Fundamental Problems in Criminal Justice Knowledge Production

Michael Lenza

INTRODUCTION

Ex-prisoners, along with their children and families, are becoming a permanently managed underclass being cycled and recycled into the vast prison industrial complex of the United States (Clear, 2007; Richards, 1998, 2009a; Richards and Jones, 1997, 2004). In California alone, "the budget for the state's corrections administration has sprung from under $200 million in 1975 to over $4.3 billion in 1998 (no, that is not a typo: it is a 22-fold increase)" (Wacquant, 2002, p. 380). Historically, it was during the 1968 political campaign that Richard Nixon successfully politically reframed the tumultuous discord surrounding the civil rights and anti-Vietnam War movements into a 'law and order' policy solution. Preceding this historical moment incarceration rates in the United States had been stable for 50 years (Lenza and Jones, 2010). It was in this political shift from funding social programs to deal with structural inequalities to using institutions of coercive social control to maintain the order that criminal justice (CJ) as an academic paradigm took root and flourished. That was the beginning of what has become a 600 percent increase in incarceration rates in the USA.

In this article, I question the validity and reliability of knowledge produced in CJ and criminology. Further, I examine how this historically unprecedented expansion of the criminal justice system is changing the social structure of American society through internal colonization of its poorest and most vulnerable populations into a new caste system deprived of civil rights and economic opportunity. I meld the New School of Convict Criminology (CC) with postmodern insights on power and knowledge as an exemplar of why the voices of the human subjects held captive in CJ institutions must be heard to develop a valid and independent knowledge base to inform criminal justice policies. I will begin by briefly expanding the review of the institutional relationships between CJ academic programs and research with the expansion of coercive social control in American society.

THE TAUTOLOGICAL DANCE BETWEEN CJ ACADEMICS AND CJ SOCIAL CONTROL AGENCIES

Critical academics back in the 1970s raised concerns as the success of 'law and order' political campaign platforms, which translated into expansion of government funding for coercive social control. Quinney (1974) commented on American criminology's failure to examine crime within the larger socio-economic structural inequalities due to the economic system, arguing that the rising crime rates of the time were a consequence of disillusionment with the modes of production and distribution of goods. He pointed out that the economic elite use fear of crime as a way to cover over the inadequacies of 'official reality' through using a symptom of capitalistic structural inequalities – crime, as a way to hide the capitalist contradiction from which it arises. In addition, Quinney warned of the dangers lurking in the rapid development of a more centralized and rationalized policing power for the state that the Law Enforcement Assistance Administration (LEAA) funding was then constructing. He believed this would not solve any of the underlying social problems from which much crime arises, but would serve to expand police surveillance and classifications of our own citizenry as our enemies.

Similarly, Chambliss (1975) argued that criminal law was less about customs and beliefs of the people than it was state action protecting the interest of the ruling class. The continual elimination of workers through technologies or machines replacing them also created the dynamics reducing wages of those left. This grows the numbers of surplus workers and the impoverishment of the working class while increasing profits for the owners of production. Projecting causality of crime as deviant individual acts hides these underlying structural factors of crime, while simultaneously providing a rational justifying the use of coercive social control to manage the growing army of surplus labor it creates at public expense.

History has served to validate Quinney (1974) and Chambliss' (1975) critiques. Through the decades that followed these critiques, mass media and political campaigns continually focused the public's attention on 'fear of crime', and the need to keep expanding the power and scope of the criminal justice system. Meanwhile the economic elite's share of wealth concentrated as the working and middle class crumbled. Between 1979 and 2007, the richest 10 percent received 91.4 percent of all income gains, with

the richest 1 percent receiving 59.9 percent of all income gains. Wealth concentration trends are similar with 94 percent of all wealth gains from 1983 to 2009 were accumulated in the top fifth of wealthiest households, with the wealthiest 5 percent capturing 82 percent of the wealth while the bottom 60 percent share of wealth in 2009 was negative, which is less than what they held back in 1983. Another way of seeing this is in 1983 the top 1 percent held 131 times more wealth than the median household and this grew to the top 1 percent holding 225 times more wealth than the median household in 2009 (Mishel and Bivens, 2010). For the poor, who have no accumulated wealth, incarceration rates in the U.S. increased 600 percent since the early 1970s. They got prisons (Reiman, 2009).

An element not addressed in the preceding argument that the economic elite can divert the public's attention away from their wealth and income concentration through transfixing the public on 'fear of crime' is that there is another significant player that needs to be in this model – CJ institutions. CJ coercive social control agencies have a self-interest in increasing their power and budgets, independent of the interest of the economic elite or of the American public. On economy of scale, the more social resources CJ consumes the more influence criminal justice exerts over society, while society's ability to meet its citizenry's needs is proportionately diminished due to CJ's over consumption of social resources. It is a destructive dialectic for the general welfare of any nation.

In this historical moment, there are over seven million Americans under criminal justice (CJ) supervision or one in thirty-one citizens (Pew Center, 2009). CJ policies in practice all too often reflect political exploitation of societal fears of crime cultivated by prejudicial media stereotypes of minority youth (Waymer, 2009). Young black males and increasing numbers of young black females are thrown, shackled, and belly chained into jails and prisons in numbers far exceeding the proportion of crime they commit (Tonry, 1999). Through this expansion of the CJ system's capacity and how it is being utilized, we are engaging in a vast internal colonization of legally 'stigmatized others' (Goffman, 1963, 1961), from our poorest and most vulnerable minority communities (Alexander, 2009; Hind, 1984; Staples 1975; Tatum, 2002).

Internal colonization refers to the tens of millions of Americans, who after completing their sentence for a conviction remain legally deprived of access to many areas of employment, professional licensing, housing,

education and voting rights (Birnbaum and Taylor, 2000; Litwack, 1998; Mauer, 2009, 2010; Soss *et al*., 2008). In essence, we have created a vast new caste system of citizenry for whom discrimination is allowed or even required regardless of how long they have lived law-abiding lives. This population of citizens can remain forever branded as degenerate felons and cast into roles of not quite human others (Garfinkel, 1956), undeserving of civil rights and social economic opportunities.

