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# **A WELSH CRIMINOLOGICAL IMAGINARY: THE STATE OF CRIMINOLOGY IN WALES**

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## **ABSTRACT**

*The following paper intends to lay down the foundations for a Welsh school of criminological thinking. Assessing the nature of criminological research and teaching in Wales within the context of devolution and debates concerning the transfer of further powers to the Welsh Government, the paper intends to examine why criminologists have failed to address the context of criminal justice in Wales. In doing so, the paper will draw critical attention to changes that have taken place within higher education as well as the mutually reinforcing role that particular criminological traditions have played in suppressing debates around the Welsh context. As a response, attention is paid to the importance of developing a Welsh Criminological Imaginary to ensure that future scholars and criminological thinkers in Wales, born into the post-devolution era, are able to develop and articulate responses to crime and justice to help move Wales beyond approaches currently taken in Westminster.*

## INTRODUCTION

In a speech given to the Law Society in 2007 the then Counsel General for Wales Carwyn Jones AM, raised concerns over the sustainability and suitability of a single *legal* jurisdiction for both England and Wales. Also drawing attention to the potential for a devolved system of *criminal justice* Mr Jones' words echoed sentiments which had been clearly outlined within the Welsh Labour and Plaid Cymru coalition Government's *One Wales* strategy. An approach that demonstrated the coalition government's outward commitment to;

...consider the evidence for the devolution of the criminal justice system. This is within the context of devolution of funding and moves towards the establishment of a single administration of justice in Wales. A full debate with the legal community on the creation of a separate criminal justice system for Wales is inevitable if the National Assembly gains greater powers (Welsh Government, 2007, p. 29).

Despite the National Assembly gaining such powers following the outcome of 2011 devolution referendum, debates around a devolved criminal justice system<sup>1</sup> have merely emerged as a consequence or by-product of arguments currently being made around the establishment of a separate legal jurisdiction in Wales. In addressing what academics have described as the emergence of a unique approach to law making in Wales (Navarro, 2012; Rees, 2012), legal scholars have disproportionately carried the baton in terms of researching and successfully framing Wales and the Welsh context as a meaningful unit of study. Even when attention has

been paid to the potential to devolve criminal justice powers to Wales, such calls have emerged from those working in the field of law (e.g. Jones, 2008).

However, despite the commitment shown by legal scholars to at least address the Welsh context in law, in criminological terms the study of Welsh criminal justice remains under-researched and excluded from higher education teaching programmes. Whilst this paper acknowledges that a significant amount of criminology, both research and teaching, is actually being carried out in Wales, it aims to draw critically upon the fact that very little is actually being done *on* Wales. Importantly, the paper's consideration of the Welsh context can be understood in relation to two different components;

- i) The study of Welsh criminal justice issues at the level of those working within or alongside criminal justice services in Wales, and those who find themselves subject to the criminal justice process (e.g. police, courts, prison).
- ii) The study of Welsh criminal justice at the level of governance. Within the era of devolution and increasing concerns with Welsh governance (e.g. policy making, constitutional affairs).

Whilst the later part of the paper intends to lay down the foundations for an approach to the study of crime and justice which is more befitting to post-devolution Wales, the paper firstly aims to discuss the reasons why the Welsh context of criminal justice remains an underdeveloped

narrative. Central to this will be the processes that have managed to reproduce and maintain the hegemony of what will be referred to throughout as an Anglocentric criminology.

## **MARKET LIBERALISM AND THE ANGLOCENTRIC UNIVERSITY**

Propelled by the ‘ascendance’ of a set of neoliberal principles heralded by the Conservative government of Margaret Thatcher (Walters, 2007, p. 17), higher educational institutions from the 1980s onwards have found themselves increasingly exposed to the kinds of processes previously associated with institutions and organisations in operation in the private sector. No longer reliant upon centralised government for the majority of its funding, the state’s desire to roll away from its former responsibilities has ignited a need for universities to begin searching for ways to generate income (Walters, 2007). Overrun by the language of managerialism, phrases such as efficiency, management, effectiveness and even profit have begun to dominate talk within the corridors of even some of the most ‘prestigious’ academic institutions.

In the face of extraordinary changes to the way in which universities in Wales and throughout the UK are being funded, universities themselves have become increasingly susceptible to the processes of an academic capitalism in which every sphere of their activity has become subject to market forces (Rhoades and Slaughter, 2004b). In Wales, notwithstanding the fact that higher education falls under the responsibilities of the Welsh Government, universities appear unable to resist the forces of a neoliberal-led academic capitalism. Examples of such activities can be traced throughout almost every aspect of the university; take for example the student survey<sup>2</sup> or the generic evaluation form that confronts students upon completion of every

module of study. The business-like mantra that the ‘customer is always right’ which has been propelled by a ‘customer revolution’ within higher education is having significant effects upon the conditions in which universities and academics are expected to perform.

Within the higher education sector in Wales, universities are currently experiencing the effects of such transformations first hand. Propelled by cuts to the higher education budget which were announced by the Welsh Government in 2010, universities in Wales have faced a considerable reduction in their overall budget from £420 million in 2010/2011 to £382 million in 2011/2012 (Learned Society of Wales, 2012). For some, including Professor Richard Davies from the Learned Society of Wales, such cuts which amount to an overall five per cent budget reduction, are confining Welsh universities to the ‘slow lane’ of higher education (Learned Society of Wales, 2012). Told to ‘adapt or die’ by Education and Skills Minister Leighton Andrews AM in a Key Note speech to the Institute of Welsh Affairs in 2010, plans are already in place for a rapid overhaul of higher education in Wales. This includes an announcement made by the Higher Education Funding Council for Wales (HEFCW) to cut the number of universities in Wales from eleven to six under plans to merge the University of Wales Institute Cardiff (UWIC), University of Wales, Newport and the University of Glamorgan.

