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BEI JO SANTYKIS SU VALDŽIA

Ideology and Utopia in Criminological Knowledge
and Its Relation to Power

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INTRODUCTION

“All human knowledge... is ultimately and irreversibly stained and impregnated with human interests, goals, values, and metaphysical assumptions. So, of course, is criminology, though one can find a widespread reluctance in the field to accept this epistemological position”.
(Sack 1994:3)

Background and Relevance of the Subject. Following the imperatives of Karl Mannheim’s sociology of knowledge and his concept of ideology and utopia, the thesis raises the main question of how to look at the history and knowledge of Criminology. The discipline, which in Michel Foucault's (1975/1998) view, lacks a coherent theoretical framework and has remained ‘extremely close to the disciplinary power that shaped it’, and is functional to modern penal power. Subsequently, criminology needs revision and a new approach. Criminology as social science has undergone a wide range of theoretical and ideological crises. They range from Lombrosian clinical anthropology in the end of XIX century, etiological explanations of crime and its causes, the ascendance of the interactionist perspective in the sociology of deviance in the middle of the XX c. to utopianism of critical criminology’s and especially of the Abolitionist movement at the turn of the third millennium. On the one hand, the history of the sociology of deviance and the triumph of positivism ended with an ideological crisis, which was the result of the major theoretical error in searching for a single concept of deviance and social control (Summner 1994). On the other hand, the social theory of critical criminology is also at the stage of its theoretical crossroad. Under the influence of Foucault’s genealogy of knowledge and its relation to power, critical criminologists have reproduced a new ideology of crime and its control, which redirected our attention from causes of crime and crime as deviance to crime control and criminal justice as an amplifier of deviance (Swaaningen 1997). Accordingly, constructing invaluable theoretical and practical knowledge, the sociological imagination of the radical wing of critical criminologists gained momentum to accept the argument that crime does not exist and that it is created by the criminal justice system itself. (Hulsmann 1986, 1991; Christie 1982, 1994/1999; Mathiesen 1990).

Against this background, the problem that this thesis has attempted to analyse is fourfold. First, if the history of the sociology of deviance shows
that deviance is not a valuable sociological and analytical device, does that mean that sociologists should abandon the concept, which from the Durkheimian times has been a major theoretical category for both sociologists and criminologists? Can we say that it is a certain ideology which stigmatises any attempt to search for the causes of crime and deviance by labelling these efforts as ‘positivism’? By discarding what has been done before, there is a little accumulation of knowledge and scientific development was truncated.

Secondly, given the failure of traditional and mainstream criminology (that portrayed crime as an act which either derived from the offender’s free will or was a product of pathological defects), critical criminologists described crime as ‘deviance’ and, thus, pointed to the political nature of the causes of crime, the concept of crime itself, and crime-control politics. The term deviance suggested that crime does not have any ontologically distinctive characteristics from other social problems. Critical criminologists elaborated those sociological perspectives that dealt in an alternative way with the question of crime and punishment. Its utopias, hence, created an open space for alternative scenarios of criminal politics, which to a certain extent, could be interpreted as more in line with the principles of human rights and social welfare. But at the same time such a perspective produced another ideology: “Instead of de-reifying the etiological notion of crime and engaging in critical sociological research, critical criminologists have largely confined themselves to a display of moral indignation about social inequality and exploitation” (Swaaningen 1997:6). The major theoretical dilemma of criminology then evolves around the question of crime as a legal and normative concept. Another question concerns the analytical concept of deviance: what lessons could be learned from the perspective of critical criminology?

Thirdly, all of these dilemmas, with the help of Mannheim’s theory and his methodological propositions, could be explained by finding a new methodology and epistemological strategy for the history of the sociology of crime and deviance, which becomes a synonym for criminology. My major argument is that Mannheim’s theory could be epistemologically and empirically useful for unmasking the history of criminology and its sociological and ideological implications. The major contribution of Mannheim’s sociology of knowledge is embedded in his distinction between ideology and utopia and in his suggestion to search for a sociological method, which attempts to uncover the ideological character of theories. Furthermore, if criminology is to remain as an independent academic discipline, its future...
could be seen in close connection with sociology, but not with jurisprudence, as Swaaningen (1997) has suggested.

Finally, having in mind that post-communist societies in transition currently aim to institutionalise criminology as a science in the context of penal reforms, which suffer the legacy of the soviet criminal law and criminological knowledge, the question of criminological knowledge and criminology as an independent discipline becomes important. On the one hand, it is necessary to question the Foucaultian truism regarding the power/knowledge relationship in penal law and criminology, which, in Mannheim’s terms, could be considered as an ideology that undermines the value of a sociological interpretation. On the other hand, the integration of the historical and theoretical legacy of criminological knowledge into the analysis of the power/knowledge relationship could have the sociological implications, made by Foucault, that could be useful for further studies in public policy analysis and the sociology of criminological knowledge.

**Subject of the Research.** The ideology and utopia of criminological knowledge and its relation to power is revealed in the genesis of criminology as an academic discipline throughout its historical and theoretical development and in the context of the sociology of deviance and criminology in particular. Thus, the constantly changing subject matter of criminology and its ideological and analytical crises comprises the subject of this research. Criminological knowledge and its relation to power in the context of particular penal law reforms is not only historically analysed, but also empirically tested.

**Research Objectives.** Every attempt to write a history of criminology takes a risk of losing the insights in the tangible historical and theoretical crossroads. Therefore, the aim of this research was not to write a thorough history of criminology and the sociology of deviance. The aim of this research was rather to discuss the major changes in criminological knowledge, which occurred during the synthesis of criminology and the sociology of deviance, as well as to study the major component of criminology – its relation to power.

**Research Goals:**
1. Analyse methodological and epistemological principles of Mannheim’s sociology of knowledge in order to develop a theoretical framework for the historical genesis and sociological analysis of criminology as a discipline and criminological knowledge in a specific cultural and historical environment;
2. Examine the major paradigms in the sociology of deviance and critical criminology;
3. Evaluate the history and the theory of the sociology of deviance and discuss the major analytical tools of the discipline – deviance and social control; Reveal the major advantages and shortcomings of the paradigm;

4. Describe some aspects of critical criminology in order to analyse the importance of utopias in criminological knowledge;

5. Explore the relation of criminological knowledge to power in the context of the Juvenile Justice Reform in Lithuania. Focusing on this case study, my objective was to discuss the relationship of science and society and the construction of criminological knowledge in the process of penal law reforms.

**Research Methodology.** Using a range of sociological and criminological literature, I applied a historical analysis of criminological theories and the sociology of deviance for my research. The historical approach of the sociology of knowledge was utilised in order to shed light on the theoretical thinking and intellectual positions of criminology, which comprised major ideologies and utopias. In a qualitative study of the Lithuanian Juvenile Justice Reform, semi-structured interviews with experts, secondary sources, and studies on criminal justice systems were analysed. The working committee of Juvenile Justice program (10 experts of both public authorities and research institutes) and other public servants from national and local authorities, NGO’s and criminal justice institutions (7) that are related to juvenile criminal justice were interviewed. The analysis of legal and other documents of criminal justice policy and reform strategy (e.g. evaluation of the current situation, conception of the reform, action plan, reports, and research data) was used to triangulate the qualitative data with the aim to examine the interaction between criminology and penal policy in the process of decision-making in juvenile justice reform

**Theoretical Relevance.** The historical and theoretical implications of the research subject have several advantages. First, both Mannheim’s conceptions of ideology and utopia, and his methodological and epistemological propositions contribute to the development of the general principles of the sociology of knowledge and historical sociology - which is not an attempt to get rid of ideologies (since all knowledge is fundamentally ideological), but aims to manage its frame of reference. In the historical sense ideas become ideologies, and knowledge of the limitations in the process of historical analysis sheds light on the distinction between ideological and sociological methods of analysis.
Secondly, the distinction between ideology and utopia in the history of criminology is risky and problematic, since the margin separating ideology from utopia is very thin. Utopias can easily become ideologies. On the other hand, the dialectical relationship between ideologies and utopias enables us to look at two extremes of criminology, which becomes a valuable device in searching for a subject matter in the discipline and in discussing its interdisciplinary character. Such a perspective could be very useful in the post-soviet society where criminology is not institutionalised as an academic discipline.