The racial threat aspect of public perceptions of crime, successfully cultivated into national politics by Nixon in 1968 (Yates and Fording, 2005) has become so pervasive and reified in the United States that black males with no criminal record now have much more difficulty finding employment than white males with a felony conviction (Clear, 2007). The growing social inequalities being exacerbated by our criminal justice policies in the United States (Lenza and Jones, 2011; Clear, 2010; Tonry, 2009; Soss *et al*., 2008; Clear, 2007; Gottschalk, 2006; Western and Pettit, 2005; Irwin, 2005; Smith, 2004; Pettit and Western, 2004; Jacobs and Kleban, 2003; Uggen and Manza, 2002; Fording, 2001; Austin, 2001; Tonry, 1999; Western and Beckett, 1999; Jacobs and Helms, 1996) is the underlying foundation and impetus for this article.[1]

Criminology, as a sociological paradigm, began in the United States in 1893 when the University of Chicago began offering courses on the sociological study of crime. The "Chicago School" emphasized social causes of crime and the types of ecological social environments that could lead to criminal behaviors. CJ as an independent academic paradigm, which tends to have a different emphasis than criminology, did not begin gaining broad acceptance until the late 1960s. CJ focuses more on how our CJ institutions operate, the different functions of the procedural stages of the CJ system and how CJ practitioners work within the systems (Thistlethwaite and Wooldredge, 2010, p. xv).[2] As a paradigm, it is less oriented to the practice of social science than it is focused towards career training for employment in criminal justice agencies.

The major force behind establishing CJ as an academic paradigm came with the establishment of the LEAA whose funding grew 27-fold to $1.75 billion between 1968 and 1972. It was LEAA grants paying college tuition for the professional training of police officers that led to academia's quick development of CJ academic programs on campuses to gain this revenue source. The basic model for CJ undergraduate education can be traced to the police training programs developed in California (Morn,

1995). CJ programs jumped from just 50 in the nation in 1960 to 600 CJ programs by 1970, then doubling to 1200 higher educational programs by 1978. Now there are almost 2000 undergraduate CJ programs and 32 universities with doctorial degrees (Thistlethwaite and Wooldredge, 2010, p. xvi; see also Akers, 1992). Similarly, the growth of CJ's academic arm shadowed this expansion. The American Society of Criminology grew from a membership of about 300 in 1970 to 3,485 in 2000 (Savelsberg *et al*., 2004, p. 1278).

Our other social sciences have had well over a century or more of academic development within which they have had to face and deal with many issues and problems within their knowledge production. One can examine most of the social sciences to see how the validity and reliability their knowledge has grown due to internal critical discourses involving challenges from feminist, minorities, non-heterosexuals, and indigenous postcolonial populations around the globe, as well as other critical standpoints.

The CJ academic paradigm has not demonstrated much interest in critically addressing what impacts their resource dependency on the state's coercive power agencies has on its knowledge production while it has prospered within the expansion. Nor has CJ shown interest in examining the impacts of the criminal justice system's growth upon the broader features of our society, or what role CJ knowledge production has played in the incredible expansion of costs and use of coercive social control, or how this growth has degraded other vital government functions. Much of CJ research is mere descriptive endeavors of existing social arrangements, of CJ policy initiatives, or focused upon on new ways of identifying, rationalizing, differentiating, and categorizing typologies of crime and offenders (Austin *et al*., 2001, 2003; Taylor *et al*., 1975). This managerial emphasis in CJ on identification, categorization, and management of subject populations is in many respects reminiscent of anthropology's research focus and utility to imperialistic nation states during colonialism.

ISSUES IN KNOWLEDGE PRODUCTION WHEN PARADIGMS ALIGN TO STATE POWER AND CONTROL

During colonialism, anthropology grew as an academic paradigm conducting ethnographic studies of indigenous populations and constructing categorical cultural identities of subjugated populations. These studies

often proved useful to colonial administrators. Construction of categorical identities cleaves differences between the people in a society. Even when those social identity constructions were not based upon real differences within the population, they become very real when utilized in governance of the indigenous populations. Smith (1999, p. 1) explains that in post-colonial regions of the world the term "research" remains "inextricably linked to European imperialism and colonization" and "is probably one of the dirtiest words in the indigenous world's vocabulary" (also see Brown, 2005; Freire, 1970; Naples, 2003). How identity typologies are constructed and utilized is of particular importance to CC (Jones *et al*., 2009). A brief examination of the inter-related roles of government and social scientists in the construction of official identities during colonialism is informative for understanding the internal colonization of poor and minority citizenry by CJ institutions. Scientific knowledge is not developed independent of the interests of those engaged in its social production (Clough, 2001). "Writing always involves what Roland Barthes calls 'the ownership of the means of enunciation'. A disclosure of writing practices is thus always a disclosure of forms of power (Derrida, 1982)" (in Richardson, 1991, p. 174).

Michel Foucault's (1977) concept of modern social control theorizes individuals are inscribed with identities. This occurs through particular dominant standards that permeate one's social world, particularly official identities. These identity constructs coercively applied through a myriad of governmental, institutional, and ideological techniques that officially define the meaning, identity, and competence of individuals or social groups to which they are applied. "The soul is the effect and instrument of a political anatomy; the soul is the prison of the body" (Foucault, 1977, p. 30).