Ultimately, as the values of market liberalism begin to permeate and transform the landscape of higher education in Wales and beyond, such developments are having a significant effect upon the performance of the academy. Exposing universities to unprecedented new pressures, critical attention must be paid to the ways in which, against a backdrop of increasing financial insecurity, the values underpinning academic capitalism have become ‘prioritized over

the core educational activities of the academy' (Rhoades and Slaughter, 2004a, p. 38). As outlined by Walters (2007, p. 18);

Ministers and senior university management, as a necessary transformation within changing economic landscapes, have presented the new business-like culture of universities. As a result, individual disciplines within universities are expected to be profit-making or alternatively face disestablishment. For many scholars, knowledge must coexist with, or be subservient to, market demand.

Significant here are the effects that an income-led approach to higher education has had, and continues to have, upon criminological departments in Wales. In particular, against a backdrop of financial insecurity and increasing cuts to the higher education budget, critical attention must be drawn to the effects that the neoliberal university has had upon efforts to frame Wales as a worthwhile topic of study within criminological research.

### ***Research Assessment***

In face of the increasingly difficult funding situation facing higher education institutions, one of the ways in which UK universities and individual departments seek to increase their income is through external research grants. The amount of which is dependent upon what standard each university department is perceived to be performing at in terms of its research. The way in which this standard has previously been assessed is through the Research Assessment Exercise (RAE). For universities in Wales, the RAE is conducted by the Higher Education Funding Council for

Wales (HEFCW). Under the system of scoring subject departments and the research they produce the rewards of working in a well-performing department can be great;

Blessings flow in terms of respect and esteem... big money flows into our institutions in the wake of high scores, directly in terms of money from the Funding Council and indirectly in the wake of the fact that students increasingly wish to study in departments that have a good reputation for research work (Wyn Jones, 2004, p. 13).

However, whilst academics in universities across the UK vie to compete with each other for the highest score and the rewards that inevitably follow, to fully appreciate the effects that the research assessment is having upon the trajectory of criminological research in Wales it is necessary to consider the assessment criteria that it employs. The last assessment conducted in the UK was in 2008. It scrutinised 67 subject panels or Units of Assessment (UOA) and each department was graded from a score of one to four. Central to the RAE's judgment on 'quality' research lies in its ability to be recognised on an international level. Awarding a lowest possible score<sup>3</sup> of 1 to departments whose research is only 'recognised nationally in terms of originality, significance and structure', the RAE provides the greatest rewards (a score of 4) to departments whose research might be considered 'world-leading' or internationally renowned for its 'originality, significance and rigour' (RAE, 2008, p. 8).

In consequence such an approach punishes those whose research is only deemed relevant at a national level. It is important here to point out that the RAE's employment of the term

‘national’ refers to all constituent parts of the UK. This therefore raises the question; under such a criterion what does the research assessment make of research which has been conducted exclusively on the situation of crime and justice in Wales? (let alone the other constituent parts of the UK?) Encouraging and rewarding criminologists working in Wales for research that attracts international recognition, the research assessment can be held, albeit partly, responsible for the promotion and reproduction of a narrative that encourages criminologists to overlook matters relating to Wales and reinforce the view that matters of crime and justice remain one that extends well beyond the borders of Wales. Reproducing the processes in which universities have become subject to the forces of neo-liberal governance, according to Broadhead and Howard (1998), the research assessment has exposed universities to an extended form of disciplinary power which seeks to regulate academics and researchers in accordance with a set of institutional aims. In the case of criminology in Wales, this disciplinary power manages to naturalise and reproduce an Anglo-centric outlook that currently dominates discussions of crime and justice in Wales.

In its existing form, the research assessment has played a major role in suppressing the issues that affect Wales from criminological research. Whilst the RAE will be replaced in 2014 with a new form of assessment, its predecessor, the Research Excellence Framework,<sup>4</sup> looks set to employ its very own fixation with ‘world leading’ and ‘international’ research (REF, 2011). However, whilst the circumstances that surround external research funding undoubtedly play a significant role in helping to discourage the study of matters relating to Wales, the reluctance shown by universities in Wales may also be understood within the context of another important and equally competitive means of income generation.

## ***Recruitment***

Besides research funding which is made available to universities by funding councils such as the HEFCW, Economic and Social Research Council (ESRC), Home Office, Welsh Government and European Commission - a major source of income for higher educational institutions is through student recruitment. Whilst attention here will not be paid to the controversies surrounding the cost of university tuition or the differences that exist between different parts of the United Kingdom, of utmost concern are the effects that market forces are having upon the ‘criminological curriculum’ in Wales.

[Temporary Note – Table 1.1 – about here]

According to information obtained from Universities and Colleges Admissions Service (UCAS) (see Table 1.1) 84.2 per cent of all UK students who applied to university in 2011 and 83.1 per cent in 2012 are domiciled in England. Put another way, four out of five students applying to university in Wales are from across the border. In contrast, in 2011 students from Wales represented just 4.2 per cent of the overall total, and 4.5 per cent in 2012. It is at this juncture that Welsh universities’ increasing commitment to ‘international’ research agendas can begin to be understood amongst the wider forces governing university departments. In an attempt to ‘sell’ their research departments and criminological programmes to the largest section of the

‘market’, Welsh universities have come to engage in the kinds of processes that seek to prioritise income generation over student education. It is a situation allied to that described by (Rhoades and Slaughter, 2004b, p. 286):

In marketing, the needs and interests of the enterprise take precedence over the needs of the customer. The aim of marketing activities is to persuade the consumer to buy (to increase revenues) rather than to inform the consumer in some neutral sense so that they can make the best choice. In the case of higher education institutions, a marketing campaign may have multiple aims to do with the characteristics an institution wants in its freshman class.

