Governing through risk

Young people, crime and the 'Pathways to Prevention' report

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In this article, the author endeavours to explore the positivist 'problem fixing' agenda of much contemporary criminology. Drawing on the example of the 'Pathways to Prevention' report undertaken for the Commonwealth by the Developmental Crime Prevention Consortium, underlying assumptions are discussed. Some questions about the use of the 'risk' paradigm are discussed in comparison to earlier conceptions and assumptions of 'dangerousness'. The author suggests that such a framing of the crime problem and approaches to it leaves out other important aspects related to crime, social structures and political agendas. It leaves an unfair focus on individual deficits.

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AGAINST CHAOS AND FOR ORDER

The central character in Luke Rheinhart's (1971) celebrated novel, *The Dice Man*, seeks to resolve his fraught indecisiveness by resorting to the lottery of the dice. Each time the numerical cube is rolled, a decision is made according to a set of prescribed options. Responsibility is thereby transferred to the forces of chance. While this method of decision-making may appeal to those of us in states of confusion, it is hardly recommended as a means of taking control amid personal chaos. Yet, the pursuit of order, certainty and predictability is often seen as a way of confronting the fears generated by seemingly arbitrary forces.

Nowhere else is this search for certainty more graphically illustrated than in the domain of crime control, especially in relation to children and young people. Currently, many criminologists are engaged in projects to identify the factors that predispose some people (rather than others) to crime and delinquency. The anticipatory notion of 'risk' (with its tacit allusion to chance) has provided a conceptual prism through which 'uncertainties can be turned into possibilities'. By using the concept of risk, it *appears* possible to assert that 'any misfortune must have a cause, a perpetrator to blame, from whom to extract compensation' (Douglas 1994: 42).

Criminologists have long sought to bring order to the epistemological chaos associated with explanations of criminal behaviour. For the earliest criminologists, like Italian physician, Cesare Lombroso, the prevailing task was to ascertain the 'causes of crime' through the systematic application of scientific method. In so doing an empirical order could be imposed upon the seemingly senseless melange of human actions. Lombroso argued that 'the criminal' was in fact an evolutionary type, a throwback, characterised by his (sic) atavistic nature and identifiable physical oddities displayed for all to see in cranium size, shape of eyes, ears, nose, etc. 'The criminal' was regarded as some sort of primitive being, compelled by his very nature to commit crime (Roach-Anleu 1996).

Lombroso's brand of biological positivism dominated criminological thought for barely a few decades and was steadily replaced (although never entirely abandoned) by other forms of individualistic explanation, often grounded in genetic, psychological or bio-psychological factors (Muncie 1999). This attempt to explain the 'causes of crime' in terms of individualistic predisposition was reflective of the faith placed in the curative possibilities of scientific analysis. Accordingly, the task facing the criminologist was to pinpoint the precise 'causes' of criminal behaviour and then to offer solutions in the form of policy prescriptions.

While the language may have changed, and the methods of scientific inquiry have become more elaborate and sophisticated, the general epistemological thrust of much contemporary criminology remains remarkably faithful to its taxonomic origins. Thus, the criminological project has been characterised by:

- an enduring focus on the populations deemed responsible for the 'crime problem';

- a systematic attempt to identify the antecedents of crime; and,

- an attempt to apply workable or 'practical' solutions to the crime problem (Bessant, Hil & Watts, forthcoming).

The most recent articulation of this problem fixing agenda is found in the Commonwealth Government's *Pathways to Prevention* report (Developmental Crime Prevention Consortium (DCPC) 1999). Promoted under the auspices of the 'National Anti-Crime Strategy', the report is based on 'developmental' and 'early intervention' approaches to crime prevention. In a preface to the report, Minister for Justice and Customs, Senator Amanda Vanstone, states that the 'research summarised in this report represents a *significant contribution to our understanding* of how we as a society can tackle crime' (my emphasis). She further states that the Commonwealth Government is 'strongly committed to early intervention' and that 'significant funding for a new program focused on youth crime and supporting families' has already been earmarked (DCPC 1999: 1).

The central organising concept around which early interventionism is discussed is that of 'risk'. Despite the report's failure to define the concept, it nonetheless seeks to identify the factors that supposedly place some people 'at risk' of crime. Before examining the report in some detail, I will briefly discuss another meta-concept that pre-dated the emergence of 'risk', namely, 'dangerousness'. Since its ascendancy at the beginning of this century, the concept has galvanised the interests of countless theoreticians and empirical researchers. Yet, despite *its* strong and lasting appeal, the concept has fallen steadily into disrepute. Quite why this should be the case is a matter of contemporary interest given the rise of another paradigmatic concept ('risk') claiming to explain certain forms of behaviour.