When identity categories are constructed and authenticated, however weakly, or even wrongly, by science, the state, or both, power is exercised over the identity production of the people placed in these identity constructs. These official identities begin replicating themselves throughout a social system as they are reapplied throughout the interlocking social institutions of a society. They take on lives of their own. Many of the errors within social science research from colonialism to today are due to researcher's neglect of listening to or understanding the self-definitions of their subjects (Jenkins, 2003). Postmodernism gives voice to previously silenced groups whose social lives and meaning have been colonized by social science research, as it provides a necessary corrective to knowledge production

(e.g. Allen and Chung, 2000; Andersson, 2002; Bayly, 1995, 1999; Dirlik, 1996; Guhu, 1998; Staples 1975).

Jenken (2003) reviews British anthropology's role in constructing castes in India. British anthropologists identified castes that had not existed in India prior to their projection of their imaginations upon the peoples of India and discovering them. She notes that it was not until after the 1857 rebellion against British rule that colonial administrators began systematic studies of caste identities, both to tighten administrative control and to identify certain groups as criminal castes prone to rebellion against British colonization. Once colonial administrators adopted the new social castes created by their own state sponsored research, they became enforced prejudicial social identities for human populations they placed in them, restructuring the culture and society in India (Jenkins, 2003, p. 1146).

Rather than producing objective knowledge researchers can reproduce unacknowledged ideological bias in constructions of social identity independent of the actuality of their subjects' lives. This is particularly true if it serves the needs of the state. Often in state sponsored research, the researcher's 'objective' interpretations of acts or meanings come to stand in place of the actual meanings experienced by their subjects in their lives. These state sponsored interpretations then become officially validated substitutions for the actual human experiences of the subjects without their review or approval. Subjects have occasionally used these tools of their masters to turn the table.

Brown (1993) makes this point in his review of Jomo Kenyatta, leader of Kenya's independence movement. Kenyatta studied anthropology attending Malinowski's seminars in London in the 1930s and then used the anthropological objective voice to present an Afrocentric record of facts to a British white audience. For an African to speak in an academic voice for Africans in the 1930s was a revolutionary act:

> Kenyatta: My chief object is not to enter into controversial discussion […] but to let the truths speak for itself. I am well aware that I could not do justice to the subject without offending those "professional friends of the African" who are prepared to maintain their friendship for eternity as a sacred duty, provided only that the African will continue to play the part of an ignorant savage so that they can monopolize the office of interpreting his mind and speaking for him. To such people, an African who writes a

> study of this kind is encroaching on their preserves. He is a rabbit turned poacher (Brown, 1993, p. 672).

This brief review shows how easily significant problems in knowledge production occurs when social science research is uncritically conducted in close association with the power of the state, particularly in constructing social identities of subject populations. Anthropology has taken a postmodern turn to repair its status as a valid independent paradigm in the social sciences. Voloder (2008, p. 34) explains one of the newer approaches to field studies in anthropology:

> Anthropology argued in favor of the objectification of the researcher, whereby the researcher's self and their relationship to the subject of study became an object of exploration (Bourdieu, 2003). This approach to reflexivity required the ethnographer to reflect on their own trajectory and identifications with the aim to disclose how these positions impact on the analysis of the ethnographic material. The focus is on the 'situatedness' (Abu-Lughod, 1999, p. 141) of knowledge, the recognition that the ethnographers' personal history plays a significant role in enabling or inhibiting particular kinds of analytic insights or oversights (Hastrup, 1992).

The lack of reflexivity in most CJ and criminology research raises the issue of whether much of this research can be accurately described as social science when its questions, focus and findings can be so easily constrained or empowered by the political and ideological interests of funding institutions:

> …competitive pressure in the United States results in academics' attempting to increase salaries, social status, and their market value by gaining outside funding from academically governed funding agencies as well as from policy-making institutions. When research is funded by political agencies, which to a large degree is the case in criminology and CJ studies, then it is rather likely that academically produced knowledge will follow political knowledge. This underlying resource-dependency theory has been exemplified (Savelsberg, 1994, p. 934; see also Denzin, 2009).

Similarly, Schutz's (1967) critique of Weber's ideal type for understanding another's behavior is also relevant in statistical and qualitative studies, as when we construct categories to code people for analysis, whether we acknowledge it or not, we are constructing an ideal type. In this constructed category:

> …the personal ideal type is always determined by the interpreter's point of view. It is a function of the very question it seeks to answer [...] The illusion consists in regarding the ideal type as a real person, whereas actually it is only a shadow person. It "lives" in a never-never temporal dimension that no one could ever experience (Schutz, 1967, pp. 190-191).

CJ research all too often creates distortions of the human identities of individuals and populations subjected to coercive management by CJ institutions. Any human being's life carries a vast number of meanings and roles beyond institutionally derived categories of alleged personal attributes dependent upon their classification by offense or sentence. This juxtaposition of objectified classifications of imposed identities with the lived reality of human life can awaken Dorothy Smith's concept of bifurcation of consciousness. Individuals and social groups, whose material embodied reality has been systematically objectified by systems or structures of power, can awaken to see the diverse forms of oppression under which they live (Smith 1987, pp. 88, 107, 154). Through reflexive ethnographic and autoethnographic methods, they can speak with their own human voices to shatter these objectifications and regain their biographies.

The predominant research on prisoners today is similar to earlier eras of research on race, gender and sexual orientation when the field was dominated by heterosexual, male, middle class, white academics. Being other than heterosexual in one's sexual orientation in the recent past could serve for being diagnosed as mentally ill or a felon. Patriarchy deprived women of full citizenship: voting rights, educational opportunities, careers, as well as ownership and control of their own bodies. In racial and ethnic studies knowledge production was the exclusive reserve of white academics, often serving to rationalize minority's social and economic subjugation. As women, minorities, and non-heterosexuals gained public and academic voices they became able to challenge the stereotypes and beliefs underlying their legal subjugation to homophobic, patriarchal, and racist beliefs that pervaded our laws, policies, and social practices.