In Wales, the characteristic referred to by Rhoades and Slaughter (2004b) is that the marketing activities of its universities target students from England. In seeking to attract the largest amount of students possible, as demonstrated by data obtained from UCAS, English students represent the largest ‘market share’ in terms of university applicants. For fear of deterring prospective students from England, Welsh universities have entered into an almost irreversible process of Anglicisation. Ensuring minimal reference to the study of Wales or Welsh criminal justice, criminological departments in Wales have come to represent an almost ‘Wales free zone’. Nowhere is this point made clearer than in the teaching programmes made available throughout universities across Wales.

There are eleven universities in Wales. Criminology is a taught discipline at undergraduate level in seven of these institutions whilst criminological programmes are offered

at the postgraduate level within four. With the inclusion of joint honours programmes, there are a total of twenty one criminology-related degree programmes being delivered throughout Welsh universities. To date, not one programme offers a module that specifically aims to consider or discuss the Welsh context of crime, justice or punishment. Whilst this fact is not at all surprising given the significant lack of research that has been conducted into issues surrounding Wales, it does however epitomise the Anglicised trajectory of criminological departments currently operating in Welsh universities.

When it comes to addressing the developments or effects that devolution has had on life in Wales criminological departments have a much to learn from other areas of academia. For example, in Cardiff Law School the undergraduate LLB Law programme offers students the chance to undertake a module on ‘Welsh Devolution’ whilst its postgraduate LLM in Governance and Devolution offers students the chance to undertake modules in ‘Constitutionalism and Governance’ and ‘The Law of Devolution in Wales’. In Bangor University, LLM Law students can study modules in the ‘Law of Devolution in Wales and Europe’, ‘Welsh Public Law’ and ‘Bilingualism in Wales and Other European Counties’. Whilst in Swansea University, students on the undergraduate LLB Law can take a module in the ‘Legal History of Wales’ whilst staff at the university are currently working on a new module in Welsh, *Cymru'r Gyfraith*,<sup>5</sup> which aims to look at the development of Welsh legal identity, including the role of the National Assembly as a legislature. Similarly in Scotland, Sterling University offers a module on ‘Scottish Society’ as part of their undergraduate BA Crime and Society programme which aims to run alongside the other modules it delivers.<sup>6</sup>

Whilst the issues of research funding, student recruitment and teaching mutually reinforce one another in helping to normalise and reproduce a hegemonised view of criminology that fails to see Wales as a valuable unit of study, equally important is the extent to which the discipline of criminology itself has contributed to the suppression of the Welsh context. Central to this point is the supremacy that *realist criminology* has assumed within an era in which universities have been forced to concern themselves with a capacity to generate income.

### ***AR WERTH:*<sup>7</sup> CRIMINOLOGY IN WALES**

Developed in the 1980s as a response to the ‘punitiveness and exclusionary’ policies of the newly elected Margaret Thatcher government, realist criminology also emerged in response to what it described as the ‘utopianism’ and idealism contained within the Marxist criminology of the radical new Left (Young, 2006, p. 234). Dismayed with the way in which the new Left had sought to provide, what is felt was, an overindulgent fixation with the role of the state, realist criminology aimed to provide an alternative approach which strayed beyond the theoretical underpinnings of Marxism towards the generation of a research agenda and development of a statistical analyses on crime, its causes, and its consequences. At the time of its emergence, key realist thinkers including Ian Taylor were increasingly influenced by the Labour Party and their own efforts to oppose the rise of the popular New Right. In particular, Taylor’s (1981) *Law and Order: Arguments for Socialism* was influenced heavily by Tony Benn’s writings upon the values of social democracy (Sim *et al*, 1987). However, whilst new realist thinkers immediately ‘nailed their colours to the mast of the Labour Party’ (Sim *et al*, 1987, p. 51), the values

espoused by new realist criminologists were soon to play a central role in the party's rise to power. On October 4<sup>th</sup> 1994, in his first address to the Labour Party conference as the party's leader, Tony Blair outlined New Labour's vision to tackle crime. Inspired by realist concerns towards aetiology, the plight of victims (Young, 1986), and debates around the 'seriousness' of crime, the Labour Party's outward commitment to be *tough on crime and its causes* owed a lot to the advocacy of realist criminology. However, upon reaching power in 1997, the relationship between New Labour and realist criminology was about to take a marked shift as the criminology of New Labour became the criminology of the state. Whilst realist criminology before 1997 played a significant role in the formation of New Labour's law and order agenda, of utmost concern for the purposes of this paper, are the ways in which realist criminologists, in the age of 'money led research' (Walters, 2007, p. 24), have neatly positioned themselves to service the vehicle of the state's criminology. Crucially however, are the hegemonising effects that a state-led criminology have had upon criminology in Wales.

### ***Realism Pays: Servicing the vehicle of state criminology***

Key to the dominance of Left realist criminology is 'profitability' and the way in which criminological departments have been able to make themselves attractive to government-funded research. Whilst realism's concern with aetiology, victims and the 'seriousness of crime' have played a key role in informing the nature of state responses (Young, 2006), it was realist criminology's increasing concern with the promotion of a research agenda and statistical explorations of crime (and its causes) that was instrumental in the government's outward desire

to approach the problem of crime through an ‘evidence based’ framework. According to the *Modernising of Government* white paper (Cabinet Office, 1999), the creation of policies based on research findings was central to New Labour’s ‘revised’ approach to government;

Policy decisions should be based on sound evidence. The raw ingredient of evidence is information. Good quality policy making depends on high quality information, derived from a variety of sources - expert knowledge; existing domestic and international research; existing statistics; stakeholder consultation; evaluation of previous policies (Cabinet Office, 1999, p.31).

In the wake of an increasing reliance upon the role of ‘experts’ within the ‘what works’ era, realist criminologists have vied to make themselves as attractive as possible to funders following an explosion in state-funded research. One of the ways in which realist thinkers have achieved this is through an unwitting political alliance to the state’s crime control directives (Cohen, 1988). Accepting, utilising and employing the language and terms of reference used by the state to discuss crime and justice, realist thinkers have become complicit with the trajectory of a state criminology plagued with the values of an actuarial and managerial agenda (Feeley and Simon, 1994; Clarke and Newman, 1992). In an effort to remain as attractive as possible to government contracted research, terms such as ‘community safety’, ‘risk’, ‘social control’, ‘security, partnerships’, ‘networks’ and ‘offender management’ have uncritically entered into the hegemonic discourse of criminological research and teaching within higher education institutions.

