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Positivism, empiricism and criminological theory

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Introduction

The discipline of criminology has been dominated since the turn of the century by an explanatory paradigm¹ known as 'positivism'. The distinctive features of that paradigm have been both substantive and methodological. On the substantive side 'positivist criminology' has been marked by a commitment to the explanation of criminal behaviour (and deviance generally) in terms of characteristics of the individual. Thus positivist criminology has been notable for its explanations of criminal behaviour in terms of gross bodily features,² patterns of child-rearing,³ genetic defect,⁴ and idiosyncratic personality traits⁵. On the methodological side positivist criminology has been marked by a preference for scientific method in the evaluation of theory and scientific ideas in the formulation of that theory.⁶ By and large these methodological predilections have meant assigning a primacy both to the role of systematic observation in the evaluation of theory and to the avoidance of theoretical assumptions whose validity could not be checked by recourse to observation.

The dominance of positivist criminology has been lately under challenge from a current of opinion which describes itself as the 'new criminology'.⁷

The new criminology has objected strenuously to the apparent presupposition of positivist criminology that the explanation of

1. The term 'paradigm' is borrowed from Thomas Kuhn's seminal work *The Structure of Scientific Revolutions* and is used here to describe any set of substantive assumptions and procedures which unite a group of explanations in a common tradition.

2. See the account of Lombroso's theory given by Gina Lombroso Ferrero *Criminal Man According to the Classification of Cesare Lombroso*. (1911), pp 10-24 as summarised by John Lewis Gillin in *Criminology and Penology*, (1945, 3rd edition).

3. See the Differential Association Theory of Edwin H. Sutherland *Principles of Criminology* (1947, 4th edition).

4. See, for example, the XYY Theory of Criminal Violence put forward by W. H. Price, J. A. Strong, P. B. Whatmore and W. R. McClemon in *The Lancet*, 1:565-566 (March 1966).

5. See, for example, H. Eysenck *Crime and Personality* (1964), pp 100-119.

6. The dominant ideas were those deriving from medicine such as 'normal', 'pathological' and the general notion that crime might be symptomatic of physical and/or mental disturbance.

7. See I. Taylor, P. Walton and J. Young *The New Criminology* (1973).

criminal behaviour is to be found solely by reference to characteristics of the criminal. It has also strongly objected to what it calls the positivist 'insistence' that:

'the premises and instruments which are alleged to be successful in the study of the physical world are . . . of equal validity and promise in the study of society and man.'⁸

In fact the new criminology considers that this insistence of scientific method is responsible for the narrow focus of positivist criminology and that only by overthrowing the commitment to scientific method can a 'truly social' explanation of 'deviance' be given.⁹ Once this is done, it would seem, an account of criminal behaviour is possible which restores 'meaning'¹⁰ to criminal action and which destroys the political assumption of social consensus on which it rests.

A curious thing about the vigour of the anti-positivist attack is that it has been more difficult to sustain in practice than in theory. Thus we find Taylor reasoning toward the class significance of soccer hooliganism from data showing the occupational breakdown of convicted soccer hooligans,¹¹ Taylor, Walton and Young offering an explanation of industrial sabotage based on an analysis of actual industrial accidents¹² and Quinney condemning the positivists for their realist assumptions about existence while relying on Kolko and Domhoff's empirical documentation of evidence for his theory of crime control¹³. This lapse into positivist methodology (albeit for purposes quite remote from those of traditional positivist theory) suggests that the breadth of the new criminology's attack on positivist criminology may have been too wide. Specifically it suggests that the presumed nexus between positivist criminology's substantive commitment and its methodological commitment may be much weaker than its critics have supposed.

It is the thesis of this article that the suggestion is correct, moreover that the new criminology's attack on 'positivist methodology' is misguided. Acceptance of this thesis is shown to carry three broad implications. The first is that it is possible to reject some of the substantive commitment of positivist criminology without at the same time rejecting its methodological commitment. The second is that there is no need to reject scientific method in the formulation of an adequate theory of criminal behaviour. The third is that it is possible to combine elements of the explanatory paradigms of positivist and new criminology into one general framework within which explanations of criminal behaviour and deviance may be developed. Our progress toward these conclusions will take place in three steps. First we will

8. *Op cit* n7 above, p 11.

