

Who is afraid of criminology? Why is criminology a casus belli subject in France and why it has to change?

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Criminology is a contested, contradictory and interdisciplinary discourse marked by constant incursion, interactions, translations, deviations and transgressions. Competing theoretical perspectives meet and sometimes they are able to speak to, listen to and understand each other, at others they appear not to share any common discourse. There is, therefore, no one definition of 'Criminology'... but a multitude of noisy, argumentative criminological perspectives²

The French government has just published a decree whereby it has established the founding component of future criminology faculties³. Every government which is on the way out as a result of imminent national elections typically tries and give its last shot at implementing what it may not have had the courage or time to do before. Creating criminology faculties has been a bone of contention for several years now and something definitely had to be done at one point or another. A National Commission, of which the author of these lines was a member, was appointed two years ago, with the mission to make propositions in that respect⁴. This caused its predictable host of outcries, belligerence, and unfair vilification. French people are by nature impervious to change, which they typically resist with all their might. One nonetheless wonders why so many people seem to be so afraid of a change which has occurred in so many other countries without as much opposition or agitation. Meanwhile, France has remained for the most part unaware of the rich and fascinating advances in criminology and of their practical applications, leaving this country way behind its European neighbours. It is sadly letting its students, its practitioners and its citizens down. It is precisely for these reasons, that it is essential to institutionalise criminology faculties; it will nonetheless be a colossal challenge.

Why are they so afraid?

To be true, most of the fields which might legitimately have had a say as of the creation of criminology, namely forensic medicine, neurosciences, history, political sciences, economy, social work sciences, psychiatry, and psychology and so forth, have prudently remained silent. Therefore, unlike what opponents have been publishing in the national press, it is simply not true that the entire scientific community has manifested a strong opposition to criminology.

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² E. McLaughlin and J. Muncie (2006), *The Sage Dictionary of Criminology*, 2nd ed., London, Sage: xiii.

³ Arrêté du 13 février 2012 modifiant l'arrêté du 2 mai 1995 fixant la liste des groupes et des sections ainsi que le nombre de membres de chaque section du Conseil national des universités, *Journal Officiel*, 15 mars 2012.

⁴ Commission Nationale de la Criminologie, Rapport établi pour Madame la ministre de l'Enseignement Supérieur et de la Recherche sur la faisabilité, la mise en place et le développement des Etudes, Recherches et Formations en Criminologie, 28 juin 2010.

So the fact is that they are opponents; it also is that they do not represent, and by far, the entire scientific community. These opponents have essentially been a handful of sociologists, along with a significant number of criminal lawyers.

The first and strongest voice has been the CESDIP's, which is a sociology research centre, attached to the CNRS, i.e. an institution which is separate from universities and does not have the responsibility to train students⁵. Initially, and officially their disagreement has been twofold:

- The way the government was proceeding was not democratic;
- The fact that, at the time, the label that was attributed to the future criminology entity was laden with punitive innuendo⁶.

It is true that the way the government has manoeuvred has not been very diplomatic. A large consultation should have been organised; students and practitioners should actually have been included, their voice being just as important as that of the academic community. As of the CESDIP, since it is not part of the university community, its point of view should only have been given a fleeting attention. In lieu of this, they are definitely getting the ball rolling. If one can understand the irritation of those who were not adequately consulted⁷, one can understand just as well why the government, tired of having to fight petty battles is eager to get things done.

As of the punitive innuendo of the over the top ridiculous label that was at one point envisaged, it has been dropped in the aforementioned *arrêté* of February 13: the 'scientific community' has indeed been heard, despite what a few critics affirm.

Looking from abroad one might wonder why the CESDIP, which devotes all of its activity to criminology, would be against the advent of criminology. One must immediately remember, however, that the CESDIP is not against criminology per se – but some of its members are as we shall see – but is against criminology *in universities*.

We are precisely stumbling upon the core reason why the CESDIP would understandably oppose criminology *in universities*. First, unlike universities the CESDIP receives a lot of money from the Ministry of Justice in order to finance its research (132 955 Euros in 2007 – according to a public report⁸). Second, unlike universities the CESDIP benefits from vast and comfortable buildings and a remarkable documentation centre. Meanwhile, in universities there is no toilet paper past November, there is only one electric plug per classroom, we do not have any charcoal left to write on blackboards – forget about PowerPoint interactive presentations – and much as we have gotten used to being paupers and it may have its charm, it actually also comes with responsibilities that the CESDIP does not bear. We have to elaborate Degree/Master curricula, to teach huge amphitheatres or classes, to mark kilotons of papers, and are responsible for generations upon generations of students. It is easy to ignore the voice of students when one does not have the responsibility to train them. It is

⁵See : http://isc-epred.labo.univ-poitiers.fr/sites/isc-epred.labo.univ-poitiers.fr/IMG/pdf_Le_cesdip_contre_le_projet_-_Jobard_-_rendu_public_le_23_mars_2011.pdf

⁶ Indeed the government planned to call it 'criminology, diplomacy, war studies and strategy. I criticized this label firmly here: http://herzog-evans.com/edito/2011_03_19.php.