EXPLANATORY COUSINS: DANGEROUSNESS AND RISK

Throughout this century the concept of 'dangerousness' has been the subject of considerable scholarly debate. Like its contemporary cousin, 'risk', it came to dominate many areas of crime control discourse and was the subject of vigorous discussion among criminologists and other 'experts'. Dangerousness came to signify a 'propensity to cause serious physical injury or lasting psychological harm to others' (Butler 1975: 85). Such definitions were invariably linked to the medical, psychological and psychiatric diagnoses of criminal behaviour in which violence and other behaviours were regarded as the outcome of personal tendencies.

Numerous studies linked dangerousness to factors such as family violence and early childhood trauma, psychoses (schizophrenia, bi-polar disorders, dementia), personality disorder (anti-social, borderline and histrionic personality, impulsivity and aggressiveness), or organic syndromes (temporal lobe epilepsy, head trauma, neurological disorder). These factors were often correlated with social class, gender, racial background, socio-economic status and so forth (Pratt 1997). From 1890 onwards, dangerousness was used by 'expert witnesses' to support various forms of 'preventive sentencing' on the grounds of public protection and rehabilitation (Van Groningen 1991).

Despite the scientific appeal of dangerousness as both an empirically 'measurable' and operational artifact, and its widespread use in determining incapacitory sentences and a host of other interventions aimed at preventing crime and other 'anti-social' behaviours, the concept is nevertheless fraught with problems. For instance, an Australian study of 67 psychiatrists (that is, Australian Medical Association doctors with a 'special interest' in psychiatry) and 460 psychologists (accessed through the Victorian registry of psychologists) concluded that: '...therapists were unable to state any consistent criteria of dangerousness ...instead they fall back on intuitive "clinical judgment"' (McMahon & Knowles 1997: 210).

Significant variations were also identified between psychologists and psychiatrists with the former expressing far more confidence about making an accurate prediction of dangerousness. Well over a third of psychiatrists admitted they could not accurately predict dangerousness. This raises questions about what dangerousness actually means and its suitability for making diagnostic or judicial decisions. Furthermore, pyscho-medical definitions of concepts such as violence and dangerousness take little notice of wider socio-political and cultural considerations. Thus, as Webb (1991: 1056) points out:

> Violence and danger are socio-political judgments rather than a psychiatric diagnosis. They change to suit the fears, interests, needs and prejudices of society. The concept of dangerousness as an individual trait diverts attention from the social, political and environmental determinants of violent behaviours.

Although originating from diverse epistemological sources, the concept of 'risk' shares many of the attributes of dangerousness. It has been:

(a) developed largely by adherents of 'scientific method' (often psychologists);

(b) used for 'preventative' and predictive purposes; and

(c) applied to specific populations.

Like dangerousness, a range of 'indicators', 'factors' and 'indices' have been developed to establish the precise configuration of risk in any given case. The assumption is that a cross-referencing of risk factors can reveal the likelihood of offending in an individual, family and/or community. Effectively, the calculation of risk is seen as a neutral-technical process designed ostensibly for predictive and ameliorative purposes.

However, as will become evident below, the concept of risk shares many of the problems associated with dangerousness in so far as it lacks precise definition, is based on a highly individualistic and interventionist approach to crime control, and is largely oblivious to critiques of such approaches. Moreover, far from being a neutral appendage of scientific method,

the notion of 'risk' is deeply embedded in the contemporary processes and practices of governance.

'PATHWAYS TO PREVENTION'

The *Pathways to Prevention* report is the work of a multi-disciplinary expert team made up largely of academics. Although it is not possible to do justice to all of the detail contained in the report, its general thrust is clear. The central organising concept is that of 'risk', as determined through a host of individual, familial, community and social indicators. Essentially, the report constitutes a review of a narrow band of crime prevention knowledges and practices from a 'developmental' perspective. The psycho-pathological emphasis is clearly revealed in an extensive, yet highly 'selective', bibliography. A total of two hundred and ten references are noted, with the vast majority being drawn from psychologically oriented journals and books. The literature covers a range of developmental concerns ranging from early childhood development issues (aggression, signs of 'anti-social behaviour'), child abuse and neglect, life course research, intervention outcomes (mainly in relation to therapeutic and family based initiatives), substance abuse and other forms of 'conduct disorder'.