9. *Ibid.*

10. *Ibid.*

11. See I. Taylor in S. Cohen (ed) *Images of Deviance* (1971), p 154.

12. *Ibid* pp 219-243.

13. See R. Quinney in I. Taylor, P. Walton and J. Young (eds) *Critical Criminology* (1975) p 194.

briefly review the origins of positivist criminology and explain the distinction between positivism and empiricism overlooked by the new criminology. Next we will show the immunity of this empiricism to the criticisms of the new criminology. Finally we will sketch in outline a way in which elements of positivist criminology and the new criminology may be merged.

Positivist criminology: method and substance

Both the method and substance of positivist criminology derive much of their inspiration from medicine and psychology. Beginning with Enrico Ferri's determination to place the process of sentencing on a scientific footing, the focus of criminology has been the individual and its method of analysis has been (as far as possible) that of science. Much of this is due to the spectacular success of physical science in the latter half of the nineteenth century, a success which the newly emerging domains of medicine and psychology were keen to emulate.¹⁴ It was this desire to emulate the success of physical science which caused psychology, in particular, to fall vulnerable to any criticism that its endeavours were apiece with those of speculative philosophy. Psychology sought to distinguish itself from philosophy and tended to embrace any strictures regarding method and explanation which were regarded as distinctive features of physical science. Since the focus of psychology was, by definition, the behaviour of the individual, inevitably it occurred that derivative disciplines such as that of criminology¹⁵ likewise fell prey to an emphasis on the individual and a preference for the methods of science.

By 1920 philosophy itself had become absorbed in the success of science and there began what became an extraordinarily heated debate on just what science and scientific method were.¹⁶ The philosophical climate in which science had developed had been dominated by empiricism, broadly speaking the doctrine that observation is the source of all genuine knowledge.¹⁷ By the 1930s this doctrine had been developed into a dogma known as 'logical positivism' by a school of philosophers¹⁸ whose writing, ironically enough, was to have enormous influence on psychology and criminology throughout the period 1940–1960¹⁹. Logical positivism claimed to have established a criterion which would distinguish science from non-science. The criterion it claimed would perform this feat was the principle of reductionism; the

14. See G. Sykes *Criminology* (1978), p 11.

15. *Ibid* ch 1.

16. See for example the series *Minnesota Studies in the Philosophy of Science* Vols I, II and III and the bitter debate between Karl Popper and the Vienna Circle over the possibility of a demarcation criterion between science and non-science.

17. The doctrine finds its modern origin in the classic philosophic work by David Hume (ed L. A. Selby-Bigge) *A Treatise on Human Nature 1739–1740* (1888).

18. The school was known as the Vienna Circle and at one time or another comprised the philosophers L. Wittgenstein, M. Schlick, R. Carnap and O. Neurath.

19. This was the period in which the psychological school known as 'behaviourism' developed most rapidly. See E. Boring *A History of Experimental Psychology* (1960), ch 24.

notion that all meaningful statements are or are reducible to statements about observations.²⁰ In its extreme form logical positivism maintained that all scientific statements could be taken one by one and, through repeated definition, be reduced to elementary propositions about sensory experience.²¹

One immediate by-product of positivist strictures regarding science in psychology was the emergence of behaviourism.²² According to the behaviourists the focus of all psychological explanation should be the relationship between events in the environment (ie 'stimuli') and the behaviour of the organism (ie its 'responses'). References to an individual's thoughts, desires, motives, feelings or beliefs were considered unscientific since they were not reducible to statements about observations. They were therefore to be avoided. In the same spirit all conjecture was discouraged which was not 'empirically testable', that is, confirmable or refutable on the basis of properly controlled observation.²³ The emphasis on the latter was partly responsible for psychology's flight into the study of animal behaviour and for its enthusiastic absorption of the more recondite notions of inferential statistics. As the theories and research techniques of psychology steadily began to filter into academic criminology and agencies of the criminal justice system, criminology too began to acquire an individualist focus and positivist methodology.