⁷ Bearing in mind that being consulted does not mean that the person in charge should say 'Amen' to what the consultee says as the consultant typically has to hear other voices too; this is what democracy actually means.

⁸ Agence d'évaluation de la recherche et de l'enseignement supérieur, Section des unités de recherche, *Rapport d'évaluation sur le CESDIP*, mars 2009.

just as easy to ignore the needs of practitioners when one does not have to think in terms of professions.

One can understand that the CESDIP would thus want to protect its pot of gold devoid of responsibilities and societal demands. Who wouldn't?! Still, this is life. It was inevitable that universities would want a piece of the pie too; inevitable that the CESDIP would one day face competition and that the needs of students and practitioners would have to come first.

No one is saying that the CESDIP should disappear. Some of its research – in particular those which are scientific in nature and devoid of purely ideological stances – are remarkable. A political and critical look on criminal policies is indeed necessary; criminology should nonetheless not be reduced to it. There is a sea ocean of other things to do. Perhaps like the aforementioned AERES report pointed out the CESDIP should however be strongly encouraged to collaborate with universities in a much more active and integrated way than what it is presently doing⁹.

One member of the CESDIP, Laurent Muchielli, has also developed another argument against the creation of criminology at University: criminology does not exist!¹⁰ Perhaps Mr Muchielli would learn from reading the works of those who have theorised what criminology actually is¹¹. Still, this author did not always hold this belief. For instance, he signed a 'history of the CESDIP' on the website of this research centre in which he referred to 'criminology research in France' and to 'the French criminology field'¹². In this document he reminds us aptly that the CESDIP used to be called the 'Service for Penal and Criminology Studies'.

Unfortunately, France is a country of labels, and I fear that lawyers¹³ are not innocent as of this cultural trait, with their syllogistic type of reasoning. French people tend to spend so much time disputing labels that they more often than not entirely forget the big picture. In the rest of the more pragmatic world, no one cares whether a researcher is a criminologist, a medical doctor, a sociologist, a lawyer or a psychologist so long as he gets the work done. In this regard, the last issue of the *International Journal of Offender Therapy and Comparative Criminology*¹⁴ is telling. In this 2012 n° 56(1) issue, a paper reviewing the literature on Megan's and Sarah's laws contains both a legal analysis of said laws and a criminology review of the literature. Second, one finds a qualitative work by David Bierie concerning the well-being of prison staff, yet D. Bierie belongs to a Behavioral Analysis Unit in the U.S. One

⁹ The AERES noted that it 'regretted that the CESDIP tended to rely on what it had already achieved and only marginally amended its research goals when new researchers joined its ranks'. The AERES added that the CESDIP was 'not inclined to build ties with law schools or economists even though such researchers also studied penal issues'. It added that the main problem with the CESDIP was 'its lack of true insertion within universities' and that even though it did teach a few classes at the local university of St Quentin 'no research training was based on the intervention of the CESDIP.'

¹⁰ L. Muchielli, 'De la criminologie comme science appliquée et des discours mythique sur la « multidisciplinarité française', Vol. VII | 2010, <http://champpenal.revues.org/7728> ; accessed March 18, 2012.

¹¹ eg : T. Bernard, J. B. Snipes, Alex L. Gerould, *Vold's Theoretical Criminology*, 6th ed., 2010, Oxford Uni. Press ; M. Bosworth and C. Hoyle, *What is Criminology ?*, Oxford University Press, 2012; S. Walklate, *Understanding Criminology: Current Theoretical Debates*, 2nd Ed., 2003, Open university Press – and for a dictactic presentation: G. Kellens, 'Criminology: Concept, field and scope, in M. Herzog-Evans (ed.), *Transnational Criminology Manual*, Nijmegen, Wolf Legal Publisher, 2010, vol. 1: 23-32; in French, see R. Gassin, *Criminologie*, Dalloz, 7e d., 2011 and M. Cusson, *La criminologie*, Hachette, 5e ed., 2011.