Understood as both a result of an enhanced level of government commitment to criminological research and the continuing pressures imposed by the neo-liberal university, the ‘commercialisation’ and ‘commodification’ of criminological research has had a significant effect upon the character of critical scholarship (Walters, 2007, p. 25). As criminological perspectives become ‘embedded’ not only with the state’s definition of crime control but also the forces of market liberalism (for fear of a reaction from potential funders), a reluctance to provide any meaningful critique has led to what might be foreseen as the dilution of ‘critical scholarship’ and a significant reduction in the ‘value’ of criminological research (Walters, 2007, p. 25). As such, a paradox emerges in which increasing levels of concern with ‘evidence’ and ‘expertise’ has led to a decline in the real autonomy of academic expertise, this includes attempts in Wales to even envisage, yet alone develop, an approach to the study of crime and justice which considers the Welsh context.

### ***Left Realism in Wales***

Left realism holds a tight grasp over criminology in Wales. Amongst the universities and individual schools that offer criminology programmes, the state’s language on crime control has infiltrated departmental research themes and independent academic-led research projects. In addition, the language central to the state’s crime control apparatus may also be traced within the criminological programmes that are taught in Wales. This includes a module offered in Swansea University on ‘Crime Prevention and Community Safety’; ‘Crime Control and Prevention’ in

Aberystwyth; 'Regulating Society' in Bangor; 'Penology: Punishment, Prisons and Offender Management' in Glamorgan; and a 'Crime Control, Regulation and Policing' module in Cardiff.

By adopting the state's language on crime control issues, realist criminologists (or the individual departments that espouse it) have made themselves particularly appealing to funders. To illustrate, attention should be drawn to Cardiff University's School of Social Science 'Crime, Security and Justice' research theme and more specifically the aims of the theme itself.

Researchers in the Crime, Security and Justice Theme have a significant *international* reputation for the application of innovative and rigorous research designs to substantive '*real world*' problems. Their research has advanced theory and knowledge across key areas of sociological interest, including: policing and social control, the governance of community safety and security; and offending and identities.<sup>8</sup>

Whilst the interest areas central to the theme can be traced back to the actuarial and managerial criminology of the state, important reference is also made to the significance of an *international* reputation and the centres increasing concern with *real world* problems. Interestingly however, since 2001 researchers involved in the theme have been in receipt of over £5 million in research grants from funding agencies which have included the Home Office, the Economic and Social Research Council and the European Commission. Such significant investment is illustrative of the attractiveness that realist criminologies pose to potential funders which include the Westminster government.

Further to the award of research grants universities in Wales have also taken advantage of the ‘generous funding’ (Scruton, 2002, p. 33) made available by the Home Office to undertake evaluation research into state measures of crime prevention. Under both ‘what works’ and ‘evidence based’ agendas, criminologists in Wales have embraced the prospect of developing evaluative research agendas. For example, in Bangor University academics have worked to develop The Centre for Applied Research and Evaluation Sciences (CARES), whilst in Glamorgan University a section on their website titled ‘Research and Consultancy’ boasts a list of evaluation projects that have been undertaken by academics working within the University’s Centre for Criminology. Whilst the existence of such efforts are symptomatic of a criminology embedded with the state (Walters, 2007), this state-funded reliance upon the ‘expert knowledge’s’ of evaluation research has much wider consequences.

Within the context of Wales, this continual state-funded reliance upon the role of ‘expert knowledge’s’ has had a significant effect upon the ability of academics to help frame issues that relate to the Welsh context. Through such a fixation with the role of ‘expert knowledge’s’, according to the work of Zizek (2001, p. 3), the politicality of some of the fundamental questions facing academics in Wales are being ‘violently displaced’ by a form of post-politics which lays emphasis upon;

...the need to leave behind old ideological divisions and to confront new issues, armed with the necessary expert knowledge and free deliberation that takes into account concrete people’s needs and demands (Zizek, 2001, p. 3).

Within the context of criminological research, this manifests itself on two levels. First, this kind of displacement has removed critical attention away from the punitiveness and authoritarianism contained within the state's attempts to respond to the 'problem' of crime and justice (Pratt *et al*, 2005). Second, it has managed to displace meaningful politicisation over the definition and situation of justice in Wales. As such, issues relating to the socio-political context in Wales, including changes to the devolution settlement, are displaced and therefore excluded from debates around criminal justice. This, in coexistence with the forces propelling university researchers to try and maximise the amount of income brought in via external research grants, manages to secure the legitimacy of an Anglocentric imaginary that constructs England and developments in Westminster as its template and Wales as a subject not quite 'real' enough to warrant such attention.

Within the context of a 'survival of the fittest' culture that has swept through higher education institutions since the political and economic transformation to market liberalism, realist approaches to the study of crime have neatly positioned themselves as the front runner for funded research. However, they have done so at a cost. In Wales, the supremacy of realist teaching and research has played a significant role in hegemonising an approach to the study of criminal justice that has left a body of Welsh criminology well and truly malnourished. In particular, the 'commercialization' of criminological research has served to undermine the authenticity of 'critical' scholarship (Walters, 2007, p. 25). For fear of putting off potential funders with the use of language deemed anarchistic or potentially controversial, the income-

generation principles underpinning research in Wales are managing to ensure that ‘the menial and the mundane prevails over the creative and the critical’ (Walters, 2007, p. 20).