There is no doubt that the constraints positivism imposed upon theory dramatically affected the character of what could be classed as legitimate criminological (or social) explanation. Theoretical attention turned almost exclusively to the task of identifying the correlates (eg broken homes, personality traits, etc) of deviant or criminal behaviour. There was no sense in asking, save for purely heuristic purposes, what the deviant or the criminal had to say about his or her own behaviour. Such verbalisation was considered (at best) a kind of epiphenomenon lying between the real cause and effect of environmental condition and observable response.²⁴ Imagine the difficulties attendant upon explaining soccer hooliganism by reference to generalisations about class structure and its dynamic or working class 'alienation'. The fact that these theoretical notions could not be translated into statements about observable things rendered them, according to positivism, formally meaningless. Moreover, it was not enough to point to evidence in support of the existence of 'class structure' or 'alienation'. The terms had to be definable in ways which turned the statements containing them into statements about observation. For as long as it

20. See W. V. O. Quine *Word and Object* (1960) ch 2.

21. See R. Carnap *Der Logisch Aufbau der Welt (The Logical Syntax of Language)* (Berlin, 1928), translated in 1937 by Harcourt, Brace Inc.

22. Above, n 19.

23. This approach reached its purest expression in the work of B. Skinner. For a useful discussion of his approach see R. Boakes and M. Halliday in *Explanation in the Behavioural Sciences* (1970, ed R. Borger and F. Cioffi).

24. *Ibid.*

remained influential, positivism drove criminology into a narrow concern about the correlates of individual deviant behaviour and the methods by which they could be identified.

In the event, positivism did not remain influential, for its strictures regarding science and scientific method were discredited.²⁵ It is now generally conceded that scientific theories cannot be pulled apart and translated sentence by sentence into statements about observations, though the reasons for this are too complex to examine here.²⁶ The empiricism which gave birth to positivism, on the other hand, has survived in a much refined form. It remains a fundamental tenet of empiricism that the validity of all theories must ultimately be assessed in terms of their success in predicting or explaining relevant observations. Theories are to be preferred, therefore, which are susceptible to such empirical tests. This, however, does not imply that only 'observable' theoretical concepts are scientific. The theorist is free to call upon whatever concepts he wishes to explain his observations. Naturally if the explanation is to be useful such concept should eventually generate observable implications.²⁷ But in performing this function the important fact is that the concepts and the implications may concern any subject matter at all deemed essential to an adequate explanation of the phenomena at hand. The constraints imposed by empiricism on theory are accordingly much weaker than those imposed by positivism.

The criticisms of the new criminology

The subtleties of this historical transition are lost in the heat of debate over what is seen as positivism in criminology. As Downes and Rock point out:

'At times a package deal is presented in which functionalism, positivism, empiricism, evolutionism, and determinism are collectively linked with a "consensus" approach to social problems and a conservative approach to their solution.'²⁸

The package deal on positivist criminology now includes complaints about the notion of scientific neutrality,²⁹ the assumption of social consensus,³⁰ the dependence on scientific method,³¹ the unproblematic treatment of the social reaction,³² the problem of

25. The three most potent attacks have come from K. Popper's *The Logic and Scientific Discovery* (1972), W. Craig's 'Replacement of Auxiliary Expressions' in *Philosophical Review* 65 (1956) 38-55, and W. V. O. Quine's *From a Logical Point of View* (1963), ch 2.

26. See above n 25.

27. An explanation from which no implications (concerning the observation or observations it is meant to explain) can be drawn affords no basis for evaluating its adequacy. See discussion below.

28. D. Downes and P. Rock *Understanding Deviance* (1982), p 75.

29. Taylor, Walton and Young *op cit* n 7 above, p 19.

30. *Op cit* n 7 above, p 31.

31. *Op cit* n 7 above, p 28.

32. *Op cit* n 7 above, p 26.

multiple realities³³ and the assumption of determinism³⁴. In fact it is considerably easier to identify the new criminology by the constellation of its objections than by its own explanatory assumptions. We do not have space here to discuss all these objections but considerable progress can be made if the key issues are singled out for treatment. In our submission the key issues are the assumption of social consensus, the individualist character of positivist criminology and the proposition that the adoption of scientific method is incompatible with the elaboration of an adequate theory of criminal action.