¹² http://www.cesdip.fr/IMG/pdf/Histoire_du_CESDIP.pdf, accessed on March, 17, 2012.

¹³ The author of these lines is a lawyer; nobody is perfect I am afraid.

¹⁴ And yes the word 'criminology' is included and one should also note that it is linked to 'therapy', a nexus which would surely destabilise the French.

also finds a Dutch psychological study of the reasons why outpatients tend not to show at appointments. The issue also contains two quantitative pieces; one concerns how child molesters respond to community based treatment in England and Wales, and the other pertains to the contentious question of the validity and accuracy of risk assessment tools on female offenders. Lastly, a clinical trial is presented by a team of eight French MDs, concerning a new molecule that might be promising in order to address paedophilia. As one can hence see, French authors do publish in English when it comes to medical sciences. More importantly, the point is here that a criminology journal does welcome scholars from a wide range of disciplines, who all work in the domain of criminology, but with different methodologies and approaches.

Indeed, criminology is always welcoming 'related sciences', even when it comes to recruitment at University level. So in a way, opponents are right in saying that one can do criminology without the umbrella label of criminology. Other countries can produce criminology work and education outside of autonomous criminology faculties – but they then usually develop criminology curricula. Others can equally work with such a label, and in that case, are perfectly capable of working without the slightest prejudice or fear with scholars from other fields. I am originally a lawyer, who has been wandering on the shores of qualitative research for some time now, and I am happy to say that beyond the French borders, I have never felt rejected or scorned for not fitting the strict frontiers of a label or another. Quite the opposite, I have found that international criminologists typically welcome someone with a legal background, or any background for that matter, and are usually quite keen on cross-pollination and trans-disciplinary collaboration.

Only in France are discipline frontiers guarded with a vengeance and any additional label seen as a threat to one's very existence. This is however the very reason why criminology faculties should be created: despite their affirmation to the contrary, and but with a few exceptions, 'related disciplines' hardly ever work together in teams in order to produce criminology scientific pieces of work. Students who try and work in what is perceived as a trans-disciplinary manner hardly ever manage to secure positions in these related sciences faculties, but, here again, for sheer luck loopholes and exceptions¹⁵.

As a French probation chief, Philippe Pottier, has aptly argued, after all, many other faculties' labels correspond to historical or cultural reasons. He writes: 'Please check out, or check out again, the entire list of existing faculties' National Commission' (hereafter CNU) 'In all, we have 77 CNU sections, which already tells us that we are not exactly talking about pure sciences. Sections 76 and 77 are respectively, "Catholic Theology" and "Protestant Theology". Sciences? Fields? Two different fields? Section 70 refers to "Education Sciences": is that a plural? What are these sciences? Does it imply that there are several sciences within one discipline? Then comes section 20 called "Ethnology prehistory and biological anthropology": are these several disciplines in just one section, or is this a trans-disciplinary section? I could go on and on. There is no clear coherence here. This obviously reveals cultural constructs of sciences and disciplines, but there is no Law of the Twelve Tables that one could consult in order to distinguish right from wrong. There are just the choices of humans endeavouring to attribute tags to disciplines or sciences. These choices can always been disputed and other choices could just as well have been made'.

In other words, what is relevant is not whether criminology is or is not an autonomous science which, per se, and quasi biologically would require an independent label, but

¹⁵ They do, however, find work in the field, where there is a great need for such backgrounds.

whether institutionalising criminology in French universities is or is not useful. As we shall argue *infra*, it definitely is.

Meanwhile, Mr Muchielli does not only oppose criminology per se; he also denies that it can be *an applied* discipline (Muchielli, 2010). Such a statement is flabbergasting. That criminology has become a fully applied discipline cannot be seriously denied¹⁶. In the field of probation, which is our major, applications are phenomenal: the programmes, to quote only one example, which are created and implemented everywhere in the Western world and beyond, on the basis of constantly changing and improved theoretical and practical knowledge¹⁷, are so sophisticated and indeed, practical, that they now constitute transferrable technologies that can be exported. Such is increasingly the case in particular around Europe, via projects such as Twinning¹⁸ or via networks between Ministries of Justice, such as STARR¹⁹. Such transfers, far from being colonial, can lead to beneficiary-to-creator re-importation, such as was the case with the SSP programme, originally tailored for Romania by England and Wales, and then re-exported in London²⁰. One last example is also telling: the level of knowledge which has now been accumulated as of the skills and competences that probation officers must possess in order to make a statistically significant difference when it comes to reoffending is now considerable enough to lead to a wide range of practical applications²¹. The author of these lines could quote a host of other examples. They would indeed be more interesting than the name-blame exercise which has sadly taken place in France.