Whilst legal scholars lead the way in learning more about the Welsh context, for criminologists in Wales, what is required is an approach to the study of crime and justice that strives to move beyond the hegemonised narrative of Anglocentric criminology. An approach that not only descends from the criminological positions espoused by the state, but one that continues to encourage concern amongst criminologists in Wales with developments in Westminster. Therefore, in an effort to promote what Scraton (2001, p.2) calls ‘knowledge’s of resistance’, the final passage of this paper intends to outline the preconditions for the development of a new form of criminological intellectualism which ambitiously seeks to re-appropriate analyses of crime and justice in the post-devolution era.

### ***DYCHMYGU:*<sup>9</sup> A WELSH CRIMINOLOGICAL IMAGINARY**

At the very beginning of Alana Barton *et al*’s (2007) *Expanding the Criminological Imagination* the authors ask a series of important and hypothetical questions. Encouraging readers from the outset to consider the nature of contemporary responses to crime and criminal justice, they are instantly asked to consider how current developments will be reflected upon in years to come;

Future generations of social scientists will look back critically at this period and ask why liberal democracies continued to expand their apparatuses of criminal justice

when, at the same time, officially measured and defined rates of ‘crime’ had been in steady decline. They will question why the UK government’s response had been to create more and more criminal offences (over 1,000 since 1997 at the last count), expand the range of ‘interventions’ in the lives of the young, fill the prisons to bursting point and build a new generation of prisons for profit. They will question how and why some of the fundamental principles of due process, such as the right to trial by jury and *habeas corpus*, were being eroded. They will question why police costs were spiralling out of control and why more police officers and new legions of community safety officers were being recruited when they had little impact on reducing reported crime rates or even on reducing the fear of crime (Barton *et al*, 2007, p. 1).

Whilst the questions raised within *Expanding the Criminological Imagination* will be applicable to criminologists throughout different parts of the United Kingdom, in Wales against the back drop of fifteen years of devolved government, six years since the amended Government of Wales Act 2006, two years since powers of criminal justice were devolved to the Northern Ireland government and a year on from the 2011 referendum that granted Wales primary law making powers, a whole range of additional questions may be raised. For example, why despite the efforts that have been made by academics in other areas of academia (Jones, 2008; Navarro, 2008) was an agenda *for* Welsh criminal justice not developed? Why despite an outward commitment by the Welsh Government to discover more about the potential to devolve powers of criminal justice did criminologists in Wales not do more to support their efforts? And why, despite suggestions of a more progressive

approach to *youth justice* in Wales when contrasted to those being conjured up in Westminster (Drakeford, 2010), did criminologists fail to challenge the Anglicised view that surrounds *criminal justice* in Wales? Against the backdrop of these failures, and in addition to those outlined by Barton and colleagues (2007), the following intends to lay the foundations for the development of a progressive counter-hegemonic criminological imaginary. An imaginary reliant upon an ‘organic’ form of intellectualism; an organic criminology *of* Wales (Gramsci, 1971, p. 6).

### ***A Welsh Criminological Imaginary***

At present, a Welsh criminological imaginary has yet to be envisaged - let alone realised. For such an imaginary to emerge in Wales it must assume hegemony amongst the criminological departments that operate within its universities. Central to the development of a Welsh criminological imaginary are a number of factors which present themselves as preconditions to the hegemonisation of a Welsh criminological perspective. What these preconditions must do is to ensure that a progressive Welsh criminological imaginary is able to move beyond the logics that simply legitimise and reinforce the dominance of Anglocentric criminology, a logic institutionalised within the very funding systems that universities in Wales have become both subject to and reliant upon in the age of neoliberalism.

One of the ways in which criminologists in Wales might achieve this is through changes to the Research Assessment itself. At present, an Anglocentric criminology is institutionalised

within the very funding systems that universities in Wales have become subject to within the market-led era of higher education. With an approach that rewards research for its ‘international’ or ‘world leading’ status, radical changes to the way in which criminological research is assessed in Wales would undoubtedly help nurture the development of a Welsh criminological position. As illustrated by Wyn Jones (2004, p. 19);

So if we accept that there is not enough research on Wales emanating from our universities we must ensure that the Research Assessment, or an alternative funding system, encourages it. There is no mystery here. Indeed, I would be very surprised if the funding wasted on trying to force shotgun weddings between higher education institutions were not enough in itself, it itself could in some way be connected to the research assessment, to give research on Wales a great boost.

Nevertheless, whilst recognition of the Welsh context is vital to attempts to move beyond an institutionalised fixation with ‘international’ and ‘world leading’ research; this must not blur the wider and future aims of a Welsh criminological perspective. For instance, the development of an approach to the study of crime and justice in Wales does not propose that all academics and researchers in Wales immediately turn their attention to the situation of criminal justice in Wales. Nor does it suggest that matters which exclusively relate to Wales are the only issues of any notable value. Rather, the Welsh criminological imaginary is about the creation of a space in which *greater* attention not *complete* attention can be given to the Welsh context. Contrary to any notion of an all-encompassing perspective, Welsh criminology should endeavour to research and explore responses to crime and punishment which are themselves ‘world leading’ and can be

recognised ‘internationally’ by comparative criminologists. In the same way that Portugal has been acclaimed for its efforts to provide a resistant culture to drug control in an era of criminalisation (Greenwald, 2009), Finland for a move away from repressive practice (Lappi-Seppälä, 2001) and other Scandinavian countries for an ‘exceptional’ approach to penal policy characterised by low levels of imprisonment (Pratt, 2008), Wales has an opportunity develop its very own unique resistances against the rising tide of a universalising punitive turn (Coleman and Sim, 2005). A resistant approach that can build upon the advances made in the area of *youth justice* in Wales which has attracted widespread praise for its ability to resist the punitive forces that have swept across *youth justice* policy in England (Drakeford, 2010; Haines, 2009; Morgan, 2009).