Criminological discourse in Lithuania is more developed in the field of law and jurisprudence. As in most European countries, the roots of criminology in Lithuania have been historically associated with legal disciplines and criminal law in particular. Therefore, bringing the criminological discourse into sociology could create more favourable conditions for the development of sociology of deviance and criminology. The science of deviance/crime and social control/punishment could become interdisciplinary, and thus sociology is a useful bridge between law, psychiatry, psychology and social work. And vice versa – the classics in the sociology of deviance, which had an immense impact on critical criminological knowledge, could open new perspectives for the criminological theories and research in general. A criminology that is concerned not only with practical and instrumental needs — to control crime and deviance— has to be institutionalised. Thus, a theoretical and historical overview of the discipline has practical implications for further studies in the field.

**Practical Relevance.** Taking into account Kant’s dictum that nothing is so practical as good theory and Wirth Mills (1959: 154) suggestion that “we must often study history in order to get rid of it”, this study aims at making the history of criminological knowledge relevant for sociological and criminological inquiry in Lithuania. With a historical point view of criminology, which to a certain extent has been missing in Lithuania, criminology can open a new discourse on deviance/crime, social control and punishment. Today, more than ever, a glance to the past is timely when the concepts of crime and deviance are being constructed in criminology that has yet to become an independent academic discipline Lithuania. By examining the major historical developments in criminology and the sociology of deviance it is possible to uncover historical and ideological stereotypes of crime and deviance. Through considering deviance and crime and the control mechanism in the past, it becomes clear that in order to challenge the current
system of social control in post-soviet societies it is necessary to start with some of the entrenched methodological traditions in criminology. In particular, it is time to reject some old-fashioned ideas of finding universal characteristics of ‘deviance’, ‘crime’, ‘social control’, and ‘punishment’. By taking a historical perspective it becomes possible to demonstrate that these concepts have always been problematic at least from a sociological point of view and if we analyse their historical development we may begin to develop a new and alternative discourse of law and order.

Furthermore, the discussion of criminological knowledge and of the process of its construction in the specific context of penal law reform in Lithuania has several practical implications. If we seek to institutionalise criminology as an academic discipline and to achieve effective legal reforms, the question of criminology’s relation to ‘power’ has to be better specified to allow a more differentiated description of forms of power, forms of criminological knowledge, and the various ways in which they relate to each other. In this respect, A case study of Lithuanian Juvenile Justice Reform analysing those processes in the penal reform making process and reflecting Foucault’s fundamental claims about the intertwining of knowledge and power might suggest useful implication for further public policy research in general.

I Chapter: IDEOLOGY AND UTOPIA AFTER THE BREAKTHROUGH OF CRIMINOLOGY

Mannheim’s sociology of knowledge and his methodological and epistemological principles, which are introduced in this chapter, is the theoretical point of departure of the study. One of the most significant theoretical positions that are defended by Mannheim was his attempt to distinguish between sociological and ideological analyses of the phenomenon. In this chapter, it was not attempted to defend the concept of ideology, but rather to discuss the strategies that create an opportunity to control the impact of ideologies in sociological analysis. Therefore, the position that is argued could be formulated as follows: even though knowledge is ideological, that does not mean that we should not try to control the ideological basis of knowledge. Mannheim’s theory of ideology and utopia was constructed to separate the concept of ideology from its political connotation and thus becomes a valuable instrument for the historical analysis of ideas in criminology.
1.1 Mannheim’s Sociology of Knowledge: Concepts of Ideology and Utopia and Their Methodological Implications

In subchapter 1.1.1 Concepts ‘Ideology’ and ‘Utopia’ Mannheim’s main concepts are discussed. In Mannheim’s view both concepts are inseparable. Both of them are concerned with the system of thinking that is not entirely congruent with reality. They consist of the categories into which people unconsciously organise their experiences in order to make sense of it, and they reflect the fundamental assumptions about the reality that people take for granted. Every social order depends on the general acceptance of certain myths and the use of certain thought categories for its effectiveness and stability. Ideology, in Mannheim’s view, is a system of thought that maintains any established social order and thus becomes a conservative force that enacts and defends the status quo in a society. When a system of thought is trying to shatter the existing social order and render the prevalent ideology no longer meaningful, it is called utopia. Mannheim argues that the relationship between ideology and utopia is conceived in Hegelian terms as dialectical, which means that ideology and utopia could be understood as thesis and its antithesis, which finally results in its synthesis.

It is important to note, in Mannheim’s conceptions of ideology and utopia, that his distinction between these types of thinking separates them by using the criteria of domination. “It is always the dominant group which is in full accord with the existing order that determines what is to be regarded as utopian, while the ascendant group which is in conflict with things as they are is the one that determines what is regarded as ideological” (Mannheim 1929/1936: 203). Secondly, the criterion of realisation implies that “ideas which later turned out to have been only distorted representation of the past or potential social order were ideological, while those which were adequately realized in the succeeding social order were relative utopias” (Ibid: 203). In this way, Mannheim has drawn our attention to the task of the study of ideology and utopia, which according to him, is understanding that while looking into the past it is possible to find a fairly adequate criterion of what is to be regarded as ideological and what is regarded as utopian. On the other hand, Mannheim himself admits that a large part of thinking and knowing cannot be correctly understood, as long as its connection with existence or with the social implications of human life are not taken into account. The problem is to show how, in the whole of the history of thought, certain
intellectual standpoints are connected with certain forms of experience, and to trace the intimate interaction between the two in the course of social and intellectual change. Different ‘perspectives’ (if to avoid the term ideology and utopia) then are not just particular in that they presuppose different visions, but also in that the interests and the powers of perception of the different perspectives are conditioned by the social situations in which they arose and to which they are relevant.

Structural conditions under which certain kind of theories and theoretical thinking are emerging is the most important aspect of Mannheim’s analysis and his theory of the social determination of knowledge. According to him, every epoch has its fundamentally new approach and its characteristic point of view. Consequently, each epoch is interpreting the changing objects differently – from a new perspective. Therefore, in Mannheim’s opinion the main aim of the sociology of knowledge is to explore the various means of how to understand certain phenomenon. The question under what conditions one can observe the emergence of certain theories, concepts, disciplines, etc. was crucial for Mannheim.

In sum, the use of the concepts of ideology and utopia becomes problematic. If knowledge is fundamentally ideological and utopian, the question of how to handle the narrowness of each individual point of view and how to achieve the maximum of theoretical thinking that is free from value-judgments becomes persistent. In this respect, Mannheim’s sociology of knowledge proposes several methodological solutions, which were striving for a new objectivity in social sciences, not through the exclusion of evaluations, but through the critical awareness and control of them.

1.1.2 Methodological and Epistemological Propositions of Mannheim’s sociology of knowledge are introduced in this sub-chapter. Mannheim expressed the view that all human knowledge is ideological, and thus was eager to find a solution as to how to minimise its effects in social sciences. He was arguing that it is one thing to perceive a stone as a physical object, which requires only intellectual capacities, but it is a totally different thing to understand a particular idea as ideology. It is only our historical thinking that can help us to understand certain theories or ideas as ideologies. Therefore, Mannheim advocates historical perspectives in research as the most significant aspect of sociological inquiry. At this juncture, one may ask a question: what can be said about the validity of a statement if it is related, for instance, to Liberalism, Conservatism, or Marxism? If all knowledge is ideology, does it make any difference?
Mannheim introduced three procedures in order to answer to this. First, a sociology of knowledge attempts to recognise socially determined modes of interpretations (perspectives) which come into conflict with one another, render them transparent and establish a third perspective with reference from the former two. As a result, this ‘detached perspective’ (Distanzierung) through which the outline of modes of thought are discovered, later could be recognised as a new mode of thought. Second, a procedure called relationism in contrast to relativism (in a sense of arbitrariness) implies that there are no criteria of rightness and wrongness in a discussion. This procedure implies that assertions cannot be formulated absolutely, “only in terms of the perspective of a given situation” (Ibid: 283). Third, a procedure called particularization is introduced. According to Mannheim, complete and thorough sociological analysis of knowledge delimits, in content as well as structure, the view to be analysed. In other words, it should attempt not only to investigate the existence of the relationship, but at the same time to particularise its scope and the extent of its validity.

