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Criminology, Bureaucracy and Unfinished Business

Ian O'Donnell, University College Dublin

When exploring the interplay of criminology and policy the debate often revolves around the changing influence of the former on the direction of the latter. This debate generally occurs in countries where the discipline is firmly entrenched and the policy context is well understood. But what about when the criminal justice system operates in the absence of a sustained academic critique? How do things appear where criminology is in a fledgling state and where bureaucratic arrangements in respect of criminal justice have an unformed quality? What does the absence of criminology tell us about the possible impact of its presence?

An underlying theme of this book is that criminology is beginning to fragment just as it establishes its credentials as a vibrant academic discipline with all of the necessary apparatus of scholarship. However, it would be fair to say that in the Republic of Ireland the consolidation that might precede such fragmentation remains a long way off. Before an institute of criminology was set up in University College Dublin in 2000 Ireland was unusual among European countries in having no institutional framework for the study and teaching of criminology. Furthermore, when criminology finally emerged it was not because the state or university sector decided it was time to act, but because philanthropic funding for the venture was made available, anonymously.

The research infrastructure remains slight. A national crime council was established in 1999 but abolished in 2008. There is neither a society of criminology nor a specialist journal. There is no research unit in the Department of Justice, Equality and Law Reform and the amounts of funding made available by research councils and other bodies are extremely modest. So, what do policy and practice look like when there is no discipline to dialogue with, when the

conversation is stuttering and one-sided? An examination of the Irish context suggests several salient characteristics.

To begin with, there is a litany of broken political promises, false starts, legislative stillbirths, unexpected outcomes, perplexing priority shifts, unevenly executed commitments, sporadic (but seldom sustained) eruptions of punitive sentiment, and a grindingly slow pace of reform even when its desirability is not disputed. To give but two illustrations, the Probation of Offenders Act 1907—a hangover from a time when Ireland was a British colony—remains in force and the 1947 Prison Rules were not replaced until 2007, despite calls for a new version as far back as the early 1960s and the publication of draft new rules in 1994. It is not just legislative change that moves slowly; high-level policy discussions have little impetus. A white paper on crime was promised by the minister for Justice, Equality and Law Reform in 1997 and remained a stated priority for several years. Yet it did not generate a programme of work and resulted in no publications. In 2009 a new minister repledged the commitment to producing a white paper on crime, without reference to his predecessor's promise, and setting a deadline of two years. Taken in isolation any of these phenomena might be viewed as aberrations but together, and over time, they evince a pattern that demands explanation.

Furthermore, the cumulative impact of initiatives that elsewhere seem to have led to predictably harmful outcomes has been surprisingly benign. It is not that politicians in Ireland have never been keen to express punitive sentiments or take what they perceive to be firm action, but the gap between rhetoric and effect is wide. For example, the Criminal Justice Act 1999 introduced minimum ten-year prison sentences for possession of drugs valued over €13,000, unless there were 'exceptional and specific circumstances' that would make such a sentence unjust. The courts found such circumstances for 125 of the first 130 persons convicted under this law. Anti-social behaviour orders were introduced in the Criminal Justice Act, 2006 and heralded as a significant additional weapon in the fight against community disharmony. In the first two years of their existence, just six were issued nationwide; three for adults and three for children.

To what extent are there lessons here that might be of wider relevance? Does the experience of Ireland offer any clues about the circumstances under which punitive promises are not translated into painful practice? What can be learned from turning the criminological gaze to new territories? Trying to solve the riddle of why criminal justice policy-making does not always have the pernicious consequences that it promises brought me back to Weber (on bureaucratization), Mills (on the failure of the sociological imagination), Merton (on the unanticipated consequences of public policy) and to a reconsideration of Mathiesen's politics of the unfinished. Before engaging with the theoretical context, it is worth elaborating one particularly puzzling policy choice.