However, whilst changes to the research assessment would undoubtedly help the Welsh criminological imaginary to emerge, the role and significance of institutional leadership within university departments must not be overlooked. For example, why despite being exposed to the same funding structures and forms of research assessment have law departments and legal scholars been able to devote more attention to the issues effecting Wales? And why, despite the same pressures to recruit as many students as possible in the income-led era, have law schools been able to include matters relating to Wales into their teaching programmes? In as much as changes to the research assessment will play a fundamental role in any attempts to increase levels of research and teaching on Wales, criminology departments in Wales also require a stronger sense of leadership. A sense of leadership that will place added value to the study of Wales in an attempt to challenge the hegemony of a Westminster led criminology.

## *A Criminology of Wales*

Whilst some may argue that efforts to research crime and justice are already being made in Wales, critical attention must be drawn to the tokenistic nature of attempts currently being made to study criminology in Wales. In particular, what is most alarming is the amount of research that is being done *in* Wales when compared to the amount of work being done *on* Wales. As outlined by Richard Wyn Jones (2004, p. 2) in his review of the failures of higher education in Wales in 2004;

If one looks at the research produced by Wales' universities, one is struck by how little work is done on Wales within our educational institutions. As a result, our knowledge of many aspects of the life of contemporary Wales is pitifully inadequate. This in turn constrains the task of creating policies which could deal successfully with the complex economic, social and cultural problems of our country.

To illustrate, take the Welsh Centre for Crime and Social Justice (WCCSJ). Formally launched at the end of 2010, according to the centre's website the WCCSJ aims to provide 'high quality, theoretically informed, policy-relevant research on crime and social justice in Wales and beyond'.<sup>10</sup> Drawing together criminologists from eight universities across Wales as well as criminal justice practitioners, what is particularly problematic is the Centre's outward concern with research that is being done *in* Wales as opposed to research that is actually being conducted *on* or *for* Wales. In doing so, some of the major questions that relate to the Welsh context

continue to be neglected. Alternatively, within the context of any attempt to hegemonise a Welsh criminological imaginary the WCCSJ should seek to create a platform for criminological research into Wales as opposed to what research is being churned out by academics and researchers who are simply employed or funded by Welsh universities.

### ***Silk and Beyond***

In October 2011, the then Secretary of State for Wales Cheryl Gillan MP announced that an independent commission led by former Clerk to the National Assembly for Wales, Paul Silk, would be conducted in two parts. Whilst the first will address issues of taxation and financial accountability, the second part of the commission according to a report published shortly after Ms Gillan's announcement in 2011, will aim;

To review the powers of the National Assembly for Wales in the light of experience and to recommend modifications to the present constitutional arrangements that would enable the United Kingdom Parliament and the National Assembly for Wales to better serve the people of Wales (House of Commons, 2012, p. 10-11).

At present the outcomes of this review are unknown. However, even if we allow ourselves to very briefly to consider the report's potential findings this poses a number of hypothetical problems for criminologists working in Wales. For example, what if the Silk Commission recommends that powers of criminal justice be extended to the Welsh Government? At present,

universities and criminologists in Wales are not prepared for such an eventuality. Ironically, despite the dominance of criminological approaches in Wales which centre themselves upon the realities of crime and its control, criminologists in Wales must wake up to the *realities* of the situation that twenty first century Wales now finds itself in.

In waking up to such a ‘reality’, greater attention must be afforded to the development of a criminological perspective that *better serves the people of Wales*. Whilst this must include efforts to try and match the steps taken by law departments to offer programmes through the medium of the Welsh language<sup>11</sup>, criminology programmes must try to ensure that matters of Welsh criminal justice are included within teaching frameworks. Whilst many will fear the effects this might have upon the large majority of students applying to universities from England, criminologists in Wales must look to use the Welsh criminological imaginary to *attract* as opposed to *deter prospective* students. By developing a potentially innovative and ‘world leading’ approach to the study of crime and justice those who choose to study in Wales will be afforded an opportunity to work amongst and contribute towards such a progressive and different approach. A school of thought which is better placed to resist the constraining forces of a Westminster-led criminology and to take advantage of the autonomous space brought about by changes to the devolution settlement in Wales (Wyn Jones and Scully, 2012). In doing so, criminologists in Wales will be ideally placed to help inform debates around devolution and criminal justice and may even help to influence the nature and trajectory of policy responses if such matters are ever devolved to the National Assembly. As outlined within a Welsh Affairs Committee review into the situation of imprisonment in Wales in 2006, in an era in which Wales,

relatively speaking, finds itself with unprecedented levels of political and legislative autonomy it:

Wales now has an opportunity to develop its own distinctive approach to criminal justice which better reflect the needs of Wales and which could serve as a model for developments elsewhere in the UK (Welsh Affairs Committee, 2007, p. 4).

These sentiments, alongside the view that Wales now has the chance to bring ‘initiative and flair into non-custodial sentences’ (Tidball, 2007, Ev133), must find themselves at the very heart of any attempt to develop a progressive approach to criminology that not only exists in Wales, but organically belongs to Wales. In true Gramscian terms, it surrounds the development of an ‘organic’ form of intellectualism fully capable of subverting the nullifying forces of a hegemonised Anglocentric criminology that has for so long remained completely unchallenged.

## **SUMMARY**

*Have you ever read any criminology texts? They are staggering. And I say this out of astonishment, not aggressiveness, because I fail to comprehend how the discourse of criminology has been able to go on at this level. One has the impression that it is of such utility, is needed so urgently and rendered so vital for the working of the system, that it does not even need to seek a theoretical justification for itself, or even simply a coherent framework (Foucault, 1980, p. 47).*

Since the birth of the ‘what works’ agenda, criminologists have sought to provide themselves a theoretical justification under the working title of ‘evidence based policy’ and an outward commitment to research and explore ‘what works’ best. If Foucault’s reflection is something that criminologists in general have found difficult to respond to, for criminologists in Wales this sense of justification is even more problematic. With very little known about the Welsh context, criminology in its current setup is failing the people of Wales. Whether that is victims of crime in Wales, practitioners working in the justice system, the voluntary sector or those who find themselves swept up by an ever widening net of criminal justice interventionism (Cohen, 1985). In Wales, criminologists must seek to do more and to take advantage of a receptive climate of change swept in under a tide of devolution and greater powers afforded to the Welsh Government. This includes efforts currently being made in higher education. In Cardiff University, the Wales Governance Centre (WGC) aims to facilitate and encourage research into the issues surrounding governance and constitutional affairs in Wales. At present, the WGC has four key areas of research *Public Policy; Political Economy, Politics and Government* and *The Law of Wales*. In view of some of the arguments which have been put forward in this paper, as Welsh criminology and the study of crime and criminal justice in Wales begins to be taken more seriously, it may be conceivable to suggest that the WGC may wish to add a fifth element to its research activity.