Mr Muchielli and some of his supporters in the anti-criminology crusade have concentrated much of their criticism on the person of the advisor of Mr Sarkozy, with whom he seems to be friend: Mr Bauer's photography is plastered in newspapers²², and he is portrayed as the incarnation of devilish tough on crime criminology. Since the beginning, opponents have been concentrating obsessively on his name and position.

It is refreshingly endearing that academics seem to discover that individuals can influence politicians. Equally charming that they would act as if they were shocked that said politicians would feel more comfortable with consulting their friends rather than ignoramuses or adversaries. Can anyone in his right mind believe for one minute that Mr Sarkozy's opponents would act in a different way?

More to the point, behind these fixated attacks against Mr Bauer, there is the notion that criminology faculties as created by Mr Sarkozy would necessarily equate to sanctifying a punitive criminology of the right.

May I remind my readers that the current government who has undoubtedly developed a punitive penal policy is nonetheless the very same which heavily funds the CESDIP which devotes all its energy to criticise punitive policies! Surely if the objective of the present

¹⁶ B. Stout, J. Yates and B. Williams, (eds.), *Applied Criminology*, Sage Publications, 2008

¹⁷ See eg. eg. F. McNeill, P. Raynor and C. Trotter, *Offender Supervision: New Directions in Theory, Research and Practice*, Willan Publishing, 2010.

¹⁸ http://ec.europa.eu/enlargement/how-does-it-work/technical-assistance/twinning_en.htm.

¹⁹ <http://www.starr-probation.org/>.

²⁰ N. Thoburn, P. Durrance, N. Hosking, *Structured Supervision Programme. Evaluation Report*, National Probation Service London, Sept. 2009.

²¹ C. Trotter, *Working with Involuntary Clients*, 2nd ed., Sage, 2006.

²² See eg the national left newspaper Libération, issue of March 17, 2012 <http://www.liberation.fr/societe/01012396570-bauer-grand-maitre-de-la-criminologie>, accessed March 19, 2012.

government had solely been to support a 'punitive criminology of the right', it would then have been more inspired in cutting off this financial IV.

Who in his right mind would truly believe that criminology is something that the devilish right invented to justify punitiveness? In that respect, the U.S.A. and England and Wales, which are brandished as terrible examples that one should stay away from²³ are typically depicted in a naive and rather ignorant manner.

The facts are that right wing American academic criminology has always been a minority and that the U.S.A. have long started a U-turn from punitiveness, and are progressively abandoning mass incarceration, switching to alternative sentences and probation, re-launching parole and creating reentry programmes. It is also in the U.S.A. that the amazingly revolutionary, non punitive, problem-solving courts have multiplied and have reached the amazing number of 3000! It is again in the USA that therapeutic jurisprudence was born and has flourished. Incidentally these movements are spreading around the world, and are, as usual, totally ignored in France²⁴. The Asterix-like desperate 'defence of the French language' does not help, with most academics refusing on principle to read and publish in English²⁵.

Now it is true that some criminologists are 'leftist' and others are 'rightist', to paraphrase French labels. True as well that as hard science, neurology, biology and medicine are now an important components of contemporary criminology and that this does constitute a shift that needs to be conceptualised and perhaps controlled²⁶ as it does raise ethical questions – but no more and no less than social sciences' findings. This is however where French lawyers should contribute in a significant way, rather than in joining the Thatcherian 'no, no, no' forces.

In my view, however, the advance of science and evidence is a very positive evolution, which should contribute to opening our minds to other methodologies and academic cultures²⁷. In France, though, science is more often than not labelled 'pseudo-science'²⁸, and the response to the dangers of unethical-without-boundaries scientific development far from generating constructive criticism, is met with yet more deprecatory labels. Indeed what is seen as science can be invalidated: the history of Lombroso's study of craniums is a traumatising example for the criminology community. Worse, so-called science can lead to terrible human rights violations. One does remember how Nazi Germany found in so called scientific criminology some of the grounds of its eugenic massacres²⁹. Still, one can also find its premises in Darwin's work, and yet no one – that is no one with rudimentary scientific knowledge – would deny that there is such a thing as the evolution of species. Denying scientific evidence is obscurantist and just as dangerous and lethal. More importantly, what was formerly perceived as science was in fact grounded in exceptionally weak methodology. Professors like F. Lösel or D. Farrington are thus right in insisting that only level 3 to 5 on the

²³ See eg in *Le Monde*, March 13, 2012.