Odd Decisions, Badly Made

Many of the concerns about incoherence in the criminal justice policy arena are brought into clear focus when attention is turned to prison building. Despite the expense of imprisonment, which is much greater in Ireland than in other developed countries (the average cost per prison place in 2008 was €93,000), and against a background of steep falls in recorded indictable crime, the government revised upwards its estimate of the number of additional prison places required by a factor of ten in the space of three years: from 210 in 1994 to 2,000 in 1997. In a country where the prison population averaged around 2,100 throughout the first half of the 1990s, this was a phenomenal policy change. We do not know much about the composition of the prison population at this time as no detailed data were ever published for the years 1995 to 2000. But we do know that the per capita number of sentenced prisoners was virtually the same in 2004 as it had been in 1994 and that over the same period the number of committals to prison under sentence fell. In other words, it does not appear that the desire to increase capacity was stimulated by rising crime or that the courts responded to the prospect of more prison places by imposing more prison sentences.

The situation becomes even more curious when one considers that Irish Prison Service (IPS) forecasts of the growth in prisoner numbers have fallen far short of the reality (unlike in other

Anglophone countries where the growth in the number of prisoners has tended to outstrip even the most pessimistic projections). In its *Strategy Statement 2001–2003* the IPS set a ‘target’ number of prisoner places for December 2003 of 4,042. When this month came around, according to the IPS annual report, there were 3,146 persons in custody, suggesting that the scale of the targeted expansion was considerably higher than required. Indeed, in 2002 a young offender institution was shut down, followed by two prisons for adult males in 2004. This was hardly the mark of a penal system unable to cope with the demands being put upon it. The fact that growth was below what had been predicted, and the number of institutions was contracting, might have been expected to subdue enthusiasm for penal expansionism, especially given the huge associated costs. But this did not happen.

In January 2005 the government pledged to build a cluster of institutions on a scale never before imagined on farmland that had been purchased at great expense at Thornton Hall in north county Dublin. The new prison complex was to accommodate 1,400 prisoners in single cells but the plans allowed for deliberate overcrowding (described by the IPS in its promotional material as ‘multiple occupancy arrangements’) that could raise this total to 2,200. This titanic development, which could have housed most of the country’s prisoners, was intended to replace a Victorian prison in Dublin’s city centre and adjacent facilities, which between them held around 850 men, women and children. The latter existed in varying states of decrepitude, but included a prison for women that was innovative in terms of its architecture and regime and opened to great acclaim in 1999, almost thirty years after a site had been purchased (albeit in a different location).

As if to underline the lack of clarity around penal planning the IPS went out to tender for projections of the prison population in March 2009, years after the commitment had been made to expand, the Thornton Hall site purchased, and the technical drawings finished down to details of individual cell and landing layouts and furnishings. Another act in this drama began in May 2009 when the government announced that, after spending €41 million purchasing and preparing the site, it would not be going ahead with the project as originally envisaged. The stated reason was that the consortium that had been formed to finance and build the new prison complex could no longer offer value for money at a time of deepening

recession. To understand how and why such important decisions emerge, morph and are reversed it is necessary to consider the context in which policy choices are made, in particular the role of bureaucracy.

Rational-Legal Authority and Criminal Justice

Modern bureaucracies are supposed to function in a spirit of indifference to the moral worth of their task. They are goal-oriented, hierarchically organized, impersonal, and governed by formal rules. This, coupled with a division of labour that segments activities into discrete parts, ensures that bureaucracies are the most efficient means of carrying out morally distasteful acts ranging from the denial of benefits to supplicant citizens, to the administration of punishment and the organization of genocide. Bureaucratization is both an inevitable concomitant of increased complexity in political and economic arrangements as well as a midwife for further differentiation.

Weber's characterization of bureaucracy stresses the overriding importance of rational-legal authority. This involves a graduated structure, within which each office possesses a tightly circumscribed jurisdiction. Authority inheres in the office rather than the office-holder. Procedural fairness is guaranteed by written rules; the lines of accountability are clear; outcomes are calculable; and discretion is limited to minimize the possibility of bias. Record-keeping and accurate filing are prioritized. Efficiency and predictability are of paramount importance. There is little scope for judgement or favouritism. How people feel about their colleagues is of minor consequence; the operation runs smoothly because mutual role expectations are entrenched and stable. As Weber (1968: 975) put it: 'Bureaucracy develops the more perfectly, the more it is 'dehumanized', the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation.'