Hulsman's (1986) insightful critique on the ontology and epistemologies institutionalized in criminal justice system's concept of crime argues these are constructed to serve the organizational interests of CJ systems and are devoid of input by the human beings that actually experienced the events. More importantly, if social scientists do not problematise the concept of crime, they are stuck within a "catascopic view of social reality, based upon the definitional activities of the system which is the subject of study" (Hulsman, 1986, p. 74). Researchers become imprisoned themselves within a tautological circle preventing them from developing an exterior view of the reality of their subject – crime. "Crime has no ontological reality. Crime is not the *object* but the *product* of criminal policy" (ibid, original emphasis). Understanding this irreconcilable problematic in developing valid knowledge in CJ research requires researchers to take an anascopic standpoint on reality.

Certainly American history carries within it centuries of racial oppression wherein it was a criminal act for an African American to claim a human identity during slavery or Jim Crow, or the legal and cultural rights of whites to use brutal violence against any African American that dared to challenge that status quo. This is but one example. It would take a very large book to review all the human acts defined as crime without substantive evidence that these acts caused harm to innocent others or acts that caused harm to innocent others that were not criminal acts. The weight of human history and our present gives great credibility to Hulsman's position.

(One way out of this political, ideological, and academic quagmire in the study of CJ is for the academic field to recognize it must incorporate the voices and experiences of its subjects as an essential counter-weight to the institutional tautologies inherent in the study of crime. Research that does not ground itself in the actual thinking, understandings and material conditions of life of the subjects is in John Irwin's words, "not only a distortion of the phenomenon but also is very likely a corruption" (Irwin, 1987, p. 42; also see Jones, 1995, p. 108; Richards, 2009b).

A significant problem with CJ research is that a primary component of the system – prisons – are total institutions. It all too easy for researchers who have never experienced having the meaning of their lives categorically objectified by hostile others while living in a total institution that operates through constant threats of violent repression to misinterpret the lives of prisoners (Jones *et al*., 2009). Wallace (2002, p. 53) discusses importance of developing effective language to frame the discourse:

> Because their (researchers) experiences with discourse have not consistently placed them in positions in which they needed to speak back to cultural values that defined them in problematic ways, they have difficulty understanding why others must do so. Thus, for many people, the ideologies of culture and discourse appear neutral and their sense of agency as relatively unencumbered […] a person or group must find language and actions that expose the ideologies of dominant culture and engage those who espouse these ideologies in substantive discourse.

In the gay rights movement development, the use of term 'homophobia' exposed the unwarranted fear within the dominant ideology, while opening the frame so voices of gays could be heard. Part of the challenge for prisoners and ex-prisoners is to expose the stigmatizing labels placed on them are not representative of any actual human being. They represent the imaginative projected fears and ignorance of those using them. We need to expose these stereotypes for what they are, shatter them and into the breach bring forward the reality that prisoners are mostly just people: mothers, fathers, sons and daughters, friends and neighbors, who love and care, and have hopes and dreams like everyone else. No human being is just a thing. All human beings are much more than that.

The New School of Convict Criminology's research on prisons and prisoners provides a bridge between prisoners' experiences and much of the existing academic research. Our research combines substantive experience within the CJ system with our traditional academic training. This allows us to view our subjects and issues through more reflexive lenses due to our familiarity with both worlds (Richards and Ross, 2001). The CC theoretical perspective encourages development of a new synthesis of critical theory with postmodern theories and methods to restore a measure of balance and social justice within the knowledge productions of CJ and criminology. As ex-convict academic researchers we have lived the experience of prisoners, had the meaning of our lives stripped away and replaced by reified categorical constructions as we descended into the depths of prisons, and in varying degrees survived to tell the tale. Yet, even having completed our sentences, and then gained doctorates, we remain tainted by the stigma of fears projected upon us, and in many states discriminatory laws and policies constrain who and what we can be with their self serving foolish little minds and hearts.

Reflexive autoethnographic (and ethnographic) research done by academics that embeds the subject's voice within their conditions of life, by its very nature does critical theory (Ellis and Bochner, 2000; see also Reed-Danahay, 2000). Gready (1993) discusses the importance of prisoner narratives:

> The pain of imprisonment is made visible from the viewpoint of the prisoner thereby enabling it to be acknowledged for what it is (p. 522).
>
> The crucible of incarceration with its textures of violence, pain and suffering seems universally to demand 'factually insistent' narratives (p. 490).
>
> Autobiography serves to restore elemental political ground to the prisoner, and is the most sophisticated articulation of the oppositional 'power of writing' (p. 493).

As a paradigm CJ is long overdue to open its eyes to the incredible costs of our current policies, most of which are founded on ignorance and fear. Meanwhile, the extraordinary cost of the expansion of the criminal justice system is compromising the state's ability to provide essential needs and services to communities (Lenza and Jones, 2010). Recently, the New York Times discussed the United States Department of Agriculture's reports that the number of children facing food insecurity in 2009 rose to nearly one in four. Undernurition in young children is linked to delayed growth and motor development, behavioral problems and learning deficits. The recent Children Defense Fund Report informs us that presently the U.S. spends almost two and a half times as much per prisoner as per public school pupil (Blow, 2011). At present, governments across the United States are laying off thousands of teachers and essential civil servants, cutting services to our most needy, as our infrastructure crumbles, while CJ greadily consumes more and more public resources by incarcerating over one million non-violent offenders within our prisons that pose little to no threat to anyone (Irwin *et al*., 1999).

CJ and criminology have played a significant role in creating the stigmatized identity constructions, rationalizations, justifications and management tools utilized in our current mass incarceration of our fellow citizens. Studies examining the impact of mass incarceration policies on crime rates, show modest impacts at best. A recent study found only a 7 percent reduction in

crime rates due to mass incarceration of offenders (Western, 2005). In the near tripling of the prison population just from 1980 to 1996, crime itself explained only 12 percent of the prison rise, while changes in sentencing policy accounted for 88 percent of the increase (Blumstein and Beck, 1999).