(a) *The Problem of Consensus*

Most textbooks at pains to define the term 'deviance' find themselves thrust up against a characterisation of it as rule violation. And that, with a few refinements, is also where most textbooks stop. The usual refinement is some sort of explication of the notion of a rule, and usual explication is in terms of a social norm or law or both. So it has been among sociologists such as Cohen,³⁵ Merton³⁶ and Gibbons and Jones³⁷ and among psychologists such as Eysenck³⁸ and Trasler³⁹.

The new criminologists object to the definition. Their objections are two-fold. Firstly they dispute the assumption of social consensus on which the definition rests.⁴⁰ They maintain that there are real conflicts of social and moral value and that the assumption of consensus belies equally valid yet competing conceptions of 'reality'. Their second objection is that the 'positivists' assumption of social consensus allows them to relegate 'alternative or deviant realities', to 'the realm of the meaningless', thereby sanctioning the repression of deviance itself.

The first objection breaks into two separate criticisms. One is that there are conflicts of social value and that this is inconsistent with the assumption of social consensus on value implied by normative definitions of deviance. The other is that there is no such thing as an objective or 'true' state of affairs and that each person's 'reality' is equally valid. The second of these will be dealt with in our discussion of scientific method.

The first of their objections is, in part at least, well founded. As a device for marking out a field of study the definition of deviance as norm-violation may be unproblematic. It does capture most of the phenomena which have been the traditional subject matter of deviance. As a device for marking out of the explicandum of theory though, deviance-as-norm-violation is altogether too nebulous a

33. *Op cit* n 7 above, p 26.

34. *Op cit* n 7 above, p 21.

35. A. Cohen *Deviance and Control* (1966) p 1.

36. R. Merton *Contemporary Social Problems* (1966) p 805.

37. Q. Gibbons and J. Jones *The Study of Deviance* (1975) p 44.

38. *Crime and Personality* above, n 5.

39. G. Trasler *The Explanation of Criminality* (1962).

40. Social norms generally being defined as shared social expectations it follows that deviance defined as a violation of social norms assumes the existence of 'shared social expectations' (ie social consensus).

notion. How is a theory to be applied in situations of widespread conflict over social value? What sorts of observations may, without *ad hoc* assumptions⁴¹ about social norms, be taken as relevant to the assessment of theory? Tax evasion and the sale of dangerous drugs are deviance to some, but probably acceptable behaviour to major sections of the population.⁴² They cannot reasonably be dismissed as irrelevant to criminology when the dishonesty which marks them both is a central focus of most investigations of working class crime.⁴³ Moreover it serves no useful purpose to say, as Box⁴⁴ does, that the norms of the criminal law function as an 'authoritative resolution' of the social normative order. For 'authoritative resolution' though they may be, they are evidently not shared by large sections of society.

Admitting the force of the objection is nonetheless no admission of an argument against empiricist criminology, whether from the standpoint of its empiricism or from its historical interest in explaining deviance in terms of the individual. Neither empiricism nor even positivism carry any implications about the existence or otherwise of social consensus, though historically positivist criminology has taken the assumption of social consensus for granted. So have a range of other criminological schools.⁴⁵ Nor, on the substantive side, does the commitment to explaining criminal behaviour in terms of characteristics of the individual carry any implication that social consensus exists on the values embodied by the law against which criminal behaviour is defined (though again positivist criminology has tended to assume it).

The weakness of the new criminology's attack in this matter stems from two related sources of confusion. The first is a confusion of an historical with a logical fact. The historical fact that criminology has been empiricist in outlook and has assumed the existence of social consensus on value has been treated as an indication that empiricism and assumptions of social consensus are logically related. They are not. Further, the contingent fact that criminology has been individualist in focus and disposed to assuming social consensus has also been treated as if one implied the other. Again, it does not. Evidence, then, which goes to show the absence of social consensus does not show the inadequacy of positivist criminology, that is, the error in its individualist focus or empiricist outlook. At best it shows a disposition on the part of theorists who adopt either of the latter, to assume the former.