1.2 Mannheim’s paradox and history of criminology

Mannheim’s methodological issues and the question of criminology are summarised outlining several problems that are discussed in this sub-chapter. The first problem arises with the concept of ideology. Geertz’s (1973) and Alexander’s (1995) position is introduced which was critical of Mannheim’s theory of ideology. Geertz claims that ideology, as an analytical concept is not valuable, since ideology and science are not separable. Ideology differs from science in that the aim of the former is to motivate action. In his view, the difference between science and ideology lies not in the ‘truth’, which depends upon social, psychological and cultural context, but in the culturally significant symbols that are constructed. Mannheim’s intention to control ideologies becomes a paradox – since it creates a new ideology of what science should be about. Geertz was very much against setting up the problem of ideology which, in Parsons (1959: 29) view arises, “where there is a discrepancy between what is believed and what can be [established as] scientifically correct”. Based on Mannheim’s analysis and the question of culture was very important while discussing ideologies and utopias. Mannheim’s model could be described as follows: utopias are resistant to ideologies. They synthesise the elements of new elements of order with the
ones of the former, and encourage changes in the social structure that are meaningful to the former structure and culture. Therefore, to study ideology and utopia becomes a meaningful enterprise if there is a need to achieve a less partial knowledge in science in a particular culture.

Secondly, the problem arises when the social position of the thinker or theorist is related to his mode of thinking. It is recognised that to relate social structure and the social position with a certain type of knowledge is a very interesting perspective. Some argue that this is a very limited view that could lead to relativism and reductionism. Alexander (1995:181) points out that “it is one thing to argue for the determination of thought by social structure when one studies the consumption behaviour of status groups and quite another to apply reductive and highly restrictive conception to the behaviour of scientists (...)”. Thus, Mannheim is criticised in the same line as Bourdieu and the whole “Neo-romantics” tradition that Alexander calls the “Movement of Contextualization”. One may find again the paradox of Mannheim – an attempt to control the ideological thinking and keep a certain distance from the society and the phenomenon that is studied, can be criticised as not scientific, but ideological. In this context, my argument was constructed so as to defend Mannheim’s position. Even if admitting the fact that Mannheim was ambiguous about the mutual relationship between a social position and a certain type of thinking, Mannheim never argued for a deterministic relationship between certain types of thinking and certain social structures or social milieu. Mannheim’s intention was to sociologically separate particular types of socio-analysis, which cannot detach themselves from particular ideologies. There are several conclusions drawn from this chapter, but a few points are worth mentioning here. Mannheim’s paradox should be taken into consideration when one tries to think about a science such as criminology, a science, which historically for a long time balanced between law, sociology and psychiatry, and where different perspective cut across each other. Secondly, criminology, which always lacked a clear theoretical identity of its own and has been close to penal law and instrumental to power, could be studied in terms of ideology and utopia if we admit the significance of the former for the development of the discipline.

1.3 Criminology: Between Ideology and Utopia

The historical, sociological and ideological logic of criminological knowledge are examined in this sub-chapter. From the historical point of view
the genesis of criminology and its foundation is discussed in terms of major paradigms in the discipline which could be named as follows: sociological, legal and power-knowledge. Criminological knowledge is understood not in a broad sense as a cognitive and normative conception of world, but as a product of changing and intermingled perspectives of social and behavioural sciences. Following the imperatives of Mannheim, it is attempted to represent criminology from different perspectives. Therefore, criminology as a changing perspective in social science in general, and in sociology and law specifically, is discussed. Furthermore, criminology from the point of view of social theory (especially critical and jurisprudence theory) vis-à-vis penal reforms is discussed in terms of the relationship between science (theory) and politics (action).

In the subchapter 1.3.1 *Genesis of Criminology: between Science and Politics* the historical developments of criminology is introduced. Researching into different conception of criminological foundations it is argued that the history of criminology and the view upon the discipline has changed under Foucault's influence. The discipline of criminology has been politicised when the archaeology and genealogy of criminological knowledge interpreted criminology as a power-knowledge discourse that legitimates ‘law and order’ in a society. The ideological foundation of criminology and its instrumental character (administrative criminology) have gained momentum in critical thought among criminologists that have attempted to deconstruct different contexts of criminology and its relation to criminal law and criminal justice reforms. For instance, Garland (1985) emphasised that criminological genesis was tied to three major conditions: (1) the development of statistical data produced by surveys, institutions, government and private research; (2) the advantages made in the realm of psychiatry and the growth of that knowledge in intellectual and social standing; (3) the existence of the prison as an institutional surface for the emergence of the concerns, techniques and data of the new discipline. The conception of criminology as a discipline that is related to power and its disciplinary practices is crucial. Nevertheless, it is argued that criminology, as legitimising ‘law and order’ discourse was a significant, but not the only and most important element.

In sub-chapter 1.3.2 *Criminology and its Relation to other disciplines* major paradigms in criminology are discussed in the light of its historical developments. Since criminological knowledge was also very much associated with law and the sociology of deviance, from the historical point of view criminology could be defined as a science that raises normative questions
about human behaviour and its control in general, or crime and punishment more specifically. Thus, sociological and legal perspectives of criminology were distinguished as the most powerful theoretical paradigms. The word ‘paradigm’ rests upon Mathiesen’s (1990) conception of ‘basic patterns of thinking’ and is very close to what Mannheim called a theoretical position. Paradigm emphasises the particular research tasks and particular problems, as well as the scheme of interpretation of a perspective when empirical data are to be placed in a theoretical context.

Criminology in most European countries has always been closer to the legal sciences where one could find its roots. It is conventionally agreed that it can be traced back to 1764 when the classical school of law flourished and to the legal texts of Beccaria, as well as Italian school featuring Lombroso. The break between sociological and legal paradigms occurred when the general idea of the science of crime and punishment should redirect attention from legal concepts of crime (act) to ‘criminal’. Such idea was raised by Ferri, but it was also known as the “Marburg program” which was initiated by von Liszt. It turned on its head the major dogma of classical law, which argued that penal law should only deal with legal questions. Criminology became a discipline, which also included theoretical questions. Its object of study became both deviance and crime and the methods for its control and treatment.

The sociological paradigm in criminological knowledge was associated with the French school of ‘environmentalists’, which emerged in the opposition to Italian mainstream criminology and the Lombrosian criminal anthropology of degeneracy that dominated criminological knowledge in Western Europe and North America. Ever since the Gabriel Tarde and Emile Durkheim had established the position that the factor of the social environment is the most powerful when researching the causes of criminal behaviour, sociology has found a new sub-discipline in sociological thought that was called sociology of deviance. The legal paradigm, which was developed by the tradition of the Modern Law School (Neo-classicism and Positivism), as well as the critical tradition, which later developed into Critical Criminology developed from the historically determined relation between criminology and jurisprudence. Academic criminology in Europe emerged and developed in close connection with the legal discipline (Swaaningen 1997). As a result, crime and deviance became the object of study for both criminologists who are more concerned with theoretical issues and those whose concerns were limited to the administration of crime and its control. Therefore, the logic of criminological inquiry became the weak link in the
discipline. Subsequently, there is still a contrast between a criminology that primarily wants to be ‘useful’ for policy purposes and thus circles around the traditional questions of law enforcement, and a branch that aspires to select its subjects and frame of reference autonomously and thus takes a more reflexive attitude towards politics (e.g. Abolitionism).

Conclusions of Chapter I

1. Three historical paradigms of criminology are distinguished: the sociological, legal and the power-knowledge approach, which require a more careful analysis and particularisation.