The 'iron cage' that Weber describes is the apotheosis of bureaucratization and rationalization. It denotes a society where laws and rules are accorded privileged status, exceptions cannot be tolerated and we all become either cogs in the machine or sources of input. Fairness is defined in terms of predictably similar treatment. Impersonality, precision, reliability and efficiency are the bywords. Of course, Weber's portrayal of bureaucratic order is an ideal type; things are never this neat. Circumstances will invariably arise that pose challenges for even the most encyclopaedic rule book. Then interpretation, discretion and discernment must be allowed a role.

When the line of action is inchoate the bureaucratic intellectual may have considerable scope to define it, identify and rule out alternatives, and map the route from concretizing an idea to measuring its impact. Where there is a greater degree of specificity the room for manoeuvre is correspondingly reduced. In his study of the routine initiation of criminal justice policy in England and Wales and Canada, Rock (1995) drew attention to the different forces that sculpt policies as they emerge from the bureaucratic milieu, compete for attention, receive official sanction, are balanced against prior commitments, debated by committees, gradually introduced to wider arenas where support cannot be guaranteed, and finally become anonymous (in that the connection with a sponsor or champion is sundered) and dispersed outside of the originating environment. The final product is the culmination of a series of overlapping and interlocking dialectical processes. The role of the civil servant in this chain of events can range from cipher to author. While they operate within clearly delineated constraints in terms of political priorities, parliamentary scheduling and research support, a zealous bureaucrat can nonetheless leave a mark. The Thornton Hall project in Ireland did not emerge from such a process. The critical decisions about scale and location remained tied to the minister who made them; they were not tested and tweaked in an informed debate, and failed to develop a currency or legitimacy of their own.

An interesting question is raised about the implications for bureaucratic decision-making and, furthermore, for the subjective experience of the application of rules, if the iron cage is never properly fortified. If there are substantial imperfections in a country's bureaucratic arrangements what does this imply for the size and shape of its criminal justice system?

When there are few developed structures is there more room for the personalities and proclivities of key individuals to play a determining role? When this is coupled with a clientelist political system what are the consequences for penal arrangements? Before attempting to answer these questions it is necessary to say a little more about how we might conceptualize the policy process.

The Policy Process

When thinking about the relationship between criminology and public policy it is useful to return to the distinction drawn by Mills (1959) between ‘grand theory’ (in its most polysyllabic, abstract and unintelligible forms, where ornate argumentation is more important than limpidity of thought) and ‘abstracted empiricism’ (in its most narrowly focused manifestations, where levels of statistical significance are fetishized). While contemporary criminology abounds with examples of each of these styles of work, it would be going too far to interpret their all too evident presence as a failure of the criminological imagination, especially given the coexistence of the kind of analysis that is both supple and subtle enough to encapsulate an understanding of what Mills (1959: 8) describes as the crucial relationship between ‘personal troubles’ and ‘public issues of social structure’. The task of the social scientist is ‘continually to translate personal troubles into public issues, and public issues into the terms of their human meaning for a variety of individuals’ (ibid.: 187).

But the increasing specialization of the criminological endeavour and the growing emphasis on collaboration may exercise an unwelcome effect on the residuum of intellectual space where curiosity can be given free rein. The bureaucratization of scholarship, as Mills portrayed it, results in the emergence of teams of technicians focused on priorities that are not of their own making and in thrall to funding bodies. They are led by a new breed of entrepreneur who excels at grantsmanship but whose individual prowess in the arena of ideas cannot easily be ascertained. It is said that certain forms of criminological expertise are taken less seriously today by the powers that be and that other varieties are denigrated by the

academy. Could it be that, generally speaking, politicians and policy-makers are unmoved by 'grand theory' in the same way that critical criminologists find 'abstracted empiricism' patently unsatisfactory? It is interesting to speculate that when the enterprise of criminology was younger, the volume of work smaller, and the aficionados less numerous but more puzzled, it was easier to keep the person and the political in simultaneous focus. Expansion, fragmentation and replication have militated against this kind of coherence.

Sometimes the debate about the proper role of criminology in public life is between those who feel they should try to make a difference in terms of influencing policy and practice and those who believe that this is at best a distraction or at worst a dangerous irrelevance. One common theme is that while criminologists and governments share many core concerns, the danger of the former becoming the servant of the latter must be guarded against. The objectivity of the social scientist could be seriously compromised should a relationship of dependency emerge. Despite the importance of this concern, the literature on how influence is distributed in criminal justice decision-making is not well developed, a point made by Solomon (1981) and strongly reiterated by Ismaili (2006). Solomon argues that the stuff of deliberation should be the evolution of the policy process, which he sees as embracing four phases: agenda-setting, decision-making, implementation and evaluation. The first phase involves sensitizing the policy community to the relevance of a new idea. The second revolves around the extent to which the idea should be adopted, if at all. The third is the translation of policy preferences into practical actions; this involves making subsidiary choices, drafting guidelines, clarifying parameters and dealing with opposing views. Finally, there is an opportunity for appraisal that may or may not incorporate an impartial assessment, and provides feedback on the efficacy of the policy.

This is a good way to think about the incremental development of policy and the sequencing of opportunities for politicians, professional actors and the attentive public to reinforce or derail the process. It suggests that the prospects for successful innovation are poor when decisions are made suddenly, in a context where the items on the agenda cannot be agreed, and where the policy is imposed from above, with little clarity about what it is supposed to achieve, in an environment where the capacity to evaluate it does not exist. This helps to

explain why some initiatives, such as a stated determination to expand the prison system, which can be made without immediate regard to the preferences of key interest groups or the need to effect behavioural change on the part of the relevant actors, can remain influential until the point at which resource allocation becomes pressing. At this moment, if the promise is to be realized, the early phases of the process must be expedited, an unlikely scenario given the limited progress that has been made in terms of rendering the idea acceptable to the policy community, deemed to be a priority, and amenable to implementation.

Solomon suggested that it might be helpful to see social scientists as contributing to policy-making in two distinct ways. First of all, as problem-solvers (perhaps most prominently involved at the evaluation phase) whose deliberations and conclusions will struggle to survive among competing, and shifting, political priorities, professional interests and public concerns. Secondly, as providers of new perspectives on what might constitute priority areas in the policy arena (this gives them a role much earlier on, in the agenda-setting and decision-making phases). In countries where the criminal justice system has developed a capacity to carry out research and planning internally, there might be activity along each of these dimensions (problem specification and solving) in house. Where such intellectual capital does not exist—as in Ireland—these influences are more remote and policy formation has an *ad hoc* feel to it.

Furthermore, it cannot be assumed that researchers are unified in their view of how any set of criminal justice phenomena should be addressed. Good research will probably raise new questions and add uncertainty where decision-makers seek clarity. Often the findings of criminologists are hedged with caveats and liable to revision; there are competing interpretations; the idiom can be difficult for policy-makers to penetrate; there are few replicated experimental results (and even doubt about the relevance of such findings, where they appear clear). Nuance and contestation are integral to the academic process but anathema to politicians and policy-makers.

Making Choices in an Informational Vacuum

In a paper published in the first volume of the *American Sociological Review* Merton (1936) elucidated the conditions under which public policy was likely to misfire. The first is the existing state of knowledge. While we often act without complete information, the hazards are inversely related to the knowledge base. In other words the less we know the greater the possibility that unforeseen consequences will follow. (It must be said, of course, that these are not necessarily negative in their effects; poorly-informed decisions can have unambiguously beneficial consequences.) The second factor is error. Whether through force of habit, selective attention or a determination to proceed despite the evidence, decisions can lead in unexpected directions. The third factor is immediacy of interest. This refers to situations where ‘paramount concern with the foreseen immediate consequences excludes the consideration of further or other consequences of the same act’ (Merton 1936: 901). In other words the urgency of the immediate can trump the less pressing but possibly more significant demands of the future.

Merton argued that if we are ignorant, error-prone and preoccupied with immediate effects, the unanticipated consequences of social policy will be magnified. The poor quality of available information and the desire to make a swift impact render criminal justice policy-making peculiarly vulnerable in these respects. We need to add to the mix another factor identified by Merton, namely that ‘public predictions of future social developments are frequently not sustained precisely because the prediction has become a new element in the concrete situation, thus tending to change the initial course of developments’ (ibid.: 903-4).

