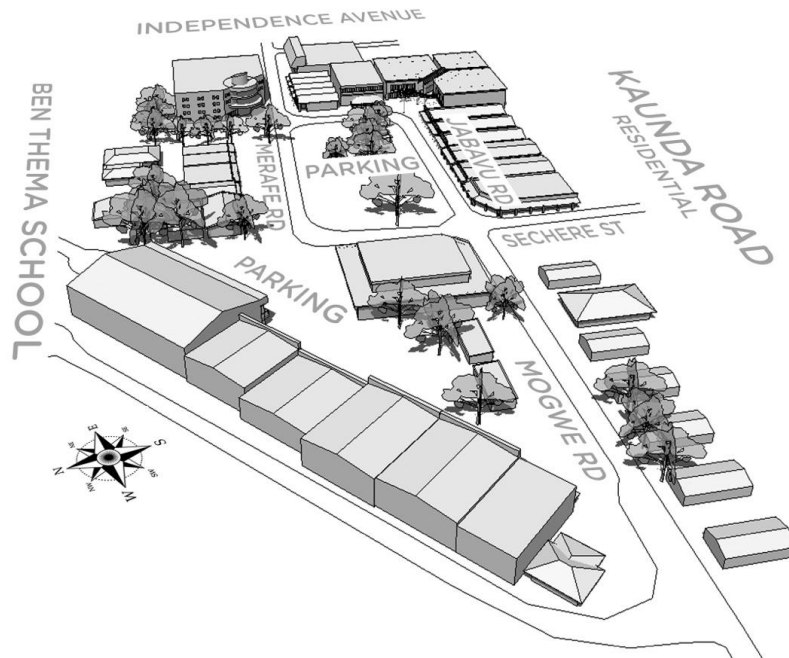
There are obviously significant cultural differences between the three countries and also in how crime data is collected and analysed. However, this simplistic snapshot does reveal differences in terms of the proportion of crimes against the person and crimes against property. Lack of crime data at the scale of this precinct in Gaborone means it is impossible to say if these national trends are reflected locally.

The crime rate in Botswana has been referred to as being 'moderate compared to industrialized countries' (Jackson, nd). More detailed analysis of the spatial distribution of crime in Gaborone is certainly necessary, and would contribute much to our understanding of crime within the city.

The 'African Mall' (see Figure 1) is one of Gaborone's original retail precincts included in the first Development Plan (1963) which segregated housing into high, medium and low-cost precincts (Ministry of Local Government et al., 1991). Based on a grid layout, but less rigid, the African Mall has grown organically over the decades since independence (1966). The African Mall's built form is generally to human scale and is an eclectic mix of ad-hoc vernacular shelters; traditional boer-style thatched stoops; post-independence asbestos sheds and 1970s concrete modernist blocks.

The overall effect is poorly articulated with a visual illegibility that is often confusing and discordant.

Figure 1. The African Mall, Gaborone, Botswana



Research design and methodology

The aim of the study was to investigate if CPTED ideas were perceived in similar ways in a non-western-context. The research design was a case study approach of a location in and around a shopping mall in Gaborone, Botswana (see Figure 1). This was chosen due to its primacy as the capital city and one of the fastest growing urban centres in Botswana. The area of study is centrally located in the older part of Gaborone, is a well-established mixed-use precinct and is a transit node that is well patronized but has obvious amenity issues through poor design and minimal maintenance. The objectives of the research were to:

1. Investigate if non-Western local Setswana people perceive Western ideas about CPTED in similar ways.
2. Explore if CPTED is perceived to affect community safety in a non-Western context.

The research design was composed of two methodologies. Firstly, a CPTED Audit was conducted on the case study area to measure the presence or absence of CPTED features (territoriality, surveillance, image / maintenance, access control, activity support and target hardening). The CPTED Audit was conducted by one of the authors, using observational analysis and photographic documentation undertaken late in 2012. An

overall CPTED Audit Score (expressed as a percentage) for the site was developed from these observations. The CPTED Audit represents the Western perspective of the site.

Secondly, a Community Safety Survey was conducted on the perceptions of personal safety, crime and CPTED of the local users of the area. Fifty random intercept surveys were completed and contained closed, binary, yes/no questions. Ninety-six percent of the respondents were of Setswana origin and these surveys were subsequently translated into English. Two questions focused on whether design promoted visibility and if intervention was perceived to be likely if a crime was observed. The Community Safety Surveys also asked eight questions broadly relating to CPTED. A CPTED Perceptions Index was generated from the composite scores from these responses, again creating a percent CPTED score. This represents the non-Western perspective of the site.