Perhaps this is in fact the criticism actually being made by the new criminology; that by focussing empirical attention on the criminal and

41. If a theory purports to explain deviance or a class of deviance, observations pertaining to deviant behaviour become potential tests of the theory's adequacy. If, however, it is possible to explain away every potential test of a theory by saying, on a purely *ad hoc* basis, that the behaviour in question wasn't deviant, the theory becomes unfalsifiable.

42. See, for example, P. Wilson and J. Braithwaite (eds) *Two Faces of Deviance* (1978) chs 6 and 10.

43. *Ibid* p 5.

44. S. Box *Deviance, Reality and Society* (1981, 2nd edn).

45. See nn 35, 36 and 37 above.

the crime, attention has been distracted from the hidden purpose of the laws by which these two are defined. It is difficult to know where to begin with such a criticism. Though one might cavil at an objection to a domain of study which is so expressly political, one cannot help but feel sympathy for those who wish to draw criminology away from the narrowness of its traditional focus. In our view there is no essential incompatibility between explaining deviance and explaining the origin and function of laws which define it. But it is worth noting that the 'new criminology', after assailing the criminological positivist's historical preoccupation with explaining deviance, assigns a central place to it within the so-called social theory of deviance.⁴⁶ It expects that an adequate theory may encompass the explanation of adolescent delinquency within such notions as 'blockage of opportunity', 'status frustration' and 'alienation'.⁴⁷ These will be embedded in a 'social psychology of crime' which connects the individual's beliefs and motivations to the pressures and demands created by the political and economic structure of society.⁴⁸ It is hard to see in any theoretical prospectus a clearer commitment to defining deviance as norm-violation, or one more ripe for empirical analysis.

(b) *The problem of 'analytical individualism'*

One senses though, that at the heart of objections to empiricism lies a rejection of the individualist tradition of explanation and the specialist/interventionist programme it has spawned. The traditional interests of positivist criminological theory have focussed on the individual and have borrowed heavily from the medical ontology of normality, disease and control.⁴⁹ Eysenck is, of course, the purest example of this and it is no surprise that his somewhat tendentious claims to scientific respectability have encouraged a rejection of science by those who see his theories as misguided and/or dangerous. Eysenck's attempt to explain deviance by reference to some deviant characteristic of the individual, however, is just that last in a long line of similar positivist efforts stretching back to Lombroso.⁵⁰ What is so striking about these efforts is their persistence in the face of sustained and damaging empirical criticism.⁵¹ What is most surprising about the new criminology is that it chooses to dismiss this criticism as simply part of an 'internecine squabble' going on within positivism.

46. Taylor, Walton and Young *op cit* n 7 above, pp 268–282.

47. *Op cit* n 7 above, p 271.

48. *Op cit* n 7 above, p 273.

49. It is fair to say that even where positivist criminology expressly rejected the view that criminal behaviour was pathological, its preoccupation with developing techniques of deviance control placed it squarely in the medical/interventionist tradition. The distinction between the normal and the pathological is not purely the province of the positivist criminologist. Durkheim for example, relied on a medical analogy to develop his functionalist rules governing 'social facts'. See E. Durkheim *The Rules of Sociological Method* (1964).

50. C. Lombroso *Crime; its Causes and Remedies* (1913).

51. This criticism is actually referred to, though largely ignored by, Taylor, Walton and Young, n 7 above, p 46 and 58.

The empirical evidence against the presumption that deviance or criminal behaviour can be explained solely by reference to the individual is ample testimony to the fact that 'analytical individualism' (as the new criminology calls it) and empiricism are separable commitments. Positivist criminology, if it so chose, could reject the individualism yet retain its empiricist outlook. There is no reason to suppose that scientific method, or empiricism generally, may not be adapted to the purpose of formulating social theories of criminal behaviour and evaluating them. This should come as no surprise. Empiricism, is after all, a doctrine about the sources of our knowledge, not the contents. Scientific method consists of a set of procedures for evaluating purported statement of fact, not a set of statements about what the facts are on any given (say) criminological issue.