Consider the prison-building programme described above in light of Merton’s ideas. This was a policy decision designed to provide an immediate response to a political desire to do something tangible about crime. It was taken in the absence of an informed debate about the size and shape of the prison population, and in the face of a surprising stability in the level of sentenced prisoners. It was clung to despite unanswered questions about its intended scale. Here we see at play the factors of immediacy of interest, underdeveloped knowledge and

error. Finally, the sheer fact of the prison-building programme may be responsible for introducing an upward shift in the use of imprisonment, even if there is no change in the pattern of offences coming before the courts. This is Merton's point about the decision itself influencing outcomes. It follows from all of this that the stated purposes of this policy, namely more humane conditions, lower recidivism, improved treatment of prisoners through differentiated regime design and enhanced sentence planning, are not necessarily those that will flow from it.

Another unanticipated development came to play a vital role at the end of 2008 when Ireland plunged into recession. Some months later the economy had reached such a low ebb that it was decided to postpone building at Thornton Hall; penal policy decisions could no longer be insulated from financial considerations. That economic factors called a halt to this development, rather than the many principled objections about its necessity, scale, location and mix of prisoners, is an emphatic statement of the pointlessness of the plan. Just as the bottom line, rather than a clear penal philosophy, drove reckless expansion, so too might it be the motor for contraction.

Parish Pump Politics

Bureaucracy is meant to minimize the possibility of favouritism, but it could be argued that the pursuit of the latter is one of the defining features of Irish political arrangements. Elected representatives see their role as intervening with public agencies on behalf of their constituents. For many politicians this micro-activity is the paramount concern, with their role as legislators coming a distant second. The desire to respond to client concerns, and the expectation that they can be called upon to do so, know few bounds.

Politicians in Ireland take a detailed interest in voters' lives because they are closer to them than their counterparts elsewhere. There are proportionately a large number of them: 166

members of parliament for a population of four million, compared with 646 in the United Kingdom for a population of 61 million. Also, Irish political representatives are returned from multi-seat constituencies where the single transferable vote system of proportional representation is used. This means that they are in competition with party colleagues as well as the opposition. Politicians who do not work their patch assiduously take their chances with the electorate. No matter is too trivial and the stock response whenever a constituent raises a query is to initiate a trail of correspondence. In January 2007, a junior minister wrote to the minister for Justice, Equality and Law Reform arguing for the early release of two constituents, a child rapist and a murderer. In the ensuing controversy it emerged that since first returned to the Dáil in 1992 he had sent *more than 200,000 letters* from his constituency office.

These factors foster a strong sense of localism and personalism, where serving and prospective parliamentarians dedicate themselves to case work on behalf of those who they hope to represent. By asking for their vote they incur the obligation of service. Politicians act as brokers for their constituents, mediating between them and the state. In all likelihood these interventions make no appreciable difference to the outcome. But the result is delivered more quickly (sometimes) and with a personal touch (always). The constituency clinic is not a place where debates about national (or, perish the thought, international) affairs are aired. It is where complaints about road surfaces, school buildings, public housing lists and welfare benefits are grist to the mill. Clientelism is rampant in Ireland, particularly in rural areas, because people feel they cannot navigate the bureaucratic maze; they need a more powerful figure to intervene on their behalf, whether to secure an entitlement or to win a favour. This is an attempt to weave back into official business the ‘purely personal, irrational, and emotional elements’ that Weber (1968: 975) saw as undermining bureaucratic administration. But it relates also to the countryman’s traditional confidence in face-to-face encounters rather than exchanges of correspondence. (In any event the latter function—largely a secretarial one—will be discharged on their behalf by a local political hopeful.)