Both the data from the CPTED Audit and the CPTED Perceptions Index from the Community Safety Surveys are expressed as percentages to enable some comparability. This assisted in evaluating if/how the CPTED Audit observations linked in any way with the responses from the Community Safety Survey in terms of CPTED qualities and levels of personal safety.

The authors acknowledge several limitations to this study. Firstly, the findings are based on a survey of fifty respondents. A larger sample size and further work is therefore necessary to confirm or refute the reliability of the findings reported in this paper. Secondly, the site selected for study (the Mall area) may not be the most appropriate setting for analysis - particularly for measuring territoriality. Further studies could instead, investigate residential areas. Finally, the instruments for measuring used in the CPTED Audit and questions in the Community Safety Survey could be strengthened and tested. The CPTED Audit is largely subjective and reliability and repeatability tests could be applied to verify the efficacy of the audit tool. Finally, no local crime data could be gathered to link with the insights from the CPTED Audit and the Community Safety Survey.

Key Findings – The CPTED audit

One of the authors has visited the African Mall many times. The general impression is one of transience, fragmentation, poor maintenance and a disparate amenity that reinforces a lack of care and ownership. In terms of the CPTED Audit, observations on the six concepts are briefly discussed below.

1. Territoriality

The African Mall is a precinct consisting of freehold allotments, pedestrian thoroughfares and public parking spaces. Spatial delineations are not well defined with parking bays cutting across pedestrian thoroughfares; pedestrian walkways encroaching on private allotments; and private property that has amorphous connections to the road reserve. Despite

being embedded into a larger urban fabric and surrounded by residential neighbourhoods, a school and other commercial activity, the African Mall has an inward facing orientation, focusing on a central car park, which is the nucleus of the precinct.

There is poor street alignment with many building setbacks away from the street and the ends of many buildings are blank walls with no activity for passersby. There is no directional, locational and information way-finding system in the African Mall. Signage is limited to locational signs for business and commercial advertising. Many of these signs are handmade or very poorly maintained, which greatly impacts on the general visual amenity. General shop front design is also of a poor standard. There is no street furniture such as seating, water fountains, or ramps for the disabled.

2. Surveillance

Sightlines vary a great deal across the precinct with views along Mogwe Road generally above 50 metres. Other areas such as the pedestrian entrance to the north-east have very poor sightlines due to overgrown vegetation and visual discontinuities with buildings. All external building corners have limited lines of sight and are constructed from non-transparent materials such as brick or concrete, instead of glazing.

There is activity on the streets in the African Mall (commonly from 08.00am – 9.00pm), however this is mostly informal trading such as fruit, newspaper and mobile phone credit vendors, or loitering and delinquent activity. Most eateries (such as Nandos, Chicken Palace, Planet Sports Café, Barcelos, Gold Coin Restaurant) do not have outdoor eating areas, preferring to create eating environments that do not engage with the street. Whilst there are a number of two-storey buildings, they generally have poor surveillance as windows are small, there were no balconies and they were used by hairdressers, tailors, and other merchants, rather than for cafés and eateries, or for residential use.

Video surveillance is being used inside some shops, however there is no evidence of CCTV cameras or security guards in public areas. Public lighting consisted of eight halogen street lamps, which did not sufficiently light car parking and pedestrian areas. At the time of the audit there were two non-functioning lights (they appear not to have been vandalised). Pedestrian routes are also poorly lit with only ambient light from surrounding buildings illuminating the walkways. Shop interiors are mostly well-lit with fluorescent security lighting in public spaces.

3. Image management

Maintenance by Gaborone City Council, building owners and tenants is mostly poor. There was widespread litter, some graffiti, indications of vandalism on empty commercial properties and a general sense of urban decay with dirty buildings, potholed roads, faded and damaged signage and disintegrating paving. At the time of the audit there were a number empty office spaces, however there were no vacant shops. The African Mall has

five outlets serving alcohol and one bar. It is difficult to ascertain whether this acts as a tipping point for the overt drunkenness documented during the audit or whether drinking was happening elsewhere (for example, in 'shebeens' - unlicensed street bars). The conspicuous consumption of alcohol and displays of inebriation detract from the Mall's amenity and deter people from traversing areas where these people are.

