

Im Gespräch

Convict Criminology

Twenty years have passed since the publication of *Convict Criminology* by Jeffrey Ian Ross and Stephen Richards (2003: Belmont). Meanwhile *Convict Criminology* (CC) has become an important perspective in the scholarly field of international critical criminology. The collection of essays edited by Jeffrey Ian Ross and Francesca Vianello “*Convict Criminology for the Future*” (2021: Abingdon) indicates that CC has been referred to and accepted as a meaningful approach to criminological research in English-speaking, as well as some other (European) countries. Curiously, it does not appear as if German criminologists have formally considered or adopted the CC approach. Thus, on October 10, 2022 a symposium took place at the University of Applied Sciences and Arts in Dortmund. Present at this event was Jeffrey Ian Ross. During the discussions, panelists noted that although there are numerous ongoing activities subsumed by CC that occur in Germany, the CC approach is not formally integrated into German criminological discourse. Presenters offered reasons why this situation exists. In particular, even though there are a few previously convicted Germans who write about crime, criminal justice and corrections, they are usually not academically trained, do not possess a doctorate, nor are they professors. Three major initiatives in this respect presented at the symposium. First, the Prison Archive (a university-attached civil society organisation of professors, lawyers and students) advises prisoners about their rights and uses their answers for understanding their experiences. Another project from the realm of arts and politics (not academia) working in cooperation with a prisoner presented. However, the project that probably comes closest to the ideas of CC is a university course (similar to the popular Inside-Out program) in which prisoners and outside students study together. Building on the discussions during the 2022 symposium, Christine Graebisch and Jeffrey Ian Ross held the following email-conversation about CC.

Christine Graebisch, Prof. Dr. jur., Dipl.-Krim. is a Professor at the University of Applied Sciences and Arts in Dortmund and runs the Prison Archive. She also teaches at the University of Hamburg and the University of Bremen. She is currently the chairperson of the Society for Interdisciplinary Academic Criminology and a member of this journal’s editorial board. Recent publications are on prisons with a focus on prisoner’s rights, crimmigration and desistance.

Jeffrey Ian Ross, Ph.D. is a Professor at the University of Baltimore. He has been a Visiting Professor at Ruhr-Universität Bochum, Germany, and University of Padua, Italy. Ross has researched, written, and lectured primarily on corrections, policing, political crime, state crime, crimes of the powerful,

violence, street culture, graffiti and street art, and crime and justice in American Indian communities for over two decades. He is the author, co-author, editor, or co-editor of several books including most recently, the Routledge Handbook of Street Culture (2021) and Convict Criminology for the Future (2021). He is a co-founder of Convict Criminology, School of Criminal Justice, University of Baltimore.

Christine: What's special about the Convict Criminology (CC) perspective, and how does it fit into the theoretical perspective of Critical Criminology (CritCrim)?

Jeff: CC is both part of the intellectual tradition of Critical Criminology and a standalone approach.

CC shares the progressive stance of Critical Criminology. Although there are conflicting definitions of CritCrim, I think that it's fair to say that this theoretical approach is primarily interested in identifying and analyzing the underlying causes and reactions to crime, including the dynamics that see crime primarily as a reaction to socioeconomic inequality and power imbalances, and why a disproportionate number of poor and powerless people come into contact with the criminal justice system. This is accomplished by looking below the surface at the prominent criminal justice actors, such as the police, courts, correctional facilities, victims, and mass media, and the stories and myths that support them.

More specifically, CC argues that the voice of convicts and formerly incarcerated (FI) individuals has been typically ignored in scholarship and public policy in the fields of criminal justice in general, and corrections in particular. It also emphasizes mentoring convicts and FI people not simply to earn bachelor's and master's degrees in the field of criminology or criminal justice, but to earn doctoral degrees, too. The network assists these individuals to conduct scholarly research, write up their findings, and present and publish this work in academic venues. Members of the CC network also assist FI scholars to secure teaching positions in colleges and universities, and to thrive in this field. Finally, CC engages in activism through its teaching, mentorship and occasional public work through news media interviews, writing op-eds, and participating in relevant community panels, etc. (Ross/Richards 2003; Ross/Vianello 2021).