Further, we need to be constantly aware that the CJ system and the prison industrial complex it has spawned, grows through failure and bad policies (Davis, 2003). Longer prison terms, more parole violations for minor rule violations, the systematic incarceration of nonviolent offenders, excessive use of coercive social repression upon our most vulnerable populations, prison overcrowding, and much more translates to more employees, more prisons, and increased correctional budgets as it feeds on other people's children.

THE ELEMENTARY NECESSITY AND SUFFICIENT CONDITIONS FOR ESTABLISHING CAUSALITY

Reviewing the elementary necessary and sufficient conditions for establishing causality is required because these basic preconditions are often set aside in CJ and criminology's reliance on categorical variables to identify populations for enhanced punishments, surveillance, and coercive bureaucratic management. In the physical sciences, one can take oxygen gas and hydrogen gas, bring them together under controlled conditions and produce water (H_2O). From this type of scientific research in the physical sciences, one could then state the necessary and sufficient conditions that will always produce water from these two gases. Our social realities are much more complex.

In statistical analysis, showing the independent variable preceded the dependant variable and the independent variable is significantly related to changes in the dependant variable in a data set, establishes a variable's significance in the model constructed. However, that alone does not establish causality. We must also establish that this cannot be due to other unmeasured or unexamined variables acting on them both before we can claim that a measure of causality has been established (Babbie, 1992, pp. 67-84; Maxfield and Babbie, 2008, pp. 85-98). This vital point is all too often omitted in too many statistical textbooks and research publications.

In other words, causality is established when we can prove that when variable 'A' is present then crime 'B' will occur. This is rarely a causal statement CJ can advance. Yet causality claims are implied when claims of statistical

significance between independent and dependant variables are stressed along with the implications of the findings, without clear warnings of the limitations of the findings. In the social sciences, proving causality is a quite difficult task.

In addition, CJ and criminology in particular need to avoid reliance upon closed, self-serving, ideologically driven knowledge production. The complex realities of the social worlds in which people's lives are actually lived needs to inform our research. If other research creates counterfactuals to a research finding, or plausible alternative explanations exist from other paradigms, we cannot claim a particular interpretation has established a valid causality claim.

It does not take even a majority of subject's coded into category 'X' to act in a particular way for a variable to be significant in relation to a dependant variable (Tabachnick and Fidell, 1996). Yet significant findings in CJ often stigmatize and implicate everyone coded into category 'X', when it may not even apply to the majority of individuals coded as 'X'. This is particularly problematic in development of statistical scales used to guide security level decisions on prisoners, parole and probation decisions, and even sentencing guidelines. Even if the researchers understood the difference between correlations, causation and attributes, when these statistical tools are picked up and used in CJ institutions to determine outcomes in the criminal justice system they are applied as if they carry within them independent causal proof when in statistical reality "[i]t is epistemological nonsense to talk about one trait of an individual causing or determining another trait of the individual" (Kempthorne, 1978, p. 15).

At best, probabilistic models approximately measure but do not define causation (Cat, 2006). In addition, with probabilistic modeling or theoretical constructs, only statistical regularities are observed, while causation on the ontic level may well not be probabilistic at all (Salmon, 1980). CJ agencies through grant funding requirements can, and often do, create deterministic research through specifying the data to be used or by providing the data and requiring that particular questions are examined. Criminal justice agencies funding of CJ academic research has influenced the scope, amount of research, as well as what research tends to be published in CJ and criminology (Savelsberg *et al*., 2004). In addition, there are serious problems with claims of objectivity in data analysis or experimental models.

Lynch and Woolgar (1990) trace the recognition that scientific objectivity is in part a literary style of writing that avoids acknowledgement of the interpretive

"I" within the act. Philosophers and historians Thomas Kuhn, Ludwig Fleck, Michael Polanyi, Imre Lakatos and Paul Feyerabend all suggested that scientific knowledge is socially produced. Thus, the claimed purity of scientific objectivity fell and scientific or positivist methodologies hold no special relationship to truth or understandings of reality. Scientific production is now open to the same types of critiques used for other forms of human production of information or products: what is seen is relative to one's point of view and/or methods used (Lynch and Woolgar, 1990; Gusfield, 1976; Goffman, 1974).

Most social science paradigms have accepted that knowledge production is bound within historical, cultural, and socioeconomic contexts that influence how researchers see and interpret the world. "Postmodern social theory has helped attuned us to the fact that no single perspective can possibly grasp the complexity and diversity of the social world" (Ritzer, 1997, p. 205). CJ and much current criminology fail to recognize that social science claims of objectivity are questionable at best. Until CJ comes to terms with the interpretive, cultural, and historical nature of knowledge production, which is also influenced by funding sources, it will continue to produce mere descriptive research and ideology than valid knowledge production (Crank and Proulx, 2009; also see Habermas, 1971).

CONCLUSION

Yates and Fording (2005) review a convincing series of studies on how the Republican Party and their candidates in the late 1960s and early 1970s courted new constituencies within the backlash against the gains made in the turbulent civil rights movement. Through utilizing racially charged code words within the 'law and order' political discourse, officials from the Nixon administration acknowledged that they intentionally used such rhetoric to gain political traction with the traditional democratic voting working class with anti-minority sentiments. The successful use of such discourses as a political wedge issue soon led to the 'tough on crime' politics and policies that have continued unabated to the present. For the resulting 600 percent increase in use of incarceration that followed the U.S. has gained is very modest reductions in crime at an incredible financial and social cost (Lenza and Jones, 2011; also see Clear, 2007).

CJ, which was an intrinsic facet of this political shift, is long overdue in learning the lessons of anthropology when it comes to constructing

categorical identities from our own perspective or that of our funding agencies. Anthropologists, from the perspective of many post-colonial populations around the globe, were not so much social scientists as they were deceiving informants, gaining the trust of indigenous populations and then replacing the meaning of their lives with objectified abstractions, stealing their souls as they stuffed them into categorical boxes from which they are still trying to escape. CJ is currently replicating these same errors and whether intentional or not, is playing a major role in creating the knowledge claims that may well further widen the internal colonization of our own citizenry through criminal justice institutions of social control.