Clientelism inhibits meaningful debate on issues that transcend the proximate and this has serious implications for civil servants who spend much of their time dealing with trivial

representations from politicians. Some civil servants are seconded to teams that deal exclusively with the concerns of their minister's constituents, thereby further reducing departmental capacity to deliver national objectives, formulate and follow through policies. A bureaucratic system that is vulnerable to quotidian interference becomes compromised in terms of delivering predictable and swift outcomes. If anything the system becomes clogged with queries and slows down even more, thus increasing citizens' desire for politicians to broker results, and confirming their antipathy towards direct engagement with the bureaucracy itself. The system contains within it the seeds of its own perpetuation. In such bureaucratic environments strategic thinking will be difficult to sustain; there will always be numerous matters requiring immediate attention. Returning to the four phases that Solomon (1989) suggests characterize the evolution of policy-making, it is the penultimate one—implementation—that is most seriously compromised by clientelist politics.

Inertia and Inconsistency as Intolerable Virtues

At one level what has been described thus far might be taken to suggest that an underdeveloped criminology represents a missed opportunity. This is an argument in favour of an expanded production of criminological knowledge in the sense that when it exists it may be ignored but at least there is a chance that it will be heard. My point, however, is the contrary one that there may be advantages to invisibility and incoherence, especially in a system like Ireland's that is heavily based on discretion and where the data deficits are large. In addition, the degree of resistance to innovation is marked. Judges have set themselves against giving reasons and imposing minimum sentences. Police have frustrated attempts at civilianization, the introduction of volunteer reservists and zero tolerance. Probation officers retain strong roots in social work practice and have not succumbed to correctionalism. Prison officers have been so militant for so long that meaningful sentence management and purposeful regimes remain a distant aspiration; the prospect of having to negotiate any proposed change to prison rosters with the Prison Officers' Association acts as a powerful disincentive to action.

Where the state's in-house capacity for research is almost non-existent, views from the academy are scarce, public concern is intermittent, and vested interests are strong, it is difficult to overcome the inertia that is present in the criminal justice policy domain. Even when politicians appear committed to a particular approach, the administrative machinery required to drive the agenda forward may not exist and, if it does, it is vulnerable to manipulation by the self-same politicians. Slowness of response is a protection against a 'punitive turn' (or a turn in any direction for that matter). Change does not come slow in the Irish criminal justice system because the deliberative process is careful, future-oriented and results driven. It comes slow because of the lack of an infrastructure to deliver on commitments and the staccato nature of criminal justice policy-making.

The absence of expertise means that the final stage in policy formation, that of providing feedback about whether desired outcomes were actually achieved and the impact of any unforeseen consequences, is not executed. Therefore the process remains incomplete, the lack of a robust evaluative mechanism meaning that lessons go unlearned and the raw materials required to produce a set of metrics for criminal justice do not emerge. This serves to dampen the managerialist impulse.

Keeping Things Unfinished

In his account of the pitfalls associated with the codification of the law Goff (1983: 174) warned against succumbing to what he memorably described as the 'temptation of elegance'. What he meant by this was that what appear to be elegant solutions to legal problems automatically acquire the sheen of credibility. But there are dangers here. The law has to reflect life in all its messy uncertainty and it is imperative to guard against embracing a formulation—however exquisitely stated—that does not allow for the possibility of future exceptions or qualifications.

Similar to Goff's notion of leaving space for fluidity and the possibility of revision is Mathiesen's (1974) idea of keeping the business 'unfinished'. Mathiesen's argument (as applied to penal abolition) is underpinned by a conviction that the most compelling alternative to an existing system is one which is in competition with it but is not fully-formed. The implications of the putative arrangements are unclear, the parameters are shadowy, and the debate is hindered by an absence of shared understandings; ambiguities abound. Even its proponents find it difficult to articulate the likely, or desirable, outcomes of the alternative arrangements. But, with clarity and finalization come redundancy. 'Freedom', in Mathiesen's (1974: 25) words, 'is the anxiety and pleasure involved in entering a field which is unsettled or empty'. The priority of the abolitionist is to return continually to the potentially transformative power of the unfinished. In so doing they must set their own terms of engagement, refusing to be drawn into a dialogue about the relative efficacy of different approaches.