2. According to Sumner (1997), the ideological search for the concept of deviance, which led to the sociology of deviance, resulted in its ultimate demise. But still there remains a question whether we have to write an obituary for the sociology of deviance, which was the major approach developed within critical criminology, and which nevertheless generated utopian thinking about crime and its control and made substantial contributions to the theoretical development of criminology.

3. The close link between sociology and criminology must to be advocated if we are to develop criminology theoretically. Despite the ideological character of the sociology of deviance, a question arises as to whether utopian mentality stems from the sociological tradition and critical criminology.

II Chapter: SOCIOLOGY OF DEVIANCE AND CRITICAL CRIMINOLOGY: THE HISTORICAL DEVELOPMENT OF MAJOR THEORETICAL PERSPECTIVES

The scope and limits of the sociology of deviance and critical criminology with regard to major developments in these two paradigms are questioned in this subchapter. The whole history of criminological knowledge is divided into three major periods: the domination of Durkheim’s social theory, the hey-day of social control theories, and the impact of critical criminology. The major argument developed in this chapter could be formulated as follows: the history of the sociology of deviance suggests that
‘deviance’ ceases to be a valuable analytical and sociological concept. In effect then, theoretical developments in critical criminology suggest that looking at rule-breaking behaviour and crime from the perspective of deviance is a valuable perspective if we are questioning normative conceptions of crime. Consequently, it is argued that the end of ideology in the sociology of deviance and crime comes from the utopian mentality of critical criminologists who redefined the concepts of crime and punishment. But these utopias originate from sociological thinking and, thus, a re-examination of the sociological classics provides an interesting research perspective for both criminologists and sociologists.

Colin Sumner’s (1994) book *Sociology of Deviance: An Obituary* provides the general point of departure for the chapter. In his critical review of the history of the discipline he suggested that to search for a single concept ‘deviance’ was a major theoretical error and that such a search only made sense as a political imperative. He claimed that it was never established, or even properly investigated, that alleged social deviations were in fact breaches of the dominant moral code, that is, that they really were socially deviant. He criticised Durkheim’s trichotomy – difference-deviance-crime as being “totally incoherent” since some crime in certain contexts was not deviant, while some differences were more deviant and serious. The concept of social deviance, in his view, stood as an ideological censure just as its forerunners – the concepts of moral degeneracy and social inadequacy. My argument with regard to the use of the concept of deviance was quite similar to Sumner’s. Nevertheless, my analysis is intended to defend Durkheim’s position, and it reflects the point of view of Rene van Swaanningen (1997) who argued that it was premature to stop looking at crime from the perspective of deviance.

### 2.1 Major Developments in the Sociology of Deviance and Crime: The End of Ideology?

The historical developments of the concepts ‘deviance’ and ‘social control’, ‘crime’, ‘punishment’ are presented in this subchapter. Durkheim originally developed the concept of deviance in relation to crime and difference and gave rise to the discipline, which later became designated as the sociology of deviance. In all societies, he argued, a degree of individual differentiation is inevitable, whatever the social norms or sentiments. Some of those differences will be lightly censured as deviations; others will be strongly
censured as crime. It was this theoretical position, which effectively founded the sociology of deviance.

In subchapter 2.1.2 *Emile Durkheim – A Father of the Sociology of Deviance* I maintain that Durkheim developed the view that criminality was defined by social morality, which was connected with the social structure, and not given in any absolute moral code or in the intrinsic wickedness or personal deficiency of any individual censured as criminal. It is widely accepted that Durkheim established the idea of the social normality of crime and that society needs a certain degree of tolerance and a space between crime and mere difference to sustain flexibility and capacity for change. This was a substantial space for creating a concept of deviance in which a censure was light and which he called ‘deviation’. As a consequence, Durkheim expressed and established a very modern view, which considers crime a social category defined by the collective sentiments of the society, and not by some universal standards. On the other hand, Durkheim was still inclined to regard many individual ‘criminals’ as morally or psychologically pathological and expressed the view of the XIX century positivism, which established the objective definition of deviance. In this perspective, deviance was defined objectively and referred to rule-breaking that ranged from petite-crimes, prostitution, abortion, alcoholism to corruption and white collar crimes, incest, paedophilia, murder.

In 2.1.3 *Symbolic Interactionism* and in 2.1.4 *Theories of Social Control and The Sociology of Deviance* the impact of Durkheimian thought upon later theories is discussed and the question of social control was analysed. The interactionist perspective (which included theories of symbolic interaction, labelling, control, etc.) established the so-called subjectively defined perspective of deviance. The works of the Chicago school (Cooley, Park, Mead, Thrasher, Wirth, Blumer) and the so-called the so-called “labelling” perspective (Lemert, Becker, Goffman) are briefly introduced. It is argued that under the influence of these perspectives, deviance was perceived as a name or a label that is ‘given’ to certain type of conduct. Therefore, the position that deviance is not in the behaviour, but is external to it, became a dominant sociological enterprise, which generated sociological research and contributed to the ascendance of the sociology of deviance. But on the other hand, the interactionist perspective, under the influence of critical theory, produced another ideology – deviance became a political concept with a pejorative meaning that implied inferiority and categorisation. As Szasz claims, “sociologists are not wholly exempt from blame: they describe addicts and
homosexuals as deviants, but never Olympic Champions or Nobel Prize winners…” (Szasz, in Sumner 1997:260).

In 2.1.4 Sociology of Deviance: An Obituary or End in Ideology, the question is raised what should be done with the heritage of the sociology of deviance. A study of Sumner (1997) announced the final collapse of the ideology of deviance. As Sumner has argued, deviance was a negative ideological formation, or a social censure, with a specific relation to social practice. In his opinion, deviance as a generic category, referring to a number of censures must be abandoned and proposes the concept of censure instead. In my argument, I agree that the concept of ‘deviance’ is not a useful sociological device. If deviance is not a behavioural phenomenon but a label that unites so many different types of conduct, deviance as a concept is not useful. On the other hand, it is claimed that Durkheim’s ideas about the trichotomy mentioned above could be still valuable if the developments in critical criminology are not underestimated.

2.2 Critical Criminology: The Importance of Utopias and Sociological Interpretations of Crime and Punishment

The major perspectives of critical criminology related to deviance/crime and social control-punishment are introduced in this sub-chapter. Critical criminology emerged during the sixties in European criminology and it is sometimes designated as Radical or New criminology. The critical thinkers in criminology were against mainstream criminology that portrayed crime as an act, which was either derived from the offender’s free will or was a product of pathological defects. Against this background, critical criminology served as a demarcation line separating those theorists that struggled against criminology’s utilitarian ethos and those who thought criminology should be concerned with the administration of crime and punishment (Swaaningen 1997). The general aim of this sub-chapter was to analyse the feedback of critical criminology to the sociology of deviance. On the other hand, since many of the utopias of critical criminology were rooted in sociological thinking (especially in the interactionist perspective) the question of what could be valuable for criminology from the heritage of the sociology of deviance was raised.

A number of points about utopias in criminology were made in 2.2.1 Critical Criminology and Utopias. In line with Peter Young (1992) and
Zygmund Bauman (1976) discusses the problem of utopias in social sciences. Utopias are neither clearly theoretical nor clearly empirical in nature. Rather, as Bauman suggests, they seem to constitute a third category, one that is closest to the idealist notion of ‘praxis’ (that is knowledge for action). Utopias were defined not as complete designs or theoretical models. The distinction between the two is drawn arguing that utopias are inherently speculative, but they also assert relationships between phenomena and in this way contain theoretical propositions that are ‘testable’. Accordingly, utopias are not claimed as ideal theories per se, but rather as having interesting ideas for the construction of theoretical frameworks and substantive explanatory theories. Young (1997) suggested that utopian thinking has played a crucial role in criminology and that they have had ‘an activating presence’ in criminology. I developed the argument to reveal the sociological roots of utopian criminological thinking and to question criminology’s value as an autonomous academic discipline and to exacerbate Swanningen’s (1997:18) endeavour to prevent a drifting apart of law and criminology.