Christine: That's an interesting framing. However, in the German tradition of Critical Criminology, many scholars insist on an understanding of CritCrim that deals with crime as nothing but a social construction. The question with regard to CC would be whether it's compatible with this very specific conception of CritCrim. From this perspective, one could argue that CC does not deconstruct the label of "convict" but, on the contrary, perpetuates it for the rest of the individual's (even academic) life.

Jeff: Good points. If Critical Criminology in Germany is primarily the use of constructivist labelling, then not only would it be difficult to conceptu-

alize how Convict Criminology is subsumed under a broader conceptual/theoretical framework, but lots of subcomponents of Critical Criminology (e.g., cultural criminology, green criminology, etc.) would have significant challenges, too. So either it's time for German Critical Criminologists to adopt all these composite parts, as they do in Australia, Canada, the United Kingdom and the United States, or to provide a spirited defense as to why they have rejected the additional subcomponents. Second, the labelling issue has been dealt with by many individuals who favor the Convict Criminology approach. In general, just like the Queer community, many FI individuals have chosen to embrace the convict label rather than see it as a pejorative kind of thing (Ortiz et al. 2021).

Christine: Thank you. I would even argue that it is – the other way round – especially the perspective of (formerly) incarcerated and convicted individuals that poses a challenge to a purely social constructionist understanding of CritCrim. And you are right, further perspectives that understand themselves as “Critical Criminology” in English-speaking countries are affected by this. We just had a similar discussion in German CritCrim about dealing with desistance research, even in the sense of a narrative criminological approach. In particular, a special issue of this journal covered this subject (Vol. 3/2022), including a conversation between Shadd Maruna and myself (Graebisch/Maruna 2022). While Critical Criminologists in Germany are skeptical about desistance research because of dealing with crime as behavior and not just as the result of labelling, FI individuals, in my opinion, rather seem to refer to this perspective without reservations (e.g., Earle 2016: 23).

In general, since German Critical Criminologists see crime as a function of labelling and not behavior, they are skeptical about desistance research. FI individuals, on the other hand, do not have any difficulties with desistance research (Earle 2016: 23).

It's also important to note that in CC, “convict” will exclusively refer to a self-disclosure. I also want to refer to one important statement included in the text that you have cited:

“If academics were truly concerned about the impact of the word convict, instead of policing the language of convicts, academics would be demanding structural change in their individual institutions that would lead to reductions in the stigma surrounding the word convict.” (Ortiz et al. 2021: 10)

Mentoring convicts to earn academic degrees, conduct and publish research or even become professors is an important approach in itself. In Germany, this practice is almost completely non-existent when it comes to motivating and supporting prisoners to study at university. Very few prisoners are doing so. Only a tiny minority of prisoners fulfill the formal requirements for studying at university. Moreover, those who do study regularly do it on their own initiative, rather with the assistance of the university for distance learning (Fernuniversität Hagen). The biggest obstacles for them are the pris-

on administration and policies, including rules against using a computer/the internet.

In Germany, the right to rehabilitation is granted by the Constitution and the situation inside prison, according to the law, must be as similar as possible to life outside prison. These are strong arguments to support prisoners who want to study or strive towards an academic career, and they are also supported by desistance research. From a legal perspective we should argue for an equal right for education on behalf of prisoners. However, in practice the German courts are really not that sympathetic to this course of action.

For example, I represented a prisoner in court who tried to claim his right to study law as a full-time occupation during imprisonment. The prison administration and the courts argued that he had already earned another degree before imprisonment and that prisons were not obliged to support a “Humboldtian educational ideal”. The court also claimed that inability to choose the kind of work or education conducted during imprisonment was part of the punishment. Although this line of argument was clearly against the Constitution, both the Federal Constitutional Court and the European Court of Human Rights rejected to take the case.

Predictably, I was disappointed with these judicial decisions. But it further strengthened my belief that it’s important for qualified and motivated outsiders to assist prisoners to access university education while incarcerated and to be able to enter the academic profession upon release.

A different question, however, is whether we also have arguments for convicts becoming criminologists from a criminological – as opposed to a mere rehabilitative or human rights oriented – perspective. To put it differently: Do only convicts need CC or does criminology, too?