It does not take the discovery of evidence against positivist criminology, however, to establish a case that the methodology of science is applicable to social questions and theories. Durkheim himself proposed that the success of the natural sciences could be matched by the social sciences provided similar methods were adopted.⁵² Whether one accepts Durkheim's preferences in the classification of social phenomena is beside the point. He leaves no doubt about one way in which the task of applying science to social explanation might proceed. Confronted with this awkward fact Taylor, Walton and Young have made much of an assertion by Durkheim that:⁵³

'... every time that a social phenomenon is directly explained by a psychological phenomenon, we may be sure that the explanation is false.'

Their reliance on Durkheim's thesis, however, betrays the recurrent confusion of individualist explanation with the methodology of empiricism. Durkheim's thesis, if accepted, entails a rejection of individualist explanations of deviance. It does not entail the inappropriateness of scientific method or empiricism to the study of social phenomena. Such an implication only obtains where it is assumed that individualist criminology and empiricist methodology are logically connected. But to assume that is to beg the question since no argument has been presented to the effect that the rejection of individualist criminology requires the rejection of scientific method. The two have been rejected solely by dint of their historical association with one another.

(c) Scientific method

We are left, then, with the remaining question of 'scientific method' and the extent to which its adoption is inconsistent with the framework of criminological explanation envisaged by the new criminology. That framework is essentially one which emphasises the social and political origins of deviant behaviour and which seeks to expose those

52. See the discussion of Downes and Rock, n 28 above, pp 80-81.

53. *Op cit* n 1 above, p 72.

origins through an analysis of the beliefs, attitudes and values of the deviant. As indicated earlier, we do not believe that contemporary empiricism imposes any constraints on theory which preclude explanation in the terms favoured by the 'new criminology'. It does not preclude an explanation, in particular, of deviant actions in terms of motives, beliefs and values unless a case is made out that no theory can be cast in these terms which is amenable to empirical evaluation. The same applies to the social phenomena of deviance, whether explanation is sought in terms of class structure, social alienation or 'anomie'. But as Taylor, Walton and Young raise three definite issues on the question of scientific method, it would be as well to address ourselves to these issues directly. The three issues are the problem of 'multiple realities', the assumption of determinism and the problem of 'meaning'.

We have already dealt with one leg of the first problem in our discussion of conflicts of value and their relation to normative definitions of deviance. The second leg of that problem, it will be recalled, concerns the suggestion that there may be equally valid yet competing views of the world, of what constitutes 'reality'. The example given by Taylor, Walton and Young to illustrate their point is drawn from Lichtman:⁵⁴

'How many true descriptions of a social act are available? An indefinitely large number. What is it then I do when I lecture? Amuse students, undermine the university, rationalize the pretended liberality of American society, satisfy parental expectations, earn a living, remove my efforts from an indefinitely large number of alternatives, etc?'

Lichtman goes on to make the point that the choice of which, among these alternative descriptions, is true, is class structured. One is left to infer from the use to which Taylor, Walton and Young put the example that (a) there are an indefinite number of alternative descriptions of any action, any pair of which is, or all, may be regarded as equally valid; and (b) that the choice among alternative descriptions is determined by social and political factors. Does this add up to a case against the validity of scientific method as espoused by empiricists?

The answer is no. There may be an indefinite number of true descriptions of an event or state of affairs. But from the standpoint of scientific method the question is whether there is one among that number which is inconsistent with the theory under examination. The choice of how to describe a process is obviously dependent upon the purposes for which it is being described and those purposes will themselves no doubt be shaped by all manner of social and psychological considerations. That has no bearing on, nor does it imply the proposition that any description of an event or process is a true description. It is this latter proposition, not Lichtman's, which would force the abandonment of scientific method.

54. *Op cit* n 1 above, p 27.