²⁴ Just as France ignores for the most part restorative justice.

²⁵ Which is highly unprofessional given that, like with medicine and other hard sciences, the literature is for the most part published in English.

²⁶ J. A. Cooper, A. Walsh and L. Ellis, 'Is Criminology Moving Toward a Paradigm Shift? Evidence from a Survey of the American Society of Criminology', *Journal of Criminal Justice Education*, 2010, n° 21(3): 332-347

²⁷ Which is one of the messages of L. C. Lee and M. K. Stohr, 'A Critique and Qualified Defense of "Correctional Quackery"', *Journal of Contemporary Criminal Justice*, 2012, n° 28: 96, even if the authors aim at defending innovation that is currently seen as quackery.

²⁸ *Le Monde*, *op. cit.*

²⁹ See eg N. Rafter, *The Criminal brain. Understanding Biological Theories of Crime*, N.Y. University Press, 2008.

Maryland Scientific Method scale programmes,³⁰ which is what the Campbell Collaboration is advocating,³¹ are worthy of our attention.

In conclusion, as professor Shadd Maruna, the undisputable star of desistance, told me when I explained that criminology was perceived in France as a rightist science: ‘amazing irony. If they only knew that criminology in places like Great Britain and Canada is seen as among the most lefty disciplines in all of academia. Isn't life (or politics) strange?’

As of myself, I have always refused to participate in this lynching of Mr Bauer, just because he happens to be friends with the president. I find such public hanging nauseating. I have also refused to adhere to the notion that there should be a ‘criminology of the left’, which would be the only one worth defending, and a ‘criminology of the right’, which would deserve stoning. I believe in democracy and in a democracy, as far as I am concerned, everyone is entitled to his or her inclinations or ideals. I personally do not share punitive ideals; nor do I however admire the natural lynching propensity of the French left. I do believe that both Mr Muchielli and Mr Bauer have a right to say what they want to say, even if I am personally rather uninterested in ideological criminology, being more at ease with evidence and concrete research findings and their applications.

In the meantime, the strongest opponents to criminology have come from my own family, i.e. criminal lawyers. Petitions have been signed,³² people have demanded to be heard by the Ministry of Education³³... In short, the voice of criminal lawyers has been by far the loudest.

Two categories of criminal lawyers have thus joined forces. Their arguments – so to speak – are however different.

Some of these criminal lawyers are the classic product of French universities. They stay safely away from empirical work, spend their time ‘glosing’ court cases and laws – i.e. publish purely technical legal comments – which the author of this lines also does on a regular basis as this is the bread and butter of legal academic work – and have a strong mistrust for sociology related sciences. In short, they believe that criminology is the social science of nothingness or that criminology is, for the most part... law. Those of my colleagues who belong to this purely technical school, typically have no hands on knowledge of how criminal justice operates and believe that law self justifies itself. They are not interested in whether it works, costs too much money or whether it is therapeutic or nocebo for people and society. They only believe in studying the rule of law, what it says, how to classify it neatly into separate tags. Needless to say that there is no hope to ever convince these lawyers that empirical work is urgently needed in this country. Nonetheless, some of these academics believe that all that is required is to develop – probably fund – so-called ‘criminal sciences’ institutes, despite the fact that said institutes, which are only scientific by name, have never done any criminology field research. By no means are legal research and

³⁰ see R. D. King and E. Wincup, *Doing research on crime and Justice*, 2nd ed., Oxford Uni. Press, 2007; V. Jupp, P. Davies and P. Francis, *Doing criminological research*, Sage, 2000; D. P. Farrington, ‘Methodological Quality Standards for Evaluation Research’, *The ANNALS of the American Academy of Political and Social Science*, May 2003, n° 587(1): 49-68

³¹ See. A. E. Perry, ‘Scientific Research in Criminology. Systematic Reviews in Crime and Justice’, in M. Herzog-Evans, *op. cit.*: 271-296 ; see: <http://www.campbellcollaboration.org/>

³² See eg, Pétition contre la création d’une section de criminologie au Conseil national des universités, *Recueil Dalloz*, 2011, p. 457

³³ <http://www.cesdip.fr/spip.php?article608>, accesses on March 18, 2012.