Conceptions of crime and punishment in critical criminology are discussed in 2.2.2 Abolitionism and Problems of Crime-Deviance and 2.2.3 Critical Criminology: Sociological Interpretations of Punishment and Criminal Justice. Both negative and positive aspects of critical criminology in general and abolitionism more specifically are taken into consideration. Abolitionism was defined as a social movement directed towards the abolition of punitive responses to criminalized problems and their replacement by alternatives. On the other hand, abolitionism is found as a perspective in European criminology (that is very powerful in Nordic countries) and associated with such researchers as Bianchi, Mathiesen, Hulsman, Christie. A negative aspect of this movement was that it redirected scientific attention from crime to crime control and produced another ideology which is the most visible in the famous dictum of Nils Christie (1993:16): “the major dangers of crime in modern societies are not the crimes, but that the fight against them may lead societies towards totalitarian developments”. Stanley Cohen (1985) characterised abolitionism as a movement of destructuring involving several aspects: depenalization (reducing the punitive character of reactions), decriminalisation (against the labelling social problems as crime), decarceration and diversion (against the institutions), de-categorization and de-legalization (against the state), and deprofessionalization (against experts).

The positive side of abolitionism as a perspective is found in the position that became widely accepted by many criminologists. It could be
formulated as follows: (1) crime does not exist and it is created by society in general and criminal justice specifically; (2) there are no ontologically distinctive characteristics that separate crime from other social problems; (3) there are many alternatives to criminal justice that deal with the problem of crime (mediation, redress, civil process and social social services). Even if these positions were criticised for not being realistic these utopias have contributed significantly to an alternative way of understanding crime and punishment. Sociological insights certainly played an important role in setting research agendas. The impact of structural Functionalism, symbolic interactionism, theories of labelling and social control is visible in Hulsman’s (1986,1991) phenomenological approach to ‘problematic situations’ instead of crime and the process of criminalization, in Christie’s (1977,1982,1989) approaches of communitarianism, and in Mahiesen’s (1974,1990,1997) theories of social defence and others.

2.2.4 Theories of Deviance: The End of Ideology? sub-chapter brings the discussion back to the question of deviance in sociological theories. What can be learned from the developments in critical criminology? In order to answer this question a few remarks about the ideological and analytical crises in critical criminology are considered. The interactionist perspective that has resulted in a new breath in critical criminology has produced a new ideology called ‘widening of the net’. Any attempts to reform criminal justice were met with scepticism. It seemed that only those who have power to label something as different or to punish were producing negative effects. Against this background McMahon’s (1990,1992), Swaaningen's (1997) studies pointed that a general feature of criminology to research certain phenomenon from a single perspective is not valuable. Swaaningen (1997: 6) has drawn attention to the fact that critical criminologists became critics of criminology rather than crime itself. Instead of de-reifying the etiological notion of crime or engaging in critical sociological research, critical criminologists have largely confined themselves to a display of moral indignation about social inequality and exploitation and have largely reiterated their own ideology.

Nonetheless, the contribution which critical criminologists have made by questioning problematic aspects of society not from the perspective of crime, but from arguments of sociology of deviance suggest that the analytical term ‘deviance’ is a valuable instrument that presents the alternative for the concept of crime. As a result, it has been suggested that one cannot predict an ‘end to ideology’: “one can say, however, that until intellectuals cease to be prophets and ideologists, and become instead men of intellect, the
‘intellectuals’ and their specific intellectual expression, ‘ideology’, will be a force increasingly hostile to the advancement of civilisation” (Feuer 1975: preface).

Conclusions of Chapter II:

1. The sociology of deviance and major developments in critical criminology suggest that leading ideologies questioned by utopian mentality complicated a discourse of deviance and crime in relation to the control and punishment of deviance and crime. The term deviance is stripped of its usefulness as a sociological device when it is applied in searching universal similarities between different types of conduct.

2. Critical criminology and its utopias led to the development of alternative definitions of crime that imply alternative methodological tools to discuss and define rule-breaking behaviour. It seems premature then to search for a single concept of deviance, but in the same line it is not a professional sociological perspective to look upon crime only from the legal perspective. Therefore, the Durkheimian trichotomy of difference-deviance-crime could be still valuable in researching crime and other problematic aspects of society. Instead of studying deviance as such, sociologists should rather study how the difference is constructed in terms of its relation to ‘normality’, medicalisation and criminalisation.

3. Since utopian mentality is rooted in sociological perspectives, the future of theoretical criminology could be found in the close link between criminology and sociology. Perspectives of crime and punishment in critical criminology implicate the value of the sociological paradigm in discussing the legal concepts. Thus ‘crime’ and ‘punishment’ in criminology are both legal and normative concepts. But examining problematic behaviour, difference and the reaction to it from a single sociological perspective is not possible since crime and deviance concern context specific cultural, legal and social issues.
III Chapter: CRIMINOLOGICAL KNOWLEDGE AND ITS RELATION TO POWER: A CASE STUDY OF JUVENILE JUSTICE REFORM IN LITHUANIA

The power–knowledge paradigm of criminology is reviewed and criticised in this chapter. It begins by questioning some aspects of Michel Foucault’s influential characterisation of criminology as a disciplinary knowledge, which serves to legitimise and extend modern penal power. In *Discipline and Punish: the Birth of the Prison* Foucault has provided concepts that radically transformed the discourse in which penal reform and the role of criminology was typically considered. The question of criminology’s relation to ‘power’ was specified in a particular context of the post-soviet society, where an urgent need to reform penal policy and social sciences including criminology has been persistent. The aim of this chapter is to acquire a deeper understanding of the processes during which a construction of criminological knowledge has been taking place and to analyse the complex relationships between experts and other agents in the formation of a particular task, that of juvenile criminal justice reform. Juvenile justice is regarded as one of the components of the Lithuanian criminal justice policy. Juvenile justice as a public policy is closely linked to various groups of experts such as lawyers, criminologists, police administrators, social workers, etc. My intention was to examine ways by which criminological knowledge has been mobilised by the Lithuanian political authorities when tasks are allocated to experts. An analytical theoretical model of public policy that included analysis at three levels (state, professionals and individual) illustrates a process during which the state mobilises criminological knowledge and certain professional groups monopolise spheres of influence. Qualitative methods (semi-structured interviews with experts), document analysis and secondary data served as major sources for the analysis of this case study.

3.1 Michel Foucault’s Genealogy of Power-Knowledge

The Foucault’s conception of power-knowledge and his methodology of genealogy is discussed in sub-chapter 3.1.1 *Power-Knowledge*. The power-knowledge concept is used by Foucault in three ways: (1) power-knowledge implied not only power from top to down, as authority of dominated class against subordinated. Power is also dispersed and distributed in society; (2)
the aspect of knowledge (*savoir*) that knowledge is not ideal or abstract but material and concrete, thus knowledge cannot be separated from all parts of society; (3) the last aspect comes from his understanding of knowledge (*connaissance*). Science cannot be separated from ideology and thus knowledge is related to power (*pouvoir-savoir*). Foucault’s analysis, therefore, reveals how knowledge, as a form of thought and action, is intricately connected to the operation of power. Thus, a process of mutual constitution intimately links power and knowledge. Rather than trying to determine why power exists, which would lead us to define it in terms of an essence, the concept ‘power-knowledge’ invites us to examine how power operates, that is the strategies and procedures through which power is exercised.

One of the crucial aspects of power in Foucault account is that in order to understand power one should not concentrate only on the negative aspects. While power certainly produces control, it also produces other things. Foucault (1975/1998:231) claimed that “… [Power] produces, it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belonging to this production”. Therefore, power not only controls, but it also enables.