4. Access control

The African Mall has very permeable access for pedestrians and limited access for vehicles. There is informal pedestrian access between buildings all around the periphery and from the public transport points along Independence Avenue and Kaunda Way. Vehicle access is also provided from these heavily-trafficked roads providing continual passive surveillance results from this congestion. The African Mall is also punctuated by 'leaking' walkways between many buildings that provide good escape routes as well as entrapment points for offenders to exploit and victims to be caught in. The African Mall adjoins Bontleng and White City, which are known to be crime generators, therefore poor access control allows potential offenders entry and exit points in the Mall.

5. Target hardening

Most ground floor shops in the African Mall have implemented defensive tactics to combat burglary. This includes chained and padlocked security bars and shutters on windows and doors and most shops have onsite security guards.

6. Activity support

The African Mall is a mixed-use retail and commercial precinct with about 60 shops and businesses, 10 restaurants, bars and a bottle shop. There is limited night-time use with activity generally between 8 am to 9 pm. Also, there are no residential properties in the Mall, which means there is no extended surveillance outside of these hours.

Generally, the African Mall has the spatial fundamentals to be a thriving public arena, yet has some core safety issues related to the presence of alleyways and entrapment spots, interrupted sightlines, poor levels of maintenance, drunkenness and delinquency and proximal crime attractors and crime generators. In addition to these general observations, the presence or absence of CPTED features were audited using a binary, yes/no framework. Across the six CPTED concepts, 24 questions were used in the audit to record the presence or absence of these elements in the built form. Although it is difficult to measure territoriality and the motivational aspects of space, legibility, way-finding, signage and the definition of zones are important elements to this concept.

There were five elements audited for 'Territoriality' (see Table 2). For 'Surveillance', the site was audited in terms of six elements, as set out in Table 3. For 'Image management', the site was audited in terms of six elements, as set out in Table 4. For 'Access control' (and target hardening),

the site was audited in terms of five elements, as highlighted in Table 5. Finally, for 'Activity support', the site was audited in terms of three elements, as highlighted in Table 6.

Table 2. Elements of Territoriality Audited

1. Are the pedestrian routes clear and legible?	N
2. Are entry points into the area visible and well-defined?	N
3. Are there signs to locate where you are?	N
4. Are there sufficient way-finding maps / signs to key destinations?	N
5. Are there confusing levels/zones?*	N

Note: * responses reverse coded

Table 3. Elements of surveillance audited

1. Generally, can you see clearly what is ahead of you?	Y
2. Are there areas where you can't be seen or heard?*	Y
3. Are there entrapment spots (e.g. stairwells / recesses)?*	Y
4. Are there places where offenders could easily hide and conceal themselves?*	Y
5. Are the footpaths well-lit?	Y
6. Can you identify a person's face at 15metres?	Y

Note: * responses reverse coded

Table 4. Elements of Image management audited

1. Does the aesthetics of the site attract people?	N
2. Is the site well-maintained and cared for?	N
3. Are there empty buildings or spaces at the site?	N
4. Is there a presence of drunkenness or nuisance?	N
5. Is there evidence of rubbish / graffiti / vandalism?	N
6. Is the surrounding area well-maintained and cared for?	N

Table 5. Elements of access control (and target hardening) audited

1. Are there multiple entrances and exits to and from the site?	Y
2. Are there pathways that lead to unpredictable places?	N
3. Is there a security / police presence at the site?	N
4. Are target hardening measures evident (e.g. locks / security grills)	Y

Table 6. Elements of activity support audited

1. Is the site vibrant and well-used?	N
2. Is there a diverse range of land-uses at the site?	N
3. Are there restaurants / cafes / cinemas / play areas to attract people?	N

Each of the elements for each of the CPTED concepts were scored (yes/no) and recorded, whereby positive responses scored 1 and negative responses

scored 0. As seen in Table 7, the African Mall scored 6 out of a possible 24, representing a CPTED Audit score of 25%.

Table 7. African Mall CPTED audit scores

CPTED Theme	Score
Territoriality	1 (out of 5)
Surveillance	3 (out of 6)
Image/management	0 (out of 6)
Access control (and target hardening)	2 (out of 4)
Activity support	0 (out of 3)
Total CPTED Audit Score	6/24 (25%)

The data in this table reveal that, overall, the African Mall did not score particularly highly in terms of the presence of several CPTED features. According to the CPTED audit, the built form did not promote or use CPTED concepts very extensively. It scored poorest in terms of the CPTED concepts of image/management and activity support and there were not high levels of territoriality observed at this site. Some evidence of access control/target hardening was in evidence and surveillance opportunities were most evident in the area of African Mall.