The problem of determinism is more complex. The assumption that every event has a cause is a vexed one in philosophy and in physical science. Much of physics now proceeds as if certain events do not have or cannot be discovered to have identifiable causes.⁵⁵ In the realm of human behaviour the problem is complicated by notions of free-will which, it is often felt, are inconsistent with determinism. Individuals evidently exercise choice in their actions yet the choices made are recurrently associated with prior social conditions of specified kinds by different theorists. The new criminologists may assiduously promote the need for a social theory of deviance which assumes free choice, but they never tire of attributing deviance and the ruling class oppression of it to prior social and economic conditions.⁵⁶ This may not be determinism but then it is hard to see what distinguishes it methodologically from the older criminologist's pre-occupation with individual well-springs of action. The dispute between the old and new criminology would seem more a dispute over what causes deviance than over the propriety of theories which affirm or deny free will. Our own view is that any attempt to explain deviance or the State's criminalisation of it must of necessity involve recourse to assumptions about how one state of affairs is associated with another. If the assumption of free will in human action militates against such assumptions, the enterprise of criminology, not just empiricist explanation, would seem hopelessly flawed. In practice one suspects that the objections to determinism stems from a conviction that, somehow, 'meaning' is denied to behaviour when it is explained as the result of antecedent conditions. Whether this is true or not depends very much on what a theory identifies as the antecedent conditions. Taylor, Walton and Young, for example, insist that:⁵⁷

'To explain social phenomena demands social analysis involving the meaning that the behaviour has to the actor.'

In part, these claims are simply an affirmation that attempts to explain social phenomena (particularly deviance) by reference to characteristics of individuals have failed. This is a conclusion well supported by existing evidence. But the notion that explanations of behaviour in terms of a person's motives and beliefs are somehow unscientific flies in the face of contemporary work in psychological theory. There is no need to enumerate counter-examples. Only the behaviourists ever maintained that theories of human behaviour couched in cognitive terms were unscientific. Eminent psychologists from Freud to Festinger have argued to the contrary. More to the point; they have developed explanatory theories which give new meaning to behaviour and, which have been the subject of quite

55. The classic illustration of this is given by Heisenberg's, Uncertainty Principle ($\Delta x \cdot \Delta p \geq h/4\pi$) according to which it is impossible in principle to state both the position and momentum of an electron with certainty.

56. *Op cit* n 7 above, ch 9.

57. *Op cit* n 7 above, p 60.

intensive empirical evaluation.⁵⁸ There is every reason to believe then, that theories of deviance in the terms favoured by the 'new criminologists' may be given and evaluated without abandoning the methods of science.

Now for some it must be said, the very effort to explain deviance is enough to distract from or disguise its political significance. Construed narrowly, such a sentiment is tantamount to an invitation to give up formal explanation altogether. But even on a sympathetic interpretation of the argument, its validity may be seen dependent on the style of explanation considered. If an explanation of individual deviant action (in terms of motives, beliefs and/or values) is knitted into a larger fabric of political and social explanation the argument fails. In such a case the analysis of individual cognition is likely to heighten rather than attenuate the political questions raised by deviant action. The likely outcome of a scientific explanation of deviant behaviour embedded in a theory of the State would be to relay political questions down to, not away from, the individual and his or her beliefs. The fears of the new criminologists and others on this score would therefore seem mistaken. They arise from the (by now familiar) fact that the critics of empiricism have been deluded into thinking that a scientific explanation of deviance must take the form dictated by traditional positivist criminology.

A rapprochement between empiricism and the new criminology

Let there be no mistake about the thrust of the preceding arguments. We do not contend that the arguments of positivist criminology regarding the substantive explanation of deviance are in any shape or form satisfactory. We agree with those who seek to broaden the explanatory focus of criminology to include the actions of those who impose, uphold or administer sanctions against deviance or criminal behaviour. Moreover we wholeheartedly support the efforts of the new criminology, in particular, to shift the explanation of deviant behaviour on to a social footing. Our principle concern is that in achieving these aims, criminology should not place itself in an untenable position by rejecting a scientific approach to the understanding of deviance. Equally it should not suppose that the development of a social theory of deviance in any way necessitates the abandonment of all emphasis on the individual in the explanation of deviance. All that is required is to give psychological or individual theories and social theories their proper balance in the overall pattern of criminological explanation. The link between the two may be explained in the following way.