David Farrington, the Cambridge-based doyen of developmental and longitudinal research, is cited nineteen times alongside other luminaries in the field of delinquency research like John McCord (who receives a mere five mentions). Articles by Farrington, with titles like 'Early developmental prevention of juvenile delinquency' and 'Early predictors of adolescent aggression and adult violence' fit neatly into the explanatory frameworks adopted by the *Pathways to Prevention* report. Significantly, there is a woeful lack of sociological literature in the review, which is suprising given the presence of two sociologists on the research team. Just as striking is the wholesale absence of any historical

texts dealing with questions of crime and crime control, or any of those important contributions by the likes of Stan Cohen (1974, 1988) and others who (especially during the 1970s and 1980s) drew attention to the major epistemological shortcomings of developmental research.

The 'risk factors' identified by the authors (DCPC 1999: 11) are derived from numerous longitudinal studies and include 'genetic and biological characteristics of the child, family characteristics of the child, family characteristics, stressful life events and community or cultural factors'.

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In their table of risk and protective factors the authors identify (under the heading 'Child Factors') a long list of psycho-bio-medical antecedents. These include: prematurity, low birth weight, disability, low intelligence, difficult temperament, insecure attachment, poor social skills, lack of empathy, hyperactivity/disruptive and impulsivity. Under 'Family Factors', 'Life Events' and 'Community and Cultural Factors' there is a large assortment of indicators reflecting the multiplicity of risk indicators present in any assessment of crime causation. Along with aspects of family form, structure and functioning the authors refer to significant events associated with family life (separation, divorce, bereavement, etc) and the nature of school experience ('deviant peer group', 'poor attachment to school', inadequate behaviour management, etc). Under 'Community and Cultural Factors' the authors cite socio-economic disadvantage,

neighbourhood violence and crime, etc, as well as cultural matters such as male portrayals of violence and other cultural forms of violent expression.

Drawing on longitudinal studies the authors acknowledge that risk factors cannot be easily clustered for predictive purposes because they 'tend to co-occur and be interrelated', 'operate cumulatively' and are combined and interactive (DCPC 1999: 15). It is therefore not possible to calibrate a precise mix or cluster of variables that lead to crime. Rather, any predispositional state relates to the developmental stage and particular set of cumulative circumstances surrounding the individual. Thus, according to the authors, '...the critical factors may be the total number and the spacing of cumulative risk factors' (DCPC 1999: 30).

Given the extraordinary set of causal factors identified in the report, it would be foolhardy to suggest the possibility of an accurate forecasting of criminal behaviour. This, however, poses something of a problem for the researchers in that the very rationale of a 'pathways' project is that causative signposts can and should be identified. A way out of this impasse, according to the report, is 'to package risk and protective factors in terms of their impact on a smaller set of underlying processes or mediators' (DCPC 1999: 15). The explanatory package, therefore, may include reference to delayed 'social maturity' of an individual, 'modeling' of deviant lifestyles and the 'social reinforcement' of adult centred activities (DCPC 1999: 16). Such mediating processes, say the authors, need to be seen in their temporal and dynamic contexts (even though these are never clearly articulated).

Given the authors' own cautionary tone about identifying the particular range of factors that may (or may not) contribute to the onset of criminality, the careful reader may nonetheless be left with an overwhelming sense of uncertainty as to what constitutes the 'causal analysis' the authors claim to

be offering. There is a distinct sense here of 'factorial overload' present in the listing of a spectacular array of risk factors which, despite their location in vague 'mediating' contexts, leaves this observer in a state of stupor.

This, however, does not prevent the authors from moving onto the next stage in the problem-fixing agenda, which is to review the projects, schemes, programs and initiatives likely to reduce levels of risk among certain populations. Thus, the authors devote about half of the report to a review of early intervention and developmental approaches to crime prevention. Given the heady mix of factors determining the nature and extent of risk, the authors recommend a varied and multi-tiered approach to intervention and program delivery. The report states that: '...developmental prevention involves intervention early in the developmental pathways that lead to crime and substance abuse' (DCPC 1999:9).