Key findings – Community safety survey

Part of the community safety survey asked respondents if they felt safe. For the fifty respondents, perceived overall safety was reported at 82% (n=41) and 52% (n=26) after dark. Interestingly, perceived daytime safety was 100% (n=50). This is arguably a critical finding in the light of the low levels of CPTED qualities observed in the Western CPTED Audit.

The respondents were also asked what sorts of crime they felt were taking place in the area. Sixty-six percent of respondents (n=33) felt drunken nuisance was common while 50% (n=25) perceived pick-pocketing to be an issue. Of slightly less concern were theft (36%, n=18), common nuisance (32%, n=16) and burglary (24%, n=12). Finally, a smaller proportion of respondents felt that assault (16%, n=8), vandalism (12%, n=6) and prostitution (6%, n=3) occurred in the area.

Given these concerns, it is perhaps surprising that the respondents reported such high levels of perceived safety. Exploring the respondents' perceptions of CPTED features could provide some insights into this point.

For the fifty community safety surveys, in addition to perceived safety and perceived crime, eight yes/no (binary) questions probed key elements of CPTED. These questions and the responses to them are listed in Table 8. These questions covered a range of CPTED qualities that could be compared to some degree with the findings from the CPTED Audit.

These perceptions have some similarities with the observations in the CPTED Audit. Fifty percent of respondents observed litter/rubbish/graffiti, while 60% witnessed people urinating/rough sleeping. This was mirrored by the observations in the CPTED Audit, where the CPTED concept of 'image/management' scored zero. Sixty-eight percent of respondents surveyed indicated that there were places for offenders to potentially conceal themselves, which also was observed in the CPTED Audit.

In terms of surveillance – both the CPTED audit and the community safety surveys appear to align to some degree. The surveillance element scored highest in the CPTED audit and most respondents in the community safety survey felt that if they were being threatened, people would see/notice them and potentially assist.

A lack of access control to the site and absence of police/security was also observed in the CPTED audit and by respondents in the community safety survey.

Table 8. Community safety survey – Perceptions of CPTED

	% Yes	% No	% Don't know
If you were being threatened, do you think other people would see/notice you?	60	8	32
Do you think people would assist you if they noticed a crime-taking place?	58	16	26
Are properties protected with burglar bars, alarms and security features?	42	24	34
Have you noticed any security cameras in the African Mall?	12	70	18
Is the mall free from places where criminals could hide?	12	68	20
Have you seen any security guards or police in the mall today?	22	78	0
Is the area clean and free from rubbish and graffiti?	46	50	4
Is the area free of nuisance activities (e.g. people urinating, rough sleeping, street kids)?	28	60	12
Total (average % scores)	35	47	18
CPTED Perceptions Index		35%	

Reflecting on the overall CPTED scores, the CPTED audit scored the site at 24%, while the community safety survey recorded a CPTED Perceptions

Index of 35%. Clearly, both data sets reveal that CPTED features were perceived to exist at low levels at the site. Crucially, in the community safety survey, the Setswana reported high levels of perceived personal safety in an environmental setting with low perceived levels of CPTED. This may indicate CPTED concepts remain intact in that they were seen to be low in the CPTED audit and the community safety surveys. However, given the high levels of personal safety, CPTED concepts may not be as transferable in terms of their crime reductive potential.

This difference could reflect the fact that the fifty local respondents were more familiar with the site. To some extent, they might not have noticed, were less fearful and were more accepting of some of the visual cues which the Western CPTED audit highlighted as being problematic.