With regard to criminological knowledge Foucault asserts that modern criminology has a very low scientific value because of its very high utility for the criminal justice system. The problems of such a position and the concern as to how to apply Foucault's method in sociology are discussed in sub-chapter 3.1.1 *Problems in the Foucaultian methodology*. Using the analysis of Garland (1992), Lacombe (1996) and Fox (1998) it is argued that criminology at present is totally different in comparison to the historical context of criminology when Foucault was writing his *Discipline and Punish*. Utopias of critical criminology can only add to the argument that the theoretical significance of criminology cannot be underestimated. The importance of the sociological paradigm in criminological knowledge was not fully registered in Foucault's account. Furthermore, it is much less clear to what extent actual criminological research has proved to be of great value in furthering the ends and enhancing the legitimacy of the criminal justice system. Thus, the claim that criminology is related to ‘power’ should, as Garland (1992: 410) suggested, be regarded as a truism which invites the more important question as to how different criminologies have, at different times, become connected to different interests, values, and forms of actions.
3.2 Experts as Agents in Criminal Policy Making

In this sub-chapter the problem of power-knowledge is set in a specific context of public policy making and juvenile justice reform in Lithuania. Public policy making is understood as a process of interaction between scientists and policy makers. In this context, knowledge is perceived as a knowledge produced by experts in criminal policy. Such knowledge then becomes cultural capital that enables certain professions to increase their influence and status in society. In 3.2.1 *Experts, Criminological Knowledge and Juvenile Justice*, the main concepts were defined. Experts are conceived as persons in juvenile justice policy making who possess practical knowledge in the field of juvenile justice and who are involved in juvenile justice reform. Two categories of experts are distinguished from the qualitative data. “Think tanks” are defined as those experts who while participating in the decision-making process hold academic positions (in criminology or law). “Bureaucrats” are those experts, who have obtained the status of ‘expert’ from their direct positions within various public authorities. The analysis was constructed as follows: using the data obtained from semi-structured interviews, the procedures of decision making, conception of the reform, action plans and other documents, I question the process of how professional criminological discourse is affecting the decision making and priorities in criminal justice and penal policy. My major argument is that criminologists (‘think tanks’) participate in the criminal policymaking and are involved in power relations.

In 3.2.2 *Construction of Knowledge of Juvenile Justice and Decision Making*, the juvenile justice reform is placed in the context of legal reform in general and of social and political processes in Lithuania. The question of knowledge production in three spheres – public, political and academic is emphasised. It is indicated that mass media has had an impact in setting the policy agenda in juvenile justice policy (Dobryninas 2000). The problem of using criminological research in decision making is discussed. The situation which has been described by McMahon (1995: 30) has not changed in Lithuania: “most of the research on crime and crime control […] is being undertaken by researchers who are either employed by, or closely affiliated with, government and state institutions (including Ministries of Justice and Interior, and Police Academies)”. Following Mannheim (1925/1986), Savelsberg (1994), and Christie (1994/1999) it is argued that the adaptation of
academic knowledge to that of powerful groups is stronger where intellectuals are less independent.

3.3 Juvenile Justice Reform and Experts in the Network of Power Relations

The analytical model of Feiring (1998) for policy analysis is adopted. In essence, it is indicated that participation of experts in public policy making is linked to two distinct processes. First, society (state) mobilises knowledge and uses that knowledge for public administration. Second, experts claim jurisdiction and control over their tasks. Both of these processes are linked to power-knowledge. While the first process serves the state to achieve progress and social change, the second one reveals the tendency of experts to seek certain privileges and rights, career and power. Taking the advice of Wright Mills (1967) that “neither the life of an individual nor the history of society cannot be understood without understanding both,” the theoretical framework of the analysis of juvenile justice and the set of further questions were threefold. In what ways are the Lithuanian public authorities mobilising criminological knowledge in the context of legal reform in general and juvenile justice in particular? To what extent do certain professional groups claim jurisdiction and control the spheres of interests? How are the individual careers of experts affected by their participation in criminal policy and reform making?

Therefore, juvenile justice is conceived as policy and reform at three levels: Juvenile Justice as (3.3.1) the wider social welfare project of the state, as (3.3.2) professional projects and (3.3.3) as individual career projects. The analysis of documents and the results of the qualitative data suggest that Juvenile justice as a state welfare project is still in the process of establishment. The role of the state in the process of knowledge mobilisation depends very much on the efforts of criminologists (“think tanks”) that are trying to institutionalise the field of criminology (e.g. Institute of Law). Since financial capacities of the state are low – the policy development and reform initiatives depended largely upon the international institutions (such UNDP, EU Phare and Soros foundation). Weak public administration at the ministry level, not to mention the bureaucracy in local municipalities, exacerbates the implementation of the conception of juvenile justice reform and limits the speed of its implementation.
Secondly, juvenile justice reform creates favourable conditions for the institutionalisation of administrative criminology closely linked to legal sciences and such institutions as the Law Institute and the Centre for Crime Prevention in Lithuania. Juvenile Justice becomes a significant professional project that reinforces career opportunities, guarantees incomes and partial independence from political authorities and considerable power in decision-making. Document analysis and rhetoric of the ‘think tanks’ tends to suggest that intellectuals who engage in criminal research and academic work in the institutions of higher education have the most powerful positions when policy priorities are being set up. In contrast to ‘bureaucrats’ who claim dissatisfaction with politicians and have a minor role in decision-making, ‘think tanks’ have both formal and informal (symbolic) power in decision making. Thus, ‘think tanks’ in criminology are able to intensify the speed of reforms in the areas that are useful for their career and professional goals (funding of research, re-training, specialisation, etc.). For instance, 67 activities in the action plan for juvenile justice reform out of total 79 could be associated with the professionalization of lawyers. Such activities are most useful for the ‘think tanks’ in terms of employment opportunities for researchers and educators.

Thirdly, the analysis at the individual level illustrated the importance of personalities in the process of reforms in general and the growth of administrative criminology useful for public authorities. The case of Dr. Dapsys illustrates a tendency of a ‘think tanks’ to seek high political positions while being at the headquarters of research institutes. As an active member of intellectual community and having achieved the highest position in administration of the Institute of Law, Dapsys has been one of the most active supporters of the juvenile justice reform. After becoming a member of the Juvenile Justice Reform Committee, he acquired formal political power. Despite the fact that his power and political leadership in legal reform could be evaluated as positive, a question of the autonomy of criminology and the objectivity of the research conducted by the Institute of Law become very important. In addition, if the financing of research and research itself are controlled by the same persons, the problem of corruption arises.

A whole range of issues with regard to the state of criminological knowledge and its impact upon juvenile justice reform is raised in the sub-chapter 3.3.4 A Question of Criminology and Problems of Juvenile Justice Making. The question of the gap between the rhetoric of reform and practice indicates that the situation, which is described above exacerbates the reform in
practice. It is quite certain that reform in ‘policy’ (Conception approved by the Government) differs from the reform in practice. For instance, a question of alternatives to criminal punishment for juveniles is declared as the main priority of the reform (conception of the reform). But this question is not even mentioned in the action plan. The main issue of the reform during its two-year period was addressed using the policy conception and action plan that included: research, training, conferences, publications, study trips, and some public advertisement means. Taking into account the fact that the number of juveniles who were put on probation (waived prosecution) has been constantly growing from 37% (in 1996) to 75% (in 1999) and cognisant that probation services are not guaranteed, one may argue that the crime rate of youth offenders in Lithuania is a direct result of the current penal policy. Furthermore, evidence-based research policy that is declared by experts in juvenile justice policy brought about the traditional question of political analysis - *Qui bono?* This question becomes persistent in the Lithuanian context, where textbooks of criminology and penal law are written by the current chairman of the Constitutional Court, legal adviser of the President and vice-minister of Justice, who still make references to their own texts in the previous communist periodicals such as “Socialist Law” (see Abramavičius et al. 1996, 1998, 2000, 2001).