Within CJ and criminology in North America, the *Journal of Prisoners on Prisons* published by the University of Ottawa Press remains the only peer-reviewed journal that actively brings forth prisoner's voices on the realities of our criminal justice system. That is not enough. The voice of the subjects must have a presence in mainstream CJ research methodologies if we are going to move beyond stigmatizing stereotypes and unrecognized bias in studies of crime and our criminal justice system, and move towards valid knowledge production.

ENDNOTES

[1] References have been placed in order by year instead of alphabetical order to provide the reader with a clearer view of the consistency of findings through time.

[2] By citing this book, I am not endorsing it. One of numerous critiques I found is that the authors favorably cite the Wisconsin Risk Assessment System (298) when its most salient and decisive risk factor, "assaultive offense in last 5 years", was found to have no predictive value for acts of violence, while adding great cost to parole supervision (Eisenberg *et al*., 2009, p. iv).

REFERENCES

Akers, R. (1992) "Linking Sociology and Its Specialties: The Case of Criminology", *Social Forces*, 71: 1-16.

Alexander, M. (2009) *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, New York: The New Press.

Allen, W. R. and A. R. Chung (2000) ""Your Blues Ain't Like My Blues": Race, Ethnicity, and Social Inequality in America", *Contemporary Sociology*, 29(6): 796-805.

Andersson, J. A. (2002) "Administrators' Knowledge and State Control in Colonial Zimbabwe: The Invention of the Rural-urban Divide in Buhera District, 1912-80", *Journal of African History*, 43(1): 119-143.

Austin, J. (2003) "The Use of Science to Justify the Imprisonment Binge", in J. I. Ross and S. C. Richards (eds.), *Convict Criminology*, Belmont (CA): Thompson/ Wadsworth, pp. 17-36.

Austin, J., M. A. Bruce, L. Carroll, P. L. McCall and S. C. Richards (2001) "The Use of Incarceration in the United States: ASC National Policy Committee White Paper", *Critical Criminology*, 10(1): 17-41.

Babbie, E. (1992) *The Practice of Social Research* (sixth edition), Belmont (CA): Wadsworth.

Bayly, S. (1999) *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age*, Cambridge: Cambridge University Press.

Bayly, S. (1995) "Caste and 'Race' in the Colonial Ethnography of India", in P. Robb (ed.), *The Concept of Race in South Asia*, Delhi: Oxford University Press

Birnbaum, J. and C. Taylor (eds.) (2000) *Civil Rights Since 1787: A Reader on the Black Struggle*, New York: New York University Press.

Blow, C., M. (2011) "Falling forward", *New York Times* – August 26. Retrieved from <http:// www.nytimes.com/2011/08/27/opinion/blow-failing forward.html?ref=opinion>.

Blumstein, A. and A. J. Beck (1999) "Population Growth in USA Prisons, 1980-1996", in M. Tonry and J. Petersilia (eds.), *Prisons: Crime and Justice - A Review of Research*, Chicago: University of Chicago Press.

Brown, L. and S. Strega (eds.) (2005) *Research as Resistance: Critical, Indigenous and Anti-oppressive Approaches*", Toronto: Canadian Scholars' Press / Women's Press.

Brown, R. H. (2000) "Rhetoric, Textuality, and the Postmodern Turn in Sociological Theory", *Sociological Theory*, 8(2): 188-197.

Brown, R. H. (1993) "Cultural Representation and Ideological Domination", *Social Forces*, 71(3): 657-676.

Cat, J. (2006) "Fuzzy Empiricism and Fuzzy-set Causality", *Philosophy of Science*, 73(1): 26-41.

Chambliss, W. (1975) "Toward a Political Economy of Crime", *Theory and Society*, 2(2): 149-170.

Chambliss, W. (1973) "The Saints and the Roughnecks", in J. M. Henslin (ed.), *Down to Earth Sociology*, New York: The Free Press/Macmillan, pp. 180-194.

Clough, P. T. (2001) "On the Relationship of the Criticism of Ethnographic Writing and the Cultural Studies of Science", *Cultural Studies: Critical Methodologies*, l(2): 240-270.

Crank, J. P. and B. B. Proulx (2010) "Toward an Interpretive Criminal Justice", *Critical Criminology*, 18: 147–167.

Clear, T. (2010) "Policy and Evidence: The Challenge to the American Society of Criminology – 2009 Presidential Address to the American Society of Criminology", *Criminology*, 48(1): 1-25.

Clear, T. (2007) *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*, New York: Oxford University Press.

Davis, A. Y. (2003) *Are Prisons Obsolete?*, New York: Seven Stories Press.

Denzin, N. K. (2009) "The Elephant in the Living Room: Or Extending the Conversation About the Politics of Evidence", *Qualitative Research,* 9: 139-160.

Derrida, J. (1982) *Margin of Philosophy* (translated by Alan Bass), Chicago: Chicago University Press.

Dirks, N. B. (2001) *Castes of Mind: Colonialism and the Making of Modern India*, Princeton (NJ): Princeton University Press.

Dirlik, A. (1996) "The Past as Legacy and Project: Postcolonial Criticism in the Perspective of Indigenous Historicism", *American Indian Culture & Research Journal*, 2 (2): 1-31.

Eisenberg, M., J. Bryl, T. Fabelo (2009) "Validation of the Wisconsin Department of Corrections Risk Assessment Instrument", Lexington (KY): Council of State Governments Justice Center. Retrieved from <http://www.wi-doc.com/>.

Ellis, C. and A. Bochner (2000) "Autoethnography, Personal Narrative, Reflexivity: Researcher as Subject", in N. Denzin and Y. Lincoln (eds.), *The Handbook of Qualitative Research* (second edition), Newbury Park (CA): Sage, pp. 733-768.