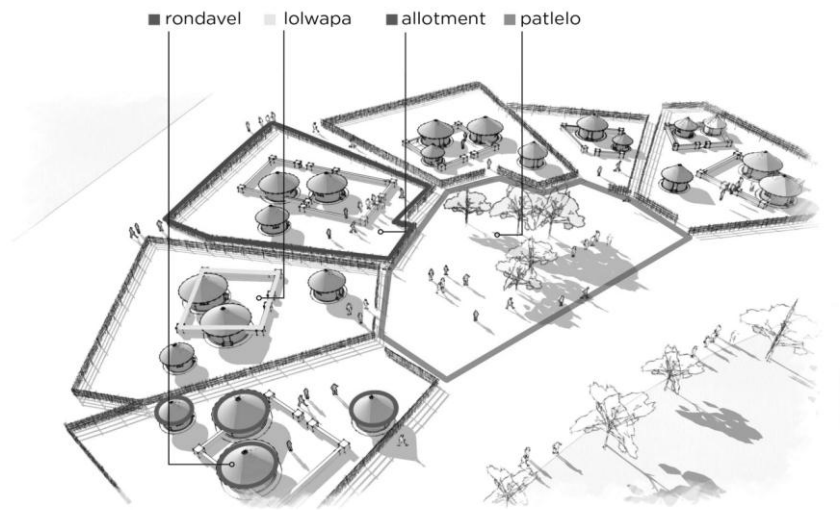
Conclusions

This paper has explored the perceptions of fifty indigenous Setswana citizens of Gaborone of the Western hegemonic concept of CPTED. The findings suggest that traditional CPTED principles are not being implemented within the design and built form of this area. The CPTED audit and the community safety surveys both reported low levels of CPTED features within the environment. Although exploratory, these findings suggest CPTED is identified within the environment in similar ways by a Western CPTED audit and by the non-Western citizens in the community safety survey. What is interesting is that the lack of CPTED did not equate to reduced levels of perceived safety. Given the differences in crime profiles, this may mean the potential transferability of CPTED to the non-Western context of Gaborone, Botswana is highly questionable. Further research is certainly needed to corroborate these findings using more qualitative approaches such as in depth interviews and focus groups.

Traditional Setswana settlement patterns and spatial structures are based on a familiar hierarchy of private/semi-private/semi-public/public spaces (see Figure 2). The Setswana hut (the 'rondavel') is the basic spatial unit which is enclosed by a 'lolwapa', a transitional space defined by a low decorated wall. Beyond this is the 'patlelo', the communal area formed by the horseshoe configuration of allotments around which people live and interact.

Further research could also be directed at investigating these more traditional Setswana settlements. It could explore how hierarchies of space are used and how traditional norms and behaviour are played out. This could potentially be contrasted with Western ideas about CPTED and defensible space.

Figure 2. Traditional Setswana settlement patterns and spatial structures



Exploring Setswana perspectives on what local crime problems are and how they might be tackled is also a potential area for further enquiry. A comparative study of the surrounding ‘crime generators’ of Bontleng, Old Naledi and White City may also shed some light on this complexity. Finally, future work could also utilise local crime data to ascertain if the data correlates in any way with the CPTED audit and/or the community safety survey.

In terms of the future, participatory processes, particularly important in the African context, are essential in the development and application of CPTED. For Connell, (2006: 263) “From the periphery, the metropole often appears as a solid block, edged with privilege”. This research has sought to breach this barrier and explore Setswana ideas about crime, CPTED and urban space in Gaborone, Botswana. Returning to Rajagopal’s pudding analogy (2010), some of the CPTED ingredients appear to be ‘intact’ and recognised. However, they may not be universal and their transferability is highly questionable and in need of further detailed investigation.

References

- Aas, K. (2012) ‘The Earth is one but the World is not: Criminological theory and its geopolitical divisions’, *Theoretical Criminology*, 16(5) 5-20.
- Armitage, R. (2014) ‘Crime Prevention through Environmental Design’, in G. Bruinsma and D. Weisburd (eds.) *Encyclopedia of Criminology and Criminal Justice*, New York: Springer.

Brantingham, P. and Brantingham, P. (1998) 'Environmental criminology: From theory to urban planning practice', *Studies on Crime and Crime Prevention*, 7(1) 31-60.

Connell, R. (2014) Decolonising Knowledge: Criminology and World Context. Keynote presentation to the British Society of Criminology Conference, *Crime, Justice, Welfare; Can the Metropole Listen?* University of Liverpool, July 2014.

Connell, R. (2006) 'Northern theory: The political geography of general social theory', *Theoretical Sociology*, 35(2) 237-264.

Cozens, P.M. (2014) Think Crime! Using Evidence, Theory and Crime Prevention Through Environmental Design for Planning Safer Cities, Quinns Rock, Perth: Praxis Education.

Cozens, P.M. (2011) 'Urban planning and environmental criminology: Towards a new perspective for safer cities', *Planning Practice and Research*, 26(4) 481-508.

Cozens, P.M., Hillier, D. and Prescott, G. (2001) 'Crime and the design of residential property. Exploring the theoretical background', *Property Management*, 19(2) 136-164.

Cozens, P.M., Saville, G. and Hillier, D. (2005) 'Crime Prevention through Environmental Design (CPTED): A review and modern bibliography', *Journal of Property Management*, 23(5) 328-356.