**Conclusions of the Chapter:**

1. The Foucaultian truism with regard to the criminological knowledge relation to power and criminology’s utility to public authorities illustrated the double role of power-knowledge. Power is not only controlling and restricting, but it can also be used positively. Power can be 'empowering'.
2. A paradigm of power-knowledge as a criminological perspective in discussing the role of criminology as a science is a useful enterprise especially in those societies where criminology has not achieved an independent and autonomous status.
3. A case study of the Lithuanian juvenile justice reform illustrates a mechanism of power relations that are constructed when the balance between science and politics is disturbed.
4. If the distance between power, penal law and criminology is not balanced, it is very doubtful that the established ideology of crime and deviance both in criminology and criminal (penal) policy will change. Finally, the whole
decision making policy, management of juvenile justice research (when the academics are involved in the decision making process) and criminology, which is established by those in power make criminal justice policy as a state welfare project and as a ‘positive’ penal reform very doubtful.
CONCLUSIONS AND DEFENDED THESIS:

1. Criminological knowledge as any other social knowledge is fundamentally ideological. The history of criminology reveals three important paradigms in criminology namely sociological, legal, and power-knowledge.

2. Both analytical and ideological crises in the sociology of deviance and critical criminology demonstrated the major scope and limits of criminology as a social science that is trying to explain problematic aspects of human behaviour and the reactions to it. The major ideology of the sociology of deviance searching for a single concept of deviance was one of the theoretical errors in sociology. Nevertheless, looking upon certain aspects of problematic human behaviour from the perspective that excludes a legal concept of crime is still a valuable theoretical device.

3. Emile Durkheim’s trichotomy – difference/deviance/crime is a useful sociological device for the investigation of human behaviour. It does not mean that it is possible to find universal characteristics of deviance.

4. Utopian thinking within critical criminology tends to be rooted in the sociological paradigm, thus further connections between sociology and criminology apparently could be maintained especially in those societies where a science of criminology is historically linked to legal sciences and has a tendency to be close to power.

5. A development of theoretical criminology tends to contribute to the autonomous status of the discipline. This would further diminish the negative impact of the historically determined relationship of criminological knowledge and power.

6. Knowledge-power discourse as a Foucaultian truism about criminology’s utility to power sheds light on the mutual relationship and interaction between academics and policy makers. This relationship has yet to become a research agenda in post-soviet societies. A case-study of the Lithuanian juvenile justice reform demonstrates that criminology as a discipline is being institutionalised and is achieving an advisory role in the decision making process. On the one hand, the close connection to power creates favourable conditions for applications of legitimised academic knowledge, which consequently can encourage social change and reform. On the other hand, the adaptation of academic knowledge to that of powerful groups strengthens the historical tendency in criminology, that is, to become merely administrative and utilitarian to power.
Santrauka

**Temos aktualumas.** Karlo Mannheimo žinojimo sociologijos imperatyvai bei jo ideologijos ir utopijos koncepcija nubrėžia aiškias gaires, kurios leidžia pažvelgti į mokslinio kriminologio žinojimo idėjų istoriją ir raidą. Kriminologija, kaip viena iš socialinių mokslų disciplinų, persmelkta epsitemologinių ir metodologinių prieštaravimų, sankirtų su kitomis disciplinomis ir jos glaudaus santykio su valdžia, buvo nuolat atrandama ir nurašoma. Kriminologijos mokslo pamatus statė Lombroziška antropologija XIX a. pabaigoje, kuriuos grįžė vėlyvėsi XX a. nusikaltimų etiologijos tyrinėjimai, deviacijų sociologijos teorijos ir ypač Interakcionistinė socialinių mokslų paradigma. Kritinė kriminologijos perspektyva, iškilusi Michelio Foucault idėjų kontekste, ir ypač Abolicionistinės kriminologijos utopijos leido iš esmės naujai pažvelgti į visą kriminologijos idėjų istoriją ir pastebėti tris reikšmingas kriminologijos krizes.


Visos šios krizės nurodo ne tik reikšmingus kriminologijos istorijos raidos etapus ir ritmą, bet tuo pačiu implikuoja svarbų žinojimo sociologijos projektą – siekiant paaškinti kriminologijos istoriją ne tik (at)kurti kriminologijos idėjas, bet ir parodyti jų trūkumus, t.y. ne tik būti “už” šios disciplinos įteisinimą, bet ir visada būti opozicijoje. Kitaip tariant, kurit kriminologijos diskursą reiškia nuolat jį griauti ir iš naujo atraisti.

**Tyrimo objektas ir dalykas.** Kriminologinio žinojimo ideologija ir utopija bei jo santykis su valdžia atsiskleidžia istorinėje kriminologijos
genezėje, deviacijų sociologijos ir kritinės kriminologijos analizėje. Todėl šio tyrimo dalykas - istorinėje ir sociologinėje teorinių perspektyvų plotmėje kintantis kriminologijos mokslo objektas ir kriminologinio žinojimo konstravimas konkrečioje baudžiamosios teisės reformos kontekste kwestionuojantis pagrindines kriminologijos paradigmas.

**Tyrimo tikslas.** Kiekvienas bandymas rašyti kriminologijos istoriją rizikuoją paskęsti įvairiuose istorijos vingiuose ir susipainioti teoriniuose socialinių mokslų paradigmų labirintuose. Todėl šio tyrimo tikslas buvo ne rašyti mokslinio kriminologinio žinojimo istoriją, bet atskleisti reikšmingiausius jos poslinkius. Kaip jau minėta esminių mokslinio kriminologinio žinojimo etapus pažymi ideologinės ir analitinės deviacijų sociologijos ir kritinės kriminologijos krizės. Todėl šio tyrimo tikslas buvo žinojimo sociologijos rėmuose atskleisti mokslinio kriminologinio žinojimo formavimosi istorinių kontekstų, ir analizuoti pagrindinių kriminologijos paradigmu - deviacijų sociologijos ir kritinės kriminologijos istoriškai susiformavusius principus.

**Tyrimo uždaviniai:**
1. Analizuoti ideologijos ir utopijos sąvoką. Atskleisti K. Mannheimo žinojimo sociologijos metodologines ir epistemologines nuostatas, kurios gali būti reikšmingos kriminologinio žinojimo genezės ir idėjų istorijos analizei;
2. Pristatyti kriminologijos istorijos genezę ir pagrindines kriminologijos mokslo paradigmas;
3. Įvertinti deviacijų sociologijos istoriją ir teorijas ir pristatyti šios disciplinos svarbiausias analitines kategorijas – ‘deviacijos’ ir ‘socialinės kontrolės’ sąvokas. Atskleisti pagrindinius deviacijų sociologijos teorijų privalumus ir trūkumus;
4. Pristatyti kritinės kriminologijos ‘nusikaltimo’ bei ‘bausmės’ sampratas ir įvertinti utopijų svarbą kriminologijos istorijoje;
5. Atskleisti kriminologinio žinojimo santykį su valdžia konkrečios baudžiamosios teisės reformos kontekste ir ištirti kriminologinio žinojimo konstravimo mechanizmą įvertinant Nepilnamečių kriminalinės justicijos reformoje atsiskleidžiantį kriminologijos mokslo ir valdžios santykį baudžiamosios politikos formavimo procese.

**Tyrimo teorinė reikšmė ir naujumas.** Šio tyrimo pagrindinis tikslas – analizuoti kriminologijos ideologiją ir utopiją bei jo santykį su valdžia turi keletą privalumų. Pirmiau, šio tyrimo metu analizuojami Mannheimo metodologiniai ir epistemologiniai pasiūlymai leidžia naujai pažvelgti į


sugriausi istoriškai nusistovėjusius ir ideologiškai užkonservuotus stereotipus apie pagrindines kriminologijos ir deviacijų sociologijos sąvokas. Kriminologinio žiniojo kontekstualizavimas Lietuvos nepilnamečių justicijos reformoje ne tik nurodo reikšmingus kriminologijos institucionalizavimo aspektus, baudžiamosios teisės reformos politikos formavimo bruožus, bet taip pat implikuoja svarbius mokslo ir visuomenės santykius, kurie gali būti naudingi sociologinei viešosios politikos formavimo sampratai.