Freire, P. (1972) *Pedagogy of the Oppressed*, Harmondsworth: Penguin

Fording, R. C. (2001) "The Political Response to Black Insurgency: A Critical Test of Competing Theories of the State", *American Political Science Review*, 95: 115-130.

Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*, New York: Random House.

Garfinkel, H. (1956) "Conditions of Successful Degradation Ceremonies", *American Journal of Sociology*, 61(5): 420-424.

Goffman, E. (1974) *Frame Analysis: An Essay on the Organization of Experience*, Cambridge (MA): Harvard University Press.

Goffman, E. (1963) *Stigma: Notes on the Management of a Spoiled Identity*, Englewood Cliffs (NJ): Prentice-Hall.

Goffman, E. (1961) *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*, Garden City (NY): Anchor Books.

Gottschalk, M. (2006) *The Prison and the Gallows: The Politics of Mass Incarceration in America*, New York: Cambridge University Press.

Gready P. (1993) "Autobiography and the 'Power of Writing': Political Prison Writing in the Apartheid Era", *Journal of Southern African Studies*, 19(3): 489-523.

Guhu, S. (1998) "Lower Strata, Older Races, and Aboriginal Peoples: Racial Anthropology and Mythical History Past and Present", *Journal of Asian Studies* 57(2): 423-441.

Gusfield, J. (1976). "The Literary Rhetoric of Science: Comedy and Pathos in Drinking Driver Research", *American Sociological Review*, 41(1): 16-34.

Habermas, J. (1971) "Technology and Science as 'Ideology'", in *Toward a Rational Society*, Boston: Beacon, pp. 81-122

Hind, R. J. (1984) The Internal Colonial Concept", *Comparative Studies in Society and History*, 26(3): 543-568.

Hulsman, L. (1986) "Critical Criminology and the Concept of Crime", *Contemporary Crisis*, 10: 63-80.

Irwin, J. (2005) *The Warehouse Prison: Disposal of the New Dangerous Class*", Los Angeles: Roxbury.

Irwin, J. (1987) "Reflections on Ethnography", *Journal of Contemporary Ethnography*, 16: 41-48.

Irwin, J., V. Schiraldi and J. Ziedenberg (1999) "America's One Million Nonviolent Prisoners", Washington (D.C.): Justice Policy Institute. Retrieved from <www.justicepolicy.org/.../99-03_REP_OneMillionNonviolentPrisoners_AC .pdf>.

Jacobs, D. and R. E. Helms (1996) "Toward a Political Model of Incarceration: A Time-series Examination of Multiple Explanations for Prison Admission Rates", *American Journal of Sociology*, 102: 323-357.

Jacobs, D. and R. Kleban (2003) "Political Institutions, Minorities, and Punishment: A Pooled Cross-national Analysis of Imprisonment Rates", *Social Forces*, 82: 725-755.

Jenkins, L. D. (2003) "Another "People of India" Project: Colonial and National Anthropology", *Journal of Asian Studies*, 62(4): 1143-1170.

Jones, R. S. (1995) "Uncovering the Hidden Social World: Insider Research in Prison", *Journal of Contemporary Criminal Justice*, 11(2): 106-118.

Jones, R. S., J. I. Ross, S. C. Richards and D. S. Murphy (2009) "The First Dime: A Decade of Convict Criminology", *Prison Journal*, 89: 151-171.

Kempthorne, 0. (1978) "Logical, Epistemological and Statistical Aspects of Nature-nurture Data Interpretation", *Biometrics*, 34: 1-24.

Lenza, M. and R. S. Jones (2011) "Money, Criminology and Criminal Policies: The Impacts of Political Policies, Criminality, and Money on the Criminal Justice in the United", in M. Herzog-Evans (ed.), *Transnational Criminology Manual* (volume 1), Netherlands: Wolf Legal Publishers, pp. 313-332.

Litwack, L. F. (1998) *Trouble in Mind: Black Southerners in the Age of Jim Crow*, New York: Alfred A. Knopf.

Lynch, M. and S. Woolgar (1990) "Introduction: Sociological Orientations to Representational Practice in Science", in M. Lynch and S. Woolgar (eds.), *Representation in Scientific Practice*, Cambridge (MA): MIT Press, pp. 1-18.

Massey, D. and N. Denton (1998) *American Aparthied: Segragation and the Making of the Underclas*s, Cambridge (MA): Harvard University Press.

Mauer, M. (2010) *The Two-tiered Justice, Race, Class and Crime Policy*, New York: Routledge.

Mauer, M. (2009) Racial Disparities in the Criminal Justice System, Washington (D.C.): The Sentencing Project. Retrieved from <http://www.sentencingproject.org/template/page.cfm?id=120>.

Maxfield, M. J. and E. R. Babbie (2008) *Research Methods for Crimnal Justice and Criminology* (sixth edition), Belmont (CA): Wadsworth.

Mishel, L.and J. Bivens (2011) "EPI Briefing Paper #331", *Economic Policy Institute* – October 26. Retrived from <http://www.epi.org/files/2011/BriefingPaper331.pdf>.

Morn, F. (1995) *Academic Politics and the History of Criminal Justice Education*, Westport (CT): Greenwood Press.

Naples, N. (2003) *Feminism and Method: Ethnography, Discourse Analysis and Activist Research*, New York: Routledge.

Pew Center on the States (2009) *One in 31: The Long Reach of American Corrections*, Washington (D.C.): The Pew Charitable Trusts – March.

Pettit, B. and B. Western (2004) "Mass Imprisonment and the Life Course: Race and Class Inequality in USA Incarceration", *American Sociological Review*, 69: 151-169.

Quinney, R. (1974) "Critique of Legal Order: Crime Control in Capitalist Society", Boston: Little Brown.