The report further states that it is worth concentrating on

> ... investment in 'child friendly' institutions and communities, and the *manipulation of multiple risk and predictive factors* at crucial transition points, such as at around birth, the pre-school years, the transition from primary to high school, and the transition from high school to higher education or the workforce (DCPC 1999:10. My emphasis).

Precisely what is meant by the unfortunate reference to 'manipulation' is unclear. Apparently, the main aim is to intervene and intervene early at each major stage in a young person's life. Thus, it is stated that 'intervention can occur most effectively' at each 'transition point' in a young person's formative years (DCPC 1999: 10). Intervention, says the report, needs to be tailored to the particular circumstances facing each child at various transition points so as to offset the consequences of 'cumulative risk' (DCPC 1999: 11). Early intervention, in the *strategic* rather than strictly

chronological sense, is thus viewed as crucial to the preventive process.

The obvious quandary here, however, is that if it is *not* possible to identify the *precise* likelihood of those who may or, equally, may not engage in offending, then how should a 'targeted' program of intervention be mounted? A blanket approach to intervention, implicit in much of the report, would mean intervention for all those deemed 'at risk', irrespective of whether or not they are likely to offend! Faced with such a problem the researchers may suggest new and more elaborate scales, grids, maps or inventories in order to differentiate between types of risk.

The fact that the report dwells on those groups associated most closely with the category of the 'underclass' is itself symptomatic of a particular approach to 'crime prevention'.

But which factors take precedence in any analytical explanation? Or are they to be regarded as equally important? Is it indeed possible to target those most at risk? Is risk applied equally to all sections of our society? How does risk apply to those from middle class backgrounds who may, in various ways, be closeted from the attentions of the state? Why isn't more emphasis given to policing practice or to the general organisation of crime control?

These are both empirical *and* theoretical questions that necessarily intrude into any modernist approach to crime prevention. Ethical and moral questions also arise in relation to the promotion of state intervention for no other reason than it is deemed 'necessary' by the state. Why *should* the state gaze so intensely on some of our most vulnerable and powerless

populations? Why is the gaze so partial and based on a narrowly conceived 'crime problem'? Why have the authors of the '*Pathways to Prevention*' report so strenuously avoided such matters?

GOVERNANCE, RISK AND THE QUESTION OF 'JUSTICE'

The avoidance of such questions is symptomatic of an approach to crime prevention that is based squarely on a technical, problem-fixing agenda. Let's speculate, for example, on what would result from a more expansive and critical analysis of crime control. A more rigorous questioning of the main categories used in the report and a greater sense of historical awareness (regarding the shortcomings of criminological inquiry) would certainly have produced a different body of knowledge. The problematic nature of terms like 'crime', 'crime prevention', 'development' and 'early intervention' would demonstrate a concern not so much with crime-busting as with how such categories are constituted in the first place.

Moreover, a different report might ask why the apparatus of crime control is organised in the way it is, and how this apparatus relates to other domains in the late capitalist state (the economy, income and wealth distribution, unemployment, poverty and so forth). Such matters, where they are touched upon in the report, are rendered meaningful only insofar as they relate to the risks posed in terms of possible offending.

It is my contention that the *Pathways to Prevention* report needs to be seen as part and parcel of the wider processes of governance in the liberal state. This requires a deeper understanding of the historically contingent nature of crime control. For instance, over the past few years there has been something of a quantum shift both in the philosophy and practice of crime control in countries like Australia, Britain and the United States. The move to more individualistic (and punitive) forms of criminal justice, increases in police powers and the continuing problematisaion of large sections of the youth population have resulted in a range of 'tough' law and order

measures (Hogg & Brown 1998, Davies 1996, Cunneen & White 1996).

There has also been much talk (on both the political left and right) about the rise of an aberrant 'underclass' comprised of the unemployed, black people, 'ethnic minorities', single mothers, the urban and rural poor – the very populations discussed in the *Pathways to Prevention* report. Crime and social disorder are often associated with such populations. While the present Federal Government celebrates its recent record of economic growth, economists and welfare organisations point to the rise of family poverty throughout Australia. Yet, any governmental concern with matters of redistributive justice tends to be displaced by a morally charged concern with the so-called 'crime problem', as if the latter were entirely disconnected from other spheres of activity. Indeed, the fact that the Federal Government, along with other state and territory governments, is prepared to grant tens of millions of dollars to the prevention of crime (mainly in relation to 'the underclass') says much about current governmental priorities.