I also heartily agree that the perspective and experience of convicts has been largely neglected in academic criminology. We certainly have a lot to learn from those who are or were subjected to punishment and imprisonment, especially when it comes to research on the effects of sanctions and to the field of corrections. However, there’s a huge toolbox of methodology in social science research which can be used to understand these experiences. Apart from rehabilitation and human rights: Why would we need to train convicts as criminologists to collect this data and spread this knowledge themselves instead of doing it on their behalf? Could the professional distance, like the one that academics have who haven’t personally experienced a criminal conviction and imprisonment, also be helpful to understand what’s going on and to communicate the results to a wider audience?

Jeff: To put things into perspective, and for very rational reasons, only a minority of prisoners want to earn a bachelor’s degree, and even fewer want to earn a master’s and PhD. And if these individuals want to do a bachelor’s degree, it’s often in a field unrelated to criminology and criminal justice. Similar to the German situation, it’s usually difficult for inmates to pursue higher

education beyond a General Equivalency Diploma (GED), which is basically the same as a high school diploma, while they are behind bars. Undoubtedly, there are a number of universities in the United States that offer master's and doctoral level correspondence courses that prisoners can enroll in while they are locked up, but they are typically from unaccredited institutions, or the accrediting body is frowned upon in the mainstream academic community (Ross/Zaldivar/Tewksbury 2022). Unfortunately, when these FI individuals are released, their academic credentials are not taken seriously.

But to specifically address your question, in principle, there's only so much nuance that outsiders can pick up on in almost any situation. Yes, outsiders (typically university researchers) can do ethnographies of prisons and carceral experiences. But the individuals who are closest to the situation are the people who have the "lived experience". Then again, just because someone has lived experience, it does not mean that they have sufficient academic domain knowledge, nor methodological sophistication and rigor that scholars are supposed to have and utilize. Moreover, those with lived experience may not be able to adequately translate what they have learned into a published piece of scholarship. That's why it's important to train and academically mentor those with lived experience (in our case prisoners, or FI individuals) in social science methods (while taking into consideration their current living and working situation) so they can extract additional information or lessons to share with a wider community. Also as a matter of clarification, CC does not really require or assume that convicts or exconvicts are responsible or will take the lead for disseminating their findings. It would be nice if they could and did, but it's typically part of the larger CC network that facilitates this through publication in scholarly journals.

The other issue you touch upon is validity. Ethnographies (including autoethnographies) are a type of qualitative research. Unlike quantitative research, qualitative research is not very amenable to replication. About the only way that results from qualitative research can be validated is by conducting parallel or similar studies, and the findings of this research are either similar or dissimilar to the qualitative work that has preceded it. In the case of ethnographies, autoethnographies and research informed by personal experience, I think in many cases, as long as the researcher states their biases up front, then we pretty much have to take them at their word (i.e., believe what they say).

Christine: In Germany, apart from some notable exceptions, prison authorities have not permitted scholars to conduct ethnographic research in carceral institutions. This is why having prisoners conduct autoethnographies may make sense. However, I think we can both agree that qualitative research is not dedicated to the aspiration of 'objectivity' or 'neutrality' like it's the case within the quantitative paradigm. Nevertheless, I guess we are still used to thinking that researcher and participant are different in person. This is probably especially important in criminology. Even though ethnographies dispense with the notion of objectivity, will the work of prisoners or excons be trusted

in academic and public discourse? Or will their results easily be perceived as biased and the researchers as untrustworthy? Hopefully, this will not be the case in Critical Criminology but at least if we aim at being also heard within mainstream criminological discourses.

Maybe it would help to be more open about subjective approaches as well as emotions in (prison) research in general, and to press our claim that this does not necessarily threaten the validity of social research, or if it does, that this comes with a corresponding gain (Jewkes 2011). Jewkes points out how her personal understanding, as a researcher, of what imprisonment means was nourished by her conversation with a certain prisoner. I could tell a similar story about my own experiences. The way I think about prisons until today is strongly influenced by the interaction with a few prisoners who helped me to empathize with the experience of imprisonment. The initial encounter took place when I was a student in the Legal Clinic at the University of Bremen. One prisoner let me take part in his experiences with prison and resettlement. It helped me step by step to understand his struggles with the total institution as well as extramural authorities and society. CC could be a way to openly address that this kind of knowledge including emotions connected to them serve as a basis for later research perspectives instead of considering them as irrelevant personal experiences.