methodology identical to criminology research and methodology. As I previously wrote on my website: 'as an example drawn from my major, when I as a lawyer study new rules applying to probation and release... and worry about the gradual decline of due process, a criminologist would be asked to study its effects in terms of reoffending and compliance'. This is hardly the same thing; and the methods used by both specialists will be poles apart. Another problem is that most French people have a very hard time understanding what 'inner diversity' represents. Our colleague Philippe Conte, a criminal law professor and director of a so-called 'criminology institute', has recently declared on the national radio France culture³⁴, that it was impossible to be a criminologist as this would mean being a perfect lawyer, a perfect sociologist, a perfect psychologist, and so on. This is not at all what being a criminologist is about. I find that linguistic metaphors are particularly useful here. Very few French people are multi or bilingual. They often imagine that a bilingual person has an equal command of the languages he or she was lucky enough to learn as a child. However this is not true. In most cases, bilinguals and multi-linguals do not master each and every language to the same degree. They usually speak both in a fairly perfect manner – but not always – and tend to use them for different things (e.g. choose one over the other to express their feelings). However, most of the time, they will write better in the language they learnt at school and at University. Such is the case of the author of these lines. What really matters, though, is that bilinguals *can* speak, work, and act in several languages. Still, ideally only those who have had the opportunity to go to truly bilingual schools and universities have an equal command, both as speakers and in writing, of both languages. Such an ideal is rare, and virtually non-existent in France. My point here is to say that it is indeed possible to do interesting research in law, sociology or psychology and... criminology. Nonetheless, ideally it is better to have a strong background in criminology in order to be fully competent as a criminologist. Such a background would, for instance, include only law classes that are relevant for a criminologist, such as criminal law, criminal procedure, sentencing, prison law, but not commercial law, tax law, labour law, and even less the history of Roman law and institutions! Such a person would get a strong education in the history of criminology, in theoretical criminology, but also in applied criminology, would learn about quantitative and qualitative research, and thus learn statistics and probabilities, and so forth. When the time eventually comes, these young criminologists will be native speakers, unlike my colleagues and I, who turned to criminology later in life and who will always speak it with a strong accent.

As an exception, a handful of French lawyers such as my former colleagues from Nantes law faculty, do remarkable field work and research. Sadly, they themselves signed the petitions against criminology. It is very difficult to understand why these people, who have had the miraculous chance to obtain a position in a law school despite doing criminology research (although some of them turned to it afterwards) do not want to see others benefit from the same advantage. Indeed, the argument raised by these colleagues and others goes back to the 'criminology of the right' which would, they fear, become dominant should criminology develop at university. This is terribly incoherent: only university professors are truly, and constitutionally, independent from the executive, from the state and from the 'great capital' as Marx would have put it. It is thus only by developing criminology at university, that truly independent research will develop in this country. For now it is only marginal and tends to

³⁴ <http://www.franceculture.fr/player/reecouter?play=4417661>

be dependent on Ministry of Justice funding or to be done by ministerial researchers as we have pointed out before³⁵.

As of curricula and students, for now only locally recognised diplomas exist where only a few hours of criminology are actually taught – and are incidentally expensive –, but for a few exceptions – namely the aforementioned Robert Cario and Loïck Villerbu Master plus in Pau and Rennes.

I for one see students' appetite for criminology on a daily basis. It is not surprising given what we can expect from criminology.

What can France expect from criminology?

We have seen that a rather uninformed left criticises the criminology faculties' project as it sees it as the vector of punitive policies. Meanwhile, no one seems to be doing the reliable and scientific work that would produce the evidence that would seriously undermine such punitive policies. By refusing the creation of criminology faculties, they limit the number of future criminologists who would be the source of such evidence.

As we have seen, in France, criminologists – even though they would reject this denomination – are essentially punitivity critics³⁶ who seldom study penal intervention in detail, for their actual impact and efficacy. Their critics are essentially ideological and general³⁷.

My personal view on this is that this is fundamentally useless. When a camp is punitive and all the other does is repeat that 'it is not right', there is little hope for change, until the left opposition is back in power. Even so, French people have been there several times and back and typically, said left opposition never has the Gaul to eradicate the punitive reforms of its predecessors. Only scientific and undisputable methodology can seriously deter extreme punitive policies from happening³⁸. In cultures like the U.S.A. and England and Wales which, are as the International Crime Survey has showed time and time again, by far more punitive than the French culture, some of the excesses of irrationally punitive politicians are nipped in the bud by criminologists' voices. Such was for instance the case when politicians tried to establish boot camps in England and Wales. The voice of criminologists and incidentally economists is also at the root of the current regression of punitivity in the U.S.A.

In other words, one of the first things that one can expect from criminology is the existence of an army of evidence producers who will be in a position to challenge any policy, be it leftist or rightist, so far as it will not deliver.

As I have just mentioned, economists have now long joined criminology forces. They are now in a position to determine whether a given policy is cost effective. Needless to say that in a

³⁵ In this respect, a recent research by one of its member C. Mouhanna (C. Mouhanna, *La coordination des politiques judiciaires et pénitentiaire. Une analyse des relations entre monde judiciaire et administration pénitentiaire*, Mission Droit et Justice), clearly belongs to the category of state research' with its blurry methodology hardly shadowing a prison service agenda.

³⁶ See eg L. Muchielli, *Violences et insécurité. Fantômes et réalités*, La Découverte, 2002 ; L. Muchielli, *Le scandale des « tournantes ». Dérives médiatiques, contre-enquête sociologique*, La Découverte, 2006 ; L. Muchielli, *L'invention de la violence. Des peurs, des chiffres et des faits*, Fayard, 2011.

³⁷ P. Mary, « La critique de la critique: un fondement problématique de l'innovation pénale », *Champ pénal/ Penal field* uploaded 30 Sept. 2007, accessed March 19, 2012 URL : <http://champpenal.revues.org/2691>.

³⁸ Being in Human Rights Europe helps. See S. Snacken and E. Dumortier, *Resisting Punitiveness in Europe? Welfare, human rights and democracy*, Routledge, 2012.

time when public money is tight, giving value for money has become essential. It is irresponsible to continue to fund a penal factory line which only produces de-socialisation and reoffending. Conversely, funding only what worked was the goal which Tony Blair assigned to penal policies in 1997 and even if some of the achievements of this 'what works' era³⁹ are now being criticised, they are still a sea ocean in advance compared to the blind funding of an entire penal system which has never seriously been evaluated. For instance, it is simply impossible to say whether 'à la française' probation reduces reoffending, has no impact on reoffending whatsoever, or actually produces recidivism. Nor do we know whether French probation officers have the skills which evidence now shows are indispensable to have a positive impact on reoffending. Moreover, we cannot compare the probation of today to the probation of yesterday, and draw any conclusions, since neither has ever been scientifically evaluated. I could go on and on with numerous other examples, but I am sure my readers get the point.

What we can also expect from criminology is a human, therapeutic, restorative yet also scientific and practical attention to the sufferings of victims of crime. It is customary for people who belong to the left of the political spectrum, to be ill at ease with victims⁴⁰, as they focus – as we all should – on offenders. Victims tend to be seen as obstacles to the required attention due to offenders⁴¹, as most seem unable to show an equal empathy to both offenders and victims. As such, the international victim movement tends to be seen as one of the causes of punitiveness⁴² and as a result, any attempt to meet victims' needs is seen with extreme suspicion or even rejection. Meanwhile the needs of victims who should be equally worthy of our attention are not been met but for local initiatives⁴³.

Now at the beginning of this paper I mentioned students; students who are totally ignored by the detractors of criminology. They do not have a word for their aspirations or for their needs and their future. What I see on a regular basis are students who want to study criminology. There is not a week that goes past without a mail arriving in my inbox sent by a student, and not exclusively from my University, who asks me how to study criminology and make a career out of it, and contrary to what some of my most offensive colleagues say, they usually do not initiate this interest after having viewed an NCIS episode. Most of these students are interested in knowledge, techniques and skills, not in general grandiose ideas or cinema chimera. What I am forced to tell them is that if they want a rigorous updated scientific curriculum, they must go abroad, to Canada, Belgium, the Netherlands, England, Ireland or Scotland, etc.⁴⁴

I also have to bring bad news to those who want to do a PhD in criminology. I can guarantee them that they will not find a position as law lecturers – despite dishonest affirmations to the contrary which I have read in anti-criminology petitions. My answer, here again, is either

³⁹ Now followed by 'payment by result'.

⁴⁰ See in this respect the sad experience depicted by D. Lemarchal, 'La victime et son autre', *Ajpénal*, 2008: 349-351

⁴¹ R. Cario, 'Qui a peur des victimes', *Ajpénal* 2004 : 434-437.