Reed-Danahay, D. (ed.) (1997) *Auto/Ethnography: Rewriting the Self and the Social*, New York: Berg, pp. 1-17.

Reiman, J. (2009) *The Rich Get Richer and the Poor Get Prison: Ideology, Class, and Criminal Justice*, Upper Saddle River (NY): Prentice Hall.

Richards, S. C. (2009a) "A Convict Perspective on Community Punishment: Further Lessons from the Darkness of Prison", in J. I. Ross (ed.), *Cutting the Edge: Current Perspectives in Radical/Critical Criminology and Criminal Justice* (second edition), Edison (NJ): Transaction, pp. 122-144.

Richards, S. C. (2009b) "John Irwin", in K. Hayward, S. Maruna and J. Mooney (eds.), *Fifty Key Thinkers in Criminology*, London: Routledge, pp. 173-217.

Richards, S. C. (1998) "Critical and Radical Perspectives on Community Punishment: Lessons from the Darkness", in J. I. Ross (ed.), *Cutting the Edge: Current Perspectives in Radical/Critical Criminology and Criminal Justice* (first edition), New York: Praeger, pp. 122-144.

Richards, S. C. and R. S. Jones (2004) "Beating the Perpetual Incarceration Machine", in S. Maruna and R. Immarigeon (eds.), *After Crime and Punishment: Pathways to Offender Reintegration,* London: Willan, pp. 201-232.

Richards, S. C. and R. S. Jones (1997) "Perpetual Incarceration Machine: Structural Impediments to Post-prison Success", *Journal of Contemporary Criminal Justice*, 13(1): 4-22.

Richardson, L. (1991) "Postmodern Social Theory: Representational Practices", *Sociological Theory*, 9(2): 173-179.

Ritzer, G. (1997) *Postmodern Social Theory*, New York: McGraw Hill.

Salmon, W. (1980) "Causality: Production and Propagation", in *Proceedings of the Biennial Meeting of the Philosophy of Science Association*.

Savelsberg, J. J. (1994) "Knowledge, Domination, and Criminal Punishment", *American Journal of Sociology*, 99: 911-943.

Savelsberg, J. J., L. L. Cleveland and R. D. King (2004) "Institutional Environments and Scholarly Work: American Criminology – 1951-1993", *Social Forces*, 82(4):1275-1302.

Schutz, A. (1967) *The Phenomenology of the Social World*, Boston: Northeastern University Press.

Sheldon, S. (2001) *Controlling the Dangerous Classes,* Boston: Allyn & Bacon.

Smith, K. B. (2004) "The Politics of Punishment: Evaluating Political Explanations of Incarceration Rates", *Journal of Politics*, 66: 925-938.

Smith, L.T. (1999) *Decolonizing Methodologies, Research and Indigenous Peoples*, New York: Zed Books.

Smith, D. (1987) *The Everyday World as Problematic*, Boston: Northeastern University Press.

Soss, J., R. C. Fording and S. F. Schram (2008) "The Color of Devolution: Race, Federalism, and the Politics of Social Control", *American Journal of Political Science*, 52(3): 536-553.

Staples, R. (1975) "White Racism, Black Crime, and American Justice: An Application of the Colonial Model to Explain Crime and Race", *Phylon*, 36(1): 14-22

Tabachnick, B. and L. Fidell (2006) *Using Multivariate Statistics* (fifth edition), Needham Heights (MA): Allyn & Bacon.

Tatum, B. (2002) "The Colonial Model as a Theoretical Explanation of Crime and Delinquency", in S. L. Gabbidon, H. T. Greene and V. D. Young (eds.), *African*

American Classics in Criminology & Criminal Justice, Thousand Oaks (CA): Sage, pp. 307-322.
Taylor, I., P. Walton and J. Young (1975) *The New Criminology*, Boston: Routledge.
Tonry, M. (2009) "Explanations of American Punishment Policies: A National History", *Punishment & Society*, 11(3): 377-394.
Tonry, M. (1999) "Why Are USA Incarceration Rates So High?", *Crime & Delinquency*, 45: 419-437.
Thistlethwaite, A. B. and J. D. Wooldredge (2010) *Forty Studies That Changed CK: Explorations Into the History of Criminal Justice Research*, New Jersey: Prentice Hall.
Uggen, C. and J. Manza (2002) "Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States", *American Sociological Review*, 67: 777-803.
Voloder, L. (2008) "Autoethnographic Challenges: Confronting Self, Field and Home", *Australian Journal of Anthropology*, 19(1): 27-40.
Wacquant, L. (2002) "The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration", *Ethnography*, 3(4): 371-397.
Wallace, D. L. (2002) "Out in the Academy: Heterosexism, Invisibility, and Double Consciousness", *College English*, 65(1): 53-66.
Waymer, Damion (2009) "Walking in Fear: An Autoethnographic Account of Media Framing of Inner-city Crime", *Journal of Communication Inquiry*, 33(2): 169-184.
Western, B. (2005) *Punishment and Inequality in America*, New York: Russell Sage.
Western, B. and K. Beckett (1999) "How Unregulated is the USA Labor Market? The Penal System as a Labor Market Institution", *American Journal of Sociology*, 104: 1030-1060.
Western, B. and B. Pettit (2005) "Black-white Wage Inequality, Employment Rates, and Incarceration", *American Journal of Sociology*, 111: 553-578.
Yates, J. and R. Fording (2005) "Politics and State Punitiveness in Black and White", *Journal of Politics*, 67: 1099-1121.

ABOUT THE AUTHOR

Michael Lenza, PhD, is an ex-convict who is now an Associate Professor of Criminal Justice at the University of Wisconsin-Oshkosh. He has published on the death penalty, research ethics, medical marijuana, a historical political view of the development of mass incarceration in the USA, as well as theory and research methods. He is currently working on the institutional foundations of violence in the American context, and utilizing postmodern autoethnograpic theory and methods to provide voice to prisoners.