Except in the extreme case of criminological explanations which deny any role to causes lying outside an agent's body, a full account of deviant behaviour must inevitably include social and psychological

58. A useful introduction to this material is available in C. Coombs, R. Dawes and A. Tversky *Mathematical Psychology: An Elementary Introduction* (1970), ch 1.

components. An explanation of deviance couched in terms of social inequality or the tendency of the ruling class to criminalise behaviour which threatens its interest, inevitably arrives at the point where it must explain how such factors influence a given individual. The psychology of deviance may be construed as the task of spelling out the processes by which, within an individual, social factors or forces exert their effects. The task of sociology transpires as the business of articulating theories which identify and explain the interrelationships among those factors and forces. Obviously an adequate social theory must be compatible with the mechanisms of individual action identified by psychology. But then no adequate psychological theory could be given which conflicted with what is known about the social and political basis of deviance.

Lest this harmonious arrangement appear too Utopian to be believed, it is worth drawing attention to one example of the way in which it actually appears. Trasler has argued that the prevalence of crime among the 'lower classes' is a consequence of permissive, erratic, punitive, 'unprincipled' child-rearing.⁵⁹ On his account the lower classes share the same goals as the middle class, but their techniques of socialisation are less efficacious for the purpose of inculcating values appropriate to the pursuit of those goals. Taylor, Walton and Young rebut this account by drawing attention to empirical evidence⁶⁰ showing that, in fact the socialisation of the lower class is as effective as that of the middle class but is directed to different ends. They also point out the inherent bias created in social indicators of deviance by the socially selective nature of law-enforcement processes.⁶¹ In both cases we see social facts constraining psychological theory. It takes no leap of the imagination to see that, conversely, an adequate psychological theory of deviance must at the very least be consistent with the known social facts of deviance. At its best, an adequate psychological theory will spell out the mechanism by which social causes exert their effects upon the individual.

Thus far we have assumed rather than argued for the value of retaining a commitment to scientific method in criminology. It may well be asked what sort of incentive there is to do so. In our submission the incentive lies in the test of adequacy for any theory that purports to deal with the observable world. Whatsoever esoteric concepts may be embraced by particular criminological theory, whether it entails a commitment to 'beliefs', 'values', 'alienation', 'mechanisms of oppression' or to 'introversion-extroversion', the final test of the theory's validity lies in its capacity 'for working a manageable structure into the flux of experience'.⁶²

It makes no difference whether the motives for formulating a theory are intensely political (eg to draw attention to unrecognised oppression) or arcanelly aesthetic (eg to explain the whole of deviance within

59. *Op cit* n 7 above, p 63.

60. *Op cit* n 7 above, p 60.

61. *Ibid.*

62. W. V. O. Quine *From a Logical Point of View* (1963), p 44.

a single elegant paradigm); the task of evaluating theoretical adequacy remains one of evaluating the extent to which the theory is in accord with the observations which bear upon its truth or falsity. The task is never easy and (within the social sciences) rarely definitive. But the alternatives (eg evaluating theories on the basis of their intuitive appeal or political utility) are unappealing to anyone with a taste for convincing explanation.

Of course the demand for 'objectivity' and 'scientific method' may be used as a device to rule out of consideration, *a priori*, certain kinds of explanations of criminal behaviour. So too can the demand for a renunciation of these things. The virtue of attempting to make one's theoretical assumptions explicit and of adopting certain conventional, common-sense procedures for evaluating them is that these things act against the tendency to embrace theories solely on the basis of the intuitive or political appeal. In the long run it is difficult to maintain a theory, any theory, as the evidence against it begins to mount up. If criminology is ever to distinguish itself from arm-chair speculation, it must, like the physical sciences before it, get out of its armchair. To do so, we would argue, should place no more constraints on the character of its speculations than those imposed by the evidence at hand. And for those who consider that a requirement that theories be cast in a form amenable to empirical evaluation will serve only to support the 'ruling paradigm', we would add, in conclusion, that there is nothing more subversive of the 'ruling paradigm' than empirical evidence against it.