Crowe, T. (2000) *Crime Prevention Through Environmental Design: Applications of Architectural Design and Space Management Concepts*, Second Edition, Oxford: Butterworth-Heinemann.

Durose, M., Cooper, A. and Snyder, H. (2014) *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, Washington DC: Office of Justice Programs. Bureau of Justice Statistics.

Ekblom, P. (2011) 'Deconstructing CPTED and reconstructing it for practice, knowledge management and research', *European Journal on Criminal Policy and Research*, 17(1) 7-28.

Ekblom, P. (2009) Redesigning CPTED. Available at: <http://reconstructcpted.files.wordpress.com/2012/07/redesigning-cpted-latest.docx> [Accessed 16 December 2014].

Ekblom, P., Armitage, R., Monchuk, L. and Castell, B. (2013). Crime Prevention through Environmental Design in the United Arab Emirates: A Suitable Case for Reorientation?' *Built Environment*, 39(1) 92-113.

Farrell, G. and Clark, K. (2004). *What Does the World Spend on Criminal Justice?* Heuni Paper No.20. Helsinki: The European Institute for Crime Prevention and Control affiliated with the United Nations.

Grant, S. (1995) *Conserving the Historic Past: Botswana's Settlements and Buildings*, Botswana Notes and Records 27: 61-69.

ICPC (2008) *International Report - Crime Prevention and Community Safety: Trends and Perspectives*, Montreal: International Centre for the Prevention of Crime (ICPC).

Jackson, L. (nd) *A Comparative Criminology Tour of the World*, Available at: <http://www-rohan.sdsu.edu/faculty/rwinslow/africa/botswana.html> [Accessed 18 June, 2014].

Johnson, D., Gibson, V., and McCabe, M. (2014) 'Designing in crime prevention, designing out ambiguity: Practice issues with the CPTED knowledge framework available to professionals in the field and its potentially ambiguous nature', *Crime Prevention and Community Safety*, 16 (3) 147-168.

Johnson, J. (2006) 'Fear of crime in Botswana: Impact of gender, victimisation and incivility', *International Journal of Comparative and Applied Criminal Justice*, 30(2) 235-253.

Kent, A. and Ikgopoleng, H. (2011) 'City Profile: Gaborone', *Cities*, 28(5) 478-494.

Larsson, A. and Larsson, V. (1984) *A Documentation of Twelve Tswana Dwellings*, Report R1:1984, Sweden: University of Lund, School of Architecture, Department of Building Function Analysis.

Ministry of Local Government and Lands (1991) *Gaborone Development Plan: Report of Survey* (Draft), Gaborone, Botswana: Department of Town and Regional Planning and Gaborone City Council

Rajagopal, A. (2010) *Eat Pudding, Bruce Nussbaum!* Blog available at: <http://littledesignbook.in/2010/07/eat-pudding-bruce-nussbaum/> [Accessed October 10, 2012].

Tauri, J. (2012) 'Indigenous critique of authoritarian criminology', in K. Carrington, M.J. Ball, E. O'Brien and J. Tauri (eds.) *Crime, Justice and Social Democracy: International Perspectives*, London: Palgrave Macmillan.

UNPF. (2007) *United Nations State of the World Population*, New York: United Nations Population Fund, Available at: www.unfpa.org [Accessed 16 December 2014].

United Nations Human Settlements Programme (2007) *Global Report on Human Settlements 2007: Enhancing Urban Safety and Security*, Kenya: UN-Habitat, Available at: www.unhabitat.org [Accessed 16 December 2014].

United Nations (2010) *World Urbanization Prospects: The 2009 Revision*, New York: Department of Economic and Social Affairs, Population Division.

Van Ginkel, H. Marcotullio, P. (2007) 'Asian urbanisation and local and global environmental challenges', in: M. Keiner, M. Koll-Schretsenmayr and W.A. Schmid (eds.) *Managing Urban Futures: Sustainability and Urban Growth in Developing Countries*, Farnham: Ashgate.

Vanderschueren, F. (1998) *Towards safer cities*, UNCHS Habitat Debate, 4(1).

Winslow, (2006) Available at: www.cia.gov/cia/publications/factbook/geos/bc.html#Intro [Accessed 11 August, 2006].

World Bank (2012) *Urban population (% of total) in Botswana*, Available at: <http://data.worldbank.org/country/botswana> (accessed September 16, 2012).

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