Jeff: I understand your point, but believe that a clarification is needed. It's next to impossible for a prisoner, even one who has been appropriately trained, to conduct a rigorous ethnography behind bars. Additionally, in the United States and in most advanced industrialized countries, researchers wishing to conduct studies inside correctional facilities need to get Institutional Review Board approval from the prison or prison authority. This kind of request is perceived to be very foreign to these institutions and there's a general unwillingness to grant them. That being said, there's considerable variability among countries, prison systems, and facilities, with respect to the ease, topics, and methods that researchers can pursue inside correctional facilities. In other words, some corrections themed researches are easier to conduct than others. In fact, that's why autoethnographies were sort of privileged in the early days of CC. In the case of autoethnographies you don't need human subject approval. Additionally, despite the original noble objective, most of CC research is informed by the prison experience, rather than consisting of autoethnographies (Ross/Copes 2022). Why? And this is simply a supposition, most scholars don't really understand what ethnography is, and thus conducting an autoethnography is beyond their current skill set. Additionally, because of the unpredictability of jails and prison environment, it's almost impossible to conduct an autoethnography, because this requires a systematic approach to data collection and secure method of data storage. So, in the case of CC, we do what we can (aka, we go to war with the data we have).

Christine: After reading Ross/Copes (2022), I agree that it would be important to do more 'real' empirical studies, not just research informed by personal experience. The latter is what I also do with maybe a little more liberty to

do so, because it deals with the law. If a law case is documented by a court's decision, anyone can reproduce at least the data as described by the court. It's probably acceptable from a methodological perspective to add some aspects based on my knowledge as the lawyer representing a case. Thus, what I do is something close to the CC approach when I try to systematize experiences of the prisoners who I represent after intensely trying to understand their perspective, and to describe their struggle with prison administrations and courts and the many obstacles that are built into the system before getting justice. I think it's important to do this. However, I'm aware that in social science it would be considered more valid if someone was on my side doing participant observation instead of myself analyzing these experiences. We also know a small minority of prisoners who describe their legal struggle in publications themselves (e.g., Pluhmbohm 1993). There's also an empirical study on this subject by outside researchers (Feest/Lesting/Selling 1997) who have analyzed a complete year's decisions by the appellate courts in addition to court decisions sent in by prisoners and their lawyers to the Prison Archive¹. I have recently written a paper on access to justice for prisoners based on an analysis of letters and court decisions sent to and court cases represented by lawyers of the Prison Archive (Graebisch/Storgaard 2023). In an ideal world, I would prefer to analyze the law in action from the prisoner's perspective together with a convict who has become an academic professional and is trained in law and social science methodology, or simply leave it to him or her doing it. However, we are so distant from this (both in terms of academic training for prisoners and their access to university careers as well as access for non-governmental researchers to data regarding prison) that we cannot wait for it to happen. As a conclusion, I guess we are far behind – doing research informed by personal experience of academics who have personally experienced how prisoners experience prison (law)...

Assuming that a very tiny minority of prisoners will manage to become academic professionals, is it appropriate to rely on these exceptional figures to understand the (general) reality of prison life? These would be very privileged individuals whose perspective may be very different from the prisoner majority's.

Jeff: It's important to understand that almost all knowledge claims are suspect, and thus open to interpretation. That being said, most educated people know that some sources of information are more accurate (i.e., valid and reliable) than others. And despite its numerous faults, peer review is probably the best system we have. Likewise, many people with varying qualifications write about the reality of prison life. And just because an academic (i.e., someone with a doctorate from an accredited university) stands up publicly (e.g., at a conference or via the news media) and opines does not mean what they have to say is accurate. If you are asking me if we should only rely upon

1 <<https://strafvollzugsarchiv.de/?lang=en>> [01.01.2023].

scholarship about prison life done by incarcerated or formerly incarcerated people, I would say no.

As for the part of your question about the utility of depending on a small number of formerly incarcerated academics' insights, I would argue, no one is claiming that they have a monopoly on authority claims. They are an additional important perspective, that have often been ignored or marginalized.

Christine: Do you have any suggestions on how we could further proceed to help CC getting implemented in Germany?

Jeff: I would first start with the prison activist/prison abolition crowd and determine if the CC ideas resonate with this group. If it does, then I would suggest holding panels at scholarly conferences over the next few years where the issues of CC as applied to the German case can be explored. If there's traction, then CC will grow organically in Germany.

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