Finally, whilst criminologists in Wales may look to the efforts made by law departments and legal scholars as a marker in their attempts to develop a Welsh criminological perspective, it must be noted that whilst current debates in Wales are dominated by talk of legal jurisdiction,

legal scholars themselves may soon come to look towards and reflect upon the ideas emerging from Welsh criminology. As outlined by the Counsel General for Wales, Theodore Huckle QC, in speech recently given to the Society for Legal Scholars at Cardiff Law School, questions relating to criminal justice in Wales are likely to impinge heavily upon future discussions around devolution.

If, for whatever reason, the Welsh Government cannot at present move forward with proposals for taking on Policing and Justice responsibilities, the case for a separate legal jurisdiction may be considerably weakened. It would be of limited or even dubious worth pursuing a separate legal jurisdiction ‘in principle’ if Welsh Ministers and the Assembly did not also obtain a reasonably full set of powers in relation to Justice; crucial aspects of the supposedly separate jurisdiction would still be the responsibility of the Ministry of Justice (Huckle, 2012).

As debates relating to the devolution of criminal justice in Wales look set to take centre stage as the Welsh Government prepares to submit its evidence to part II of the Silk commission in the spring of 2013, it should be of considerable concern to any criminologist reading this that criminology in Wales, in its current format, has very little contribution to make to such debates. Given some of the arguments made throughout this paper and the words contained within the Counsel General’s address, never has there been a more crucial time to kick-start Welsh criminology.

**Table 1. Place of Domicile: UK Students Who Applied to Study at University in 2011** (Data source: wwwucas.com)

<i>By UK country</i>	<i>2011</i>	<i>2012</i>
England	426,208	384,170
Northern Ireland	19,130	18,292
Scotland	39,761	39,169
Wales	21,289	20,876
<b>Total</b>	<b>506,388</b>	<b>462,507</b>

## **BIBLIOGRAPHY**

Barton, A., Corteen, K., Scott, D. and Whyte, D. (2007). *Expanding the Criminological Imagination: Critical Readings in Criminology*, Cullompton: Willan.

Broadhead, L. and Howard, S. (1998). 'The Art of Punishing: The Research Assessment Exercise and the Ritualisation of Power in Higher Education', *Education Policy Analysis*, 8, pp. 1-14.

Cabinet Office (1999). *Modernising Government White Paper, Presented to Parliament by the Prime Minister and the Minister for the Cabinet Office by Command of Her Majesty*, March 1999, London: Cabinet Office.

Clarke, J. and Newman, J. (1992). *The Managerial State: Power, Politics and Ideology in the Remaking of Social Welfare*, London: Sage.

Cohen, S. (1985). *Visions of Social Control*, Cambridge: Polity Press.

Cohen, S (1988). *Against Criminology*, New Brunswick: Transaction Books.

Coleman, R. and Sim, J. (2005). 'Contemporary statecraft and the 'punitive obsession': a critique of the new penology' in J. Pratt, D. Brown, M. Brown, S. Hallsworth and W. Morrison (eds.), *The New Punitiveness: Trends Theories, Perspectives*, London: Routledge, Chpt. 6, pp. 101-118.

Drakeford, M. (2010). 'Devolution and youth justice in Wales', *Criminology and Criminal Justice*, 10, 137-154.

Feeley, M. and Simon, J. (1994). 'Actuarial Justice: the Emerging New Criminal Law' in D. Nelken (ed) *The Futures of Criminology*. London, Sage Publications, Chpt. 8, pp.173-201.

Foucault, M. (1980). *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, Brighton: Harvester.

Gramsci, A. (1971). *Selections from the Prison Notebooks*, London: Lawrence and Wishart.

Greenwald, G (2009). *Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies*, Washington DC: Cato Institute.

Haines, K. (2009). 'The Dragonisation of Youth Justice', in W. Taylor, R. Earle and R. Hester, (eds) *Youth Justice Handbook: Theory, Policy and Practice*, Cullompton: Willan, Chpt. 22, pp. 231-242.

House of Commons (2012). *Devolution in Wales: The Silk Commission*, House of Commons, 9<sup>th</sup> March 2012.

Huckle, T. (2012). 'Wales, a Jurisdiction?', Speech given to the Society of Legal Scholars, Cardiff Law School, 15<sup>th</sup> November 2012.

Jones, J. (2008). 'The Next Stage of Devolution: A (D)evolving Criminal Justice System for Wales', *Crimes and Misdemeanours*, 2,1, pp.1-39.

Lappi- Seppälä, T. (2001). 'Sentencing and Punishment in Finland: the decline of the repressive ideal' in M. Tonry and R. Frase, (eds) *Sentencing and Sanctions in Western Countries*, Oxford: Oxford University Press, pp 92-150.

Learned Society of Wales (2012). *The Funding Gap*, Cardiff: The Learned Society of Wales.

Morgan, Rh. (2009). Report to the Welsh Assembly Government on the question of Devolution of Youth Justice Responsibilities', 14<sup>th</sup> December 2009.

Navarro, M. (2008). 'The Coming of Law Making Powers to the National Assembly' in D. Balsom (ed.) *The Wales Year Book 2008*, Aberystwyth: HTV, pp. 235-240.