The *Pathways to Prevention* report is symptomatic of a particular way of *thinking* about crime and its attempted management. The general absence of any penetrating critical analysis of how such problems are constructed – or 'imagined' (Young 1996) – means that we are left with a largely taken-for-granted representation of crime and its consequences. The 'framing' of this problem in the lexicon of current crime prevention discourse means that white collar or corporate crime and/or the injustices meted out via governmental mismanagement are, at best, subsumed under a welter of 'background' conditions. The notion of risk and the strategies proposed for its 'management' constitute a technical articulation of problems generated by certain problem populations. Despite its nod towards factors such as 'poverty' and 'socio-economic disadvantage', the report makes no effort to theorise their connection to 'extraneous' considerations like globalistion and economic realignment.

The obvious response to this is that why *should* a report of this sort interest itself in such matters? After all, the report is

dedicated to the prevention of a problem whose origins can be found in a range of readily identifiable factors. The problem here, however, is that the factors in question operate in a discursive vacuum in which only those factors deemed relevant are taken into account. Why, for example, is there no separate listing of state control factors? Crime is thus rendered as an artifact of interacting 'risk' indicators grounded heavily in notions of individual deficits (poor parenting, impulsivity, aggression, hyperactivity, family dysfunction, etc) and a range of nebulous social and community factors.

In short, the *Pathways to Prevention* report is a product of its time. Weighed down by the concerns of developmental psychology, it recycles many of the approaches to the 'causes of crime' evidenced in countless other criminological studies over the course of this century. Like those studies, it fails lamentably to offer any real appreciation of why crime or indeed crime control take the forms they do.

CONCLUSION

In many ways, risk assessment resembles the roll of a dice. Depending on the constellation of factors in question, an individual may or may not present as 'at risk'. The level of risk, or the point at which it erupts into full-blown criminal behaviour, is a matter of speculation.

Pathways to Prevention is rightly cautious about the range of forces that may lead to crime. Perhaps the most important aspect of the report is not its implicit celebration of scientific method, or its selection of risk factors, but rather the way it intersects with other processes of governance in the liberal state. The fact, for example, that the report dwells on those groups associated most closely with the category of the 'underclass' is itself symptomatic of a particular approach to 'crime prevention'. The fact that the report was sponsored by a government allied to policies of economic liberalism is also of particular interest. That, however, is the start of another story. □

REFERENCES

Bessant, J., Hil, R. & Watts, R. (forthcoming) *Criminology: Dissent and Convergence*, Cambridge: Polity Press.

Butler, R. A. (1975) *Report of the Committee on Mentally Abnormal Offenders*, London: HMSO.

Cohen, S. (1974) 'Criminology and the Sociology of Deviance in Britain', in Rock, P. and MacIntosh, M. (eds.) *Deviance and Social Control*, London: Tavistock.

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

Cunneen, C. & White, R. (1996) *Juvenile Justice: An Australian Perspective*, Melbourne: Cambridge University press.

Davies, M. (1996) *Gangland*, Sydney: Allen and Unwin.

Developmental Crime Prevention Consortium (DCPC) (1999) *Pathways to Prevention: Developmental and early intervention approaches to crime in Australia*, Canberra: National Crime Prevention, Attorney-General's Department.

Douglas, M. (1994) *Risk and Blame: Essays in Cultural Theory*, London: Routledge and Kegan Paul.

Hogg, R. & Brown, D. (1998) *Rethinking Law and Order*, Armadale: Polity Press.

McMahon, M. & Knowles, A. (1997) 'Psychiatry, Psychology and the Law', *Psychology and the Law*, 4 (2).

Muncie, J. (1999) *Youth Crime: A Critical Introduction*, Buckingham: Open University Press.

Pratt, J. (1997) *Governing the Dangerous: Dangerousness, Law and Social Change*, Leichardt: Federation Press.

Rheinhart, L. (1971) *The Dice Man*, New York: Murrow.

Roach-Anleu, S. (1996) *Deviance, Conformity and Social Control*, Melbourne: Longman.

Van Groningen, J. (1991) Dangerousness and Preventative Detention: A sociological approach, *Australian Crime Prevention Council Journal*, 12 (2).

Webb, J. 1991 'Violence, Dangerousness and Mental Illness', *Law Institute Journal*, 68 (12), December.

Young, A. (1996) *Imagining Crime: Textual Outlaws and Criminal Conversations*, London: Sage.