



# Beyond risk theory: Experiential knowledge and 'knowing otherwise'

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## Abstract

The central purpose of this article is to trace the conflicting co-existence of three narratives in relation to the 'risk society' and the practices that it engenders. The first of these narratives is theoretical: the problems and possibilities of the risk society thesis. The second is practical: how the concept of risk has been translated into policy and practice in the form of risk assessment tools for both 'at risk' offenders and 'at risk' victims. The focus in this narrative will be on criminal justice responses to violence in general with particular emphasis on responses to partner violence. The third narrative focuses on 'real lives': the experiential. Here attention will be paid to what is it that is, or is not, captured by the first two narratives. The concern will be to illustrate the extent to which the discordance that can be found between these three narratives reveals much about the risks of politics and the politics of risk.

## Keywords

partner violence, real lives, risk, risk assessment

*In 2008/09, around three in four female victims (76%) knew the main or only suspect at the time of the offence, the same proportion as the previous year. However, a greater proportion of these female victims (69%) were killed by their partner, ex-partner or lover in 2008/09 compared with 2007/08 (50%). (Coleman and Osborne, 2010: 13)*

*Risk is unequivocally used to mean danger from future damage, caused by the opponents. How much risk is a matter for the experts, but on both sides of the debate it has to be taken for granted that the matter is ascertainable. Anyone who insists that there is a high degree of uncertainty is taken to be opting out of accountability. (Douglas, 1990: 9)*

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## Introduction

O'Malley (2010: 3) has observed that 'the use of predictive statistical knowledge linked to techniques of harm prevention – overwhelmingly has been regarded as one of the benefits bestowed by science'. Moreover, as he goes on to comment, endeavours to govern all kinds of social problems by the embrace of the adage 'prevention is better than cure', while contested, has provided the formative framework for a good deal of contemporary social and criminal justice policy. However, prevention in relation to cure is predicated on the assumption that it is possible to make a meaningful link between cause and effect, like for example, the evidence that links cigarette smoking with the increased likelihood of lung cancer. Yet such statistical links between cause and effect are not, even in the domain of health, predictive of how *individuals* might behave in the light of the knowledge presented to them. It is well recognized that people employ all kinds of strategies to mediate their 'risk factors' and, as Kemshall (2010) makes clear, aspects of social and criminal justice policy reflect a tendