THEORIZING
Criminal Justice
Eight Essential Orientations

Peter B. Kraska
Eastern Kentucky University
## Contents

Preface ix

1 Criminal Justice Theory: Why Ask Why? 1
   Varieties of Theory 3
   Theoretical Orientations as Metaphor 5
   What Is Our Object of Study? 7
   The Practicality of Theory 9
   Theoretical Awakening 10
   Eight Theoretical Orientations 11

2 Criminal Justice as Rational/Legalism 19
   Rational/Legal Thinking and Assumptions 20
   Defenders of Our Response to Crime 21

   Article 1
   Of Crimes and Punishments 23
      Cesare Beccaria

   Article 2
   To Secure These Rights 29
      Ernest van den Haag

   Article 3
   Deadly Myths about Crime and Punishment in the United States 31
      Charles Logan & John J. DiIulio, Jr.
3 Criminal Justice as a System 41
   The Garden Pond: Systems Theory and Concepts 41
   The Criminal Justice Organism and System Thinking 42
   Contributions to Our Understanding 43
   One Orientation, Two Strains 44

Article 4
   Origins of the Contemporary Criminal Justice Paradigm:
   The American Bar Foundation Survey, 1953–1969 46
   Samuel Walker

Article 5
   Science and Technology and the Criminal Justice System 69
   The Institute for Defense Analysis

4 Criminal Justice as Crime Control vs. Due Process 79
   Packer's Ambivalence about the Criminal Justice System 81
   Value Clash: A Catalyst for Critique and Thought 82
   From Forced Reaction to Choosing to Act 83

Article 6
   Two Models of the Criminal Process 85
   Herbert L. Packer

Article 7
   Crime Control, Due Process and "The Case for
   the Prosecution": A Problem of Terminology? 101
   Peter Duff

5 Criminal Justice as Politics 105
   Thinking Politically: The Pursuit of Interests 106
   Leftist and Rightist Ideology in Criminal Justice 107
   Is Wright Right? 107
   The Symbolism of Getting Tough 108
   Two Directions 108

Article 8
   Ideology and Criminal Justice Policy: Some Current Issues 110
   Walter B. Miller

Article 9
   The Desirability of Goal Conflict within
   the Criminal Justice System 121
   Kevin N. Wright

Article 10
   Crime, Culture, and Political Conflict 126
   Stuart A. Scheingold
Criminal Justice as Socially Constructed Reality

Intellectual Foundation: The Interpretive School

Criminal Justice as Drama

Criminal Justice as Moral Panic

Myths and Criminal Justice

A Point of Departure

Article 11
The Police: Mandate, Strategies, and Appearances

Peter Manning

Article 12
Chicano Youth Gangs and Crime: The Creation of a Moral Panic

Marjorie S. Zatz

Article 13
Inventing Criminal Justice: Myth and Social Construction

Victor E. Kappeler

Criminal Justice as Growth Complex

The Notion of a Growth Complex

The Growth Complex Explained

Merging Complexes

Article 14
The Corrections-Commercial Complex

J. Robert Lilly & Paul Knepper

Article 15
The Crime Control Industry and the Management of the Surplus Population

Randall G. Shelden & William B. Brown

Criminal Justice as Oppression

Intellectual/Historical Context

Expansive and Diverse Coverage

Socialism, Critique and Praxis: A New Eclecticism

Bias and Subtlety

Article 16
Feminism and Criminology

Kathleen Daly & Meda Chesney-Lind

Article 17
Feminist Theory, Crime, and Justice

Sally S. Simpson
Article 18  
Affirmative Race Law 245  
Katheryn K. Russell  

Article 19  
Poverty and the Criminal Process 257  
William J. Chambliss & Robert B. Seidman  

Article 20  
Crime Control in the Capitalist State 261  
Richard Quinney  

Article 21  
Crisis and Control 271  
Christian Parenti  

9 Criminal Justice as Late Modernity 277  
Understanding Criminal Justice through Late Modern Lenses 278  
Five Key Themes 280  
An Intellectual Project 284  

Article 22  
Crime Control and Social Order 286  
David Garland  

Article 23  
The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications 302  
Malcolm M. Feeley & Jonathan Simon  

10 Conclusion 323  

Index 327