Istorinėje kriminologijos kaip mokslo genezėje atsiskleidžia kriminologijos priešistorė ir atsiradimo sąlygos, analizuojamas kriminologijos santykis su kitomis disciplinomis. Trumpai pristatomos sociologinė ir teisinė paradigmos kriminologijoje kaip vienos iš pagrindinių kriminologinių žiniojimų įtakos veiksnų. Kaip atskira ideologija pristatoma M. Foucault žiniojo-galios paradigma, kurioje yra kvestionuojamas kriminologinio žiniojo santykis su valdžia. Galiausiai, istorinė kriminologijos analizė leidžia pastebėti pagrindinius kriminologijos mokslo analitines ir ideologines krizes, kuriuose atsiskleidžia esminė kriminologinio žiniojo žiūros logika, ideologinis angažuotumas ir utopijų svarba.

Antrojo skyriaus Deviacijų sociologijos ir kritinės kriminologijos istorija ir teorijos tikslas yra aptarti kriminologijos kaip teorinės disciplinos, kurioje dominuoja sociologinis ir teisinė nusikaltimo ir jų kontrolės suvokimas, mokslo ribas ir sąvokas. Deviacija ir socialinė kontrolė yra tarpusavyje glaudžiai susijusios sąvokos, iš kurių pirmoji yra ideologiškai ir stereotipinė angažuota ir diskriminuoja, o antroji dėl savo abstraktumo yra
neretai vartojama tik instrumentiškai kaip mechanizmas, užtikrinantis teisinę ir normatyvinę elgesio kontrolę. C. Sumneris, paskelbęs deviacijų sociologijos mirties liudijimą, teigė, kad bendro vardiklio elgesio, neatitinkančio visuomenės normų, paieška buvo pagrindinė deviacijų sociologų klaida, atvedusį mus į ideologijos cenzūros amžių. Klausimas, į kurį bandoma atsakyti šiame skyriuje, susijęs ne tik su teigimu, kad deviacijos sąvoka yra netikslinga, ar su svarstymu, kuria prasme vartotina socialinės kontrolės sąvoka. Visuomenės diferenciacijos ir chroniškos „anomijos“ kontekste išsiaiškinti, kaip sumažinti nepageidaujamo elgesio ir nusikaltimų augimą ar užtikrinti socialinę tvarką, kaip apsaugoti individų nuo visagalvis socialinės kontrolės kontrolės ir cenzūros. Tačiau atsakymų į tokius klausimus galima ieškoti tik įsigilinus į teorijų ir iš jų kylančių sąvokų istorinį kontekstą ir atsižvelgiant į jau praėjusio šimtmečio ideologijas deviacijų sociologijoje ir kriminologijos mokslo utopijas, kurios išryškėjo kritinėje kriminologijos tradicijoje.

Šiame skyriuje yra pristatomi kritinės kriminologijos pagrindinės nuostatos, kurios dažnai iškildavo ne kaip išbaigti teoriniai modeliai, bet kaip kriminologinio žinojimo utopijos. Pagrindinis dėmesys šios analizės rėmuose buvo skiriamas Abolicionistinės perspektyvos deviacijos-nusikaltimo sąvokų problematikos, sociologinėms baumėms ir kriminalinės justicijos interpretacijų aptarimui. Pabrėžiama sociologinė kritinės kriminologijos utopijų kilmė. Vienas iš pagrindinių nagrinėjamų klausimų yra kokiu būdu kritinė kriminologija papildo arba išsprendžia deviacijų sociologijoje iškilusias dilemas ir kontroversiškus klausimus.

Trečiojo skyriaus Kriminologinio žinojimo santykis su valdžia: Nepilnamečių justicijos Lietuvoje atvejis tikslas – analizuoti atskleisti kriminologinio žinojimo santykį su valdžia konkrečios baudžiamosios teisės reformos kontekste. Kitaip tariant, M. Foucault paradigmoje buvo analizuojami ekspertų ir kitų viešosios politikos formavimo proceso dalyvių santykiai įgyvendinant tam tikrą politinę užduotį - nepilnamečių justicijos reformą. Ši kriminalinės (baudžiamosios) politikos dalis bendrame vaikų teisių apsaugos ir nusikaltimų kontrolės kontekste gali būti įvardijama kaip sritis, kurioje teisiniai ir instituciniai pokyčiai yra reikalingiausi, tačiau dėl įvairių priežasčių reforma šioje srityje yra mažai pasitūrimėjusi į priekį ir tik neseniai įgavo pagreitį. Nepilnamečių justicijos politikos kūrimo ir jos įgyvendinimo dalyvauja įvairios ekspertų grupės – teisininkai, policininkai, socialiniai darbuotojai, medikai, perauklėjimo specialistai, etc. Jų atstovai “viršuje” artikuliuoja reformos strateginius planus ir priemones manipuliuodami savo profesinėmis žiniomis ir akademinių diskursu, tuo
suaktyvindami reformos tempus tose srityse, kurios yra naudingos ne tik politikos vystymui, bet ir tolimesniam jų profesinės veiklos tobulinimui ir karjerai. Mano tikslas buvo paaiškinti kaip vyksta žinių apie nepilnamečių justiciją mobilizavimas viešoje, politos ir akademinėje sferose kai Lietuvos politinė valdžia deleguoja užduotis ekspertams. Analizei naudodamas kokybinį metodą (pusiau-struktūruoti interviu su ekspertais) ir Feiring (1998) analitinį modelį trijose lygiuose: viešosios politikos formavimo (valstybės lygis), ekspertų įtakos (interesų grupių lygis) bei individų karjeros (individų lygis) bandžiau paaiškinti procesą, kurio metu iš vienos pusės valstybė mobilizuoja žinojimą, o iš kitos - tam tikros ekspertų grupės siekdamos valdžios arba/ir karjeros monopolizuoją įtakos sferas.

GINAMOS IŠVADOS:


analizuojamas ne tik kaip teisinė, bet ir normatyvinė kategorija, todėl sociologiškai galima atsisakyti ir nusikaltimo sąvokos nes įmanomos alternatyvios – ‘problemos’, ‘konflikto’ arba ‘probleminio įvykio’ sąvokos.


BIBLIOGRAPHY:

Berman M. (1983) All That is Solid Melts into Air. London: Verso;
Cohen S. (1990) Intellectual Scepticism and Political Commitment: the Case of Radical Criminology, Amsterdam: Bonger Institute UvA;
Jatkevičius A. (1999 a) “Apie nepilnamečių kriminalinės justicijos reformos programą” iš Teisės problemas Nr. 4 p. 5-10;
Jatkevičius A. (1999 b) “Smurtinio nepilnamečių nusikalstamumo samprata” iš Teisė Nr. 33-4, p. 35-43;
Leliugienė I. (1997) Žmogus ir socialinė aplinka, Kaunas: Technologija;
Nepilnamečių justicija Lietuvoje (1998) Vilnius: Nusikalstamumo prevencijos centras Lietuvoje ir Teisės institutetas (kurią taip pat galima rasti
Nusikalstamumo prevencijos centro Lietuvoje interneto svetainėje http://www.nplc.lt/nj/;

Nepilnamečiai, padarę sunkius nusikaltimus: psychologiniai ir socialiniai ypatumai (2000) Vilnius: Lietuvos Žmogaus teisių centras,
Sakalauskas G. (2000 a) “Kriminologiniai laisvės atėmimo bausmės aspektai” iš Teisė Nr. 35, p. 80-89;
Sakalauskas G. (2000 b) “Vaikų ir jaunimo baudžiamoosios atsakomybės užsienio šalyse raidos tendencijos” iš Teišės problemas 2000 Nr. 3-4, p. 25-28;
Sakalauskas G. et al. (2000 c) Vaikų ir jaunimo nužimtumo ir nusikaltimų prevencija. Vilnius: Nusikalstamumo prevencijos centras Lietuvoje;
Sakalauskas G. ir Jatkevičius A. (2000 a) “Nepilnamečių baudžiamoji atsakomybė Lietuvoje: reglamentavimo problemas ir galimi jų sprendimai” iš Teisės problemos nr. 3-4, p.7-13;
Sakalauskas G. ir Jatkevičius A. (2000 b) “Tarptautiniai dokumentai, reglamentuojantys vaikų ir jaunimo baudžiamąją atsakomybę” iš Teisės problemos nr. 3-4, p.29-38;

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