Navarro, M. (2012). 'A Substantial Body of Different Welsh Law: A Consideration of Welsh Subordinate Legislation', *Statute Law Review*, 33, 2, 163-191.

Pratt, J. (2008). 'Scandinavian exceptionalism in an era of penal excess: Part I: The nature and roots of Scandinavian exceptionalism', *British Journal of Criminology*, 48, 2, 119-37.

Pratt, J., Brown, D., Brown, M., Hallsworth, S. and Morrison, W. (2005). *The New Punitiveness: Trends Theories, Perspectives*, London: Routledge.

Rees, O. (2012). 'Devolution and Family Law in Wales: A Potential for Doing Things Differently?', *Statute Law Review*, 33, 2, 192-206.

Research Assessment Exercise (2008). – *Research Assessment Exercise 2008: the outcome, December 2008*. <http://www.rae.ac.uk/pubs/2008/01/> [accessed 16.12.12].

Research Excellence Framework (2011). *Assessment Framework and Guidance on Submissions, July 2011*. <http://www.ref.ac.uk/pubs/2011-02/> [accessed 16.12.12].

Rhoades, G. and Slaughter, S. (2004a). 'Academic Capitalism and the New Economy: Challenges and Choices', *American Academic*, pp. 37-59.

Rhoades, G. and Slaughter, S. (2004b). *Academic Capitalism and the New Economy: Markets, State, and Higher Education*, Maryland: The John Hopkins University Press.

Scruton, P. (2001). 'A response to Lynch and Schwendingers', *The Critical Criminologist: Newsletter of the ASC's Division on Critical Criminology*, 11, pp.1-3.

Scruton, P. (2002). 'Defining 'power' and challenging 'knowledge': critical analysis as resistance in the UK' in K. Carrington and R. Hogg (eds) *Critical Criminology: Issues, Debates, Challenges*, Cullumpton: Willan, Chpt. 2, pp.15-40.

Sim, J., Scraton, P. and Gordon, P. (1987). 'Introduction: Crime, the State and Critical Analysis' in P. Scraton, (ed.) *Law, Order and the Authoritarian State*, Milton Keynes, Open University Press, Chpt. 1, pp.1-70.

Taylor, I. (1981). *Law and Order: Arguments for Socialism*, London: Macmillan.

Tidball, P. (2007). 'Memorandum submitted by The Prison Governors Association', Evidence given to the Welsh Affairs Select Committee, Ev 133 in Welsh Affairs Select Committee (eds) - *Welsh Prisoners in the Prison Estate, Third Report of Session 2006-07*, House of Commons, Welsh Affairs Committee, London, 16<sup>th</sup> May 2007.

Walters, R. (2007). 'Critical Criminology and the intensification of the authoritarian state' in Barton *et al* (eds.) *Expanding the Criminological Imagination: Critical Readings in Criminology*, Cullompton: Willan, Chpt. 2, pp.15-37.

Welsh Affairs Committee (2007). *Welsh Prisoners in the Prison Estate*, Third Report of Session 2006-07, House of Commons, London: Welsh Affairs Committee, 16<sup>th</sup> May 2007.

Welsh Government (2007). *One Wales: A Progressive Agenda for the Government of Wales*, Cardiff: Welsh Government.

Wyn Jones, R. (2004). The Failure of the Universities of Wales, National Eisteddfod Lecture, Newport 2004, Cardiff: Institute of Welsh Affairs.

Wyn Jones, R. and Scully, R. (2012). *Wales Says Yes*, Cardiff: University of Wales Press.

Young, J. (1986). 'The failure of criminology: The need for a radical realism' in J. Young and R. Matthews, (eds.) – *Confronting Crime*, London: Sage, pp. 4-30.

Young, J. (2006). 'Left Realism' in E. McLaughlin and J. Muncie (eds.) *The Sage Dictionary of Criminology*, London: Sage, pp.234-236.

Zizek, S. (2001). *On Belief*, London: Routledge.

#### Websites

www.cardiff.ac.uk

Accessed: 6<sup>th</sup> March 2012

Available at:

<http://www.cardiff.ac.uk/socsi/research/researchthemes/crimesecurityjustice/index.html>

www.stir.ac.uk

Accessed: 5<sup>th</sup> February 2012

Available at: <http://www.stir.ac.uk/undergraduate-study/course-information/courses-a-to-z/school-of-applied-social-science/criminology/>

www.ucas.com

Accessed: 3<sup>rd</sup> February 2012

Available at: [http://www.ucas.com/about\\_us/media\\_enquiries/media\\_releases/2012/20120130](http://www.ucas.com/about_us/media_enquiries/media_releases/2012/20120130)

www.wccsj.cac.uk

Accessed: 5<sup>th</sup> February 2012

Available at: <http://wccsj.ac.uk/about-wccsj.html>

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<sup>1</sup> This refers to the adult system, this is not to be confused with discussions relating to Youth Justice in Wales

<sup>2</sup> <http://www.thestudentsurvey.com/>

<sup>3</sup> Research can be considered unclassifiable. This is research which cannot be considered relevant even at a national level

<sup>4</sup> <http://www.ref.ac.uk/>

<sup>5</sup> Welsh, Translation 'Legal Wales'.

<sup>6</sup> [www.stir.ac.uk](http://www.stir.ac.uk)

<sup>7</sup> Welsh, Translation 'For Sale'.

<sup>8</sup> [www.cardiff.ac.uk](http://www.cardiff.ac.uk)

<sup>9</sup> Welsh Translation 'To imagine'.

<sup>10</sup> [wccsj.ac.uk](http://wccsj.ac.uk)

<sup>11</sup> Currently the only criminology programme in Wales that offers modules in Welsh is the BSCEC Criminology at Aberystwyth. Modules are only available at Level 4. However, the undergraduate Law programme at Aberystwyth offers students the chance to take modules in Welsh throughout the full three years of their degree. In addition, Law departments in Cardiff University and Bangor University both offer modules through the medium of Welsh.