What connects Mathiesen's writings to the shambolic nature of penal policy-making in Ireland is the potentially protective value of a domain that is opaque and uncertain and where unanticipated consequences are paradigmatic. There is something to be said for a poorly understood criminal justice system in the sense that when understanding has crystallized, structures become rigid and reform is more difficult. When flexibility is removed, mercy—by its nature individualized—follows; there is less space left for the person. Any attempt to clarify the issues, identify fault lines, provide definitions, furnish research tools and methodological critiques—all areas where criminology can make a contribution—may lead to the disappearance of some of the humanity (the flipside of unpalatable harshness) that characterizes the system.

It is more difficult to be idiosyncratic when there exists a recognized framework against which to view behaviour. This applies to everything from the sentences passed by individual judges to the bills published by legislators; exceptions seem more glaring in an ordered environment. There is room for manoeuvre in the liminal state between the ascendancy of rational-legal authority in a machine-like bureaucracy and an environment where political

meddling is omnipresent and decision-makers retain a high degree of discretion. With clarity, the room for manoeuvre evaporates.

If there is a developed criminal justice bureaucracy, drawing sustenance from a vigorous discipline of criminology, things are more likely to happen dispassionately. New approaches will be designed so that their impact is evaluable. If they are demonstrably ineffective they may be revisited and revised. Predictability will be emphasized and strenuous efforts will be made to compress complex and shifting realities into tidy academic categories. Quite simply, the world will look different. This is why the argument against criminology carries force. A sustained debate about priorities and how to address them is more likely when the parameters of the key issues can be successfully drawn. When sufficient data exist to allow success and failure to be defined, parsed and quantified, metrics can be devised and used to determine resource allocation (and reallocation). If the debate never gets to this level—and the absence of a muscular criminology is one restraining force—the likelihood that a new, state-sponsored, architecture of control will evolve is reduced. If we cannot take the appropriate measurements with confidence, or press the resultant counts into service as indicators of moral or political imperatives, then the state's focus on criminal justice is more likely to waver.

Conclusion

The imprisonment rate in the Republic of Ireland is among the lowest in the developed world. It stood at 76 per 100,000 population in 2007 compared with 153 for England and Wales and 756 for the United States (Walmsley 2009). This is despite an avowed political commitment to penal expansionism and the existence of a judicial bias towards custody (in 2007, as is usual, more prison sentences were imposed than probation and community service orders combined). How can this paradoxical state of affairs be explained?

The argument advanced in this chapter is that the lack of capacity for criminal justice policy formulation, implementation and evaluation together with the lack of criminological expertise and the unformed nature of the discourse may, in concert, have beneficial consequences, acting as bulwarks against a punitive shift. Clientelist politics are another restraining force, chipping away at the capability of government to deliver change and blunting the effect of new initiatives. External factors are important too. This is why the most ambitious prison-building programme in the history of the state became a priority when the economy was booming but was shelved when Ireland tumbled into recession.

There is not necessarily a positive correlation between plentiful good quality data and rational approaches to crime and punishment. While indubitably frustrating, it may be better to know little about a small criminal justice system than lots about a bigger one, if knowledge is a driver of expansion. The same factors that have stunted the growth of criminology in Ireland may have insulated the country from some of the punitive excesses that have disfigured Anglo-American responses to crime over recent years. There is a major caveat here; stasis is not guaranteed. The sharp increases in imprisonment in countries as different as the Netherlands and the United States show that a trend can go into reverse and generate an unstoppable momentum in an unforeseen direction. If Ireland's economy had continued to grow it is likely that the Thornton Hall project, as originally envisaged, would have progressed further and it is too early to say if the emphasis on prison building as the primary response to crime will itself act as a stimulus to rising prisoner numbers.

Criminology, particularly if it aspires to policy-relevance, needs an advanced bureaucracy if it is to thrive and the existence of criminology breathes life into bureaucratic forms. The culmination of such a state of affairs is predictability, uniformity, rigidity and dehumanization. Ireland's criminal justice arrangements, however, are characterized by uncertainty and fluidity coupled with significant resistance to change, routine political interference in administration, and the lack of an infrastructure to sustain action even when the need for it is not disputed. The question is whether we should welcome, however reluctantly, the forces that buttress inertia, maintain a focus on the 'purely personal', and

keep the business unfinished? The answer is that perhaps we should, that it may be in our collective interest to resist the temptation of elegance.

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