⁴² See M. Hall, *Victims and Policy Making. A comparative perspective*, Willan Publishing, 2010

⁴³ I am thinking in particular about the Master Plus in victimology which has been created by my friend Robert Cario at the University of Pay. I am also thinking about the huge work done by the third sector.

⁴⁴ Granted, a few local initiatives such as the aforementioned Master Plus in victimology, or the Master Plus in Psycho-criminology directed by Loïck Villerby at the psychology faculty of Rennes I, constitute interesting exceptions.

to go abroad, where there will be none of this labelling and pettiness, or to play the game and write a purely legal thesis with a zest of criminology.

This very day (March 19) I also met yet another student who wanted to start a PhD research next year. Luckily, she has dual nationality French and Belgian so I suggested we worked with a Belgian colleague and laboratory. Per chance, she has no intention of becoming a criminology law or other type of professor, so I did not have to tell her what I tell all the other students like her, i.e. that if she stayed in this country it would be plain and simple suicidal.

So here are the core reasons that drive me in this criminology label journey. As an academic working in a law faculty, I am sick and tired of demoralising students, and sending them abroad. Not that I think that an experience abroad is a bad thing for any PhD candidate or for any young adult for that matter. However, it is a sad feeling when you realise your own country has nothing to offer those you are in charge of.

Unlike those who have little teaching responsibilities, I also have to think in terms of professional outcome. As a person who is paid by taxpayer's hard earned money to contribute to future practitioners' training, I also have to take the big picture into consideration. Namely, being a criminal lawyer, I have to think about police officers and gendarmes, customs officers and tax or other inspectors, about probation and prison staff, about tribunals' staff, about the third sector in charge of reinsertion and street social work, and so forth. These professions are in critical need of criminological knowledge and they need it yesterday! It is my responsibility, as it should be that of my fellow academic colleagues, to think about the needs of practitioners.

Lastly, and perhaps naively, I also feel strongly about my country's reputation. I am involved in numerous international networks, be they about criminology, probation, justice or law. At workshops of conferences, I hardly ever meet fellow French academics presenting their work, nor do I often read fellow French criminologists' – whether they call themselves this or something else is of very little relevance – works in general or specialised journals. When I travel I get gently teased – perhaps because they think that being a dual French and British national I shall not take umbrage – for being yet again the only French there. Adding to my patriotic shame, is the tease I get regarding the endless 'criminology faculties' French trench war in the vein of: 'so you guys are still at it then?' Yes unfortunately we lot are still at it and at such times, I would love to crawl under the carpet and disappear entirely. Yes my dear readers, the reputation of French criminology is something of an international joke, and will soon take the third place of anti-French best offs right after eating snails and using little soap – an unfair assertion, mind you.

So for now the French government has hastily created a Section 75 CNU called 'criminology'. It will then have to appoint the first founders of criminology faculties. However, there is a more than serious risk that the newly elected government, if it is of a different political colour, will call the whole thing off. If it does not, we have unfortunately not seen the end of difficulties and feuds.

Challenges are numerous

There is a serious risk that criminology faculties will turn into the typical French touch. The first risk is that we turn it into a general grand ideas mollusc. After all, the CNC report

decided that philosophy should be one of the central disciplines that would have to be taught in criminology faculties⁴⁵. That philosophy has something to contribute to criminology is undisputable; that it should be one of its core subjects is more than doubtful. I am strongly concerned about public funds and given the abyssal needs in this country both in research and in the field, I would be devastated if we turned this whole endeavour into a farce.

The second risk is to remain comfortably isolated and to create Franco-French faculties which would not teach our students what has been published elsewhere all these years whilst we were sleeping. We need international cooperation and in order to do this, we need to humbly turn to European universities – there are enough E.U. cooperation projects and funding that can help – and ask them to contribute to classes, workshops, conferences, research and PhD supervision. We also need to make sure that our students have a good enough command of English in order to be able to access the literature. We lamentably failed at this in our law and sociology faculties. Students typically start their first year with a reasonably good high school level, but due to a lack of practice, they by and large forget most of it during their university years. France must thus forsake its Asterix isolationist ‘defence of the French language’ nonsense and teach at least part of the classes in English. It must also stock its libraries with the literature and subscribe to international criminology and related fields journals.

A third risk would be to continue to be disconnected from the field. Lord knows French universities are very good at teaching things which are totally removed from reality and without any practical use. If that happened with criminology faculties, then the whole point would be missed and we might as well continue teaching general useless ideas to our students in our respective faculties.

Only the future will tell if France will be up to the challenge.

⁴⁵ Something I was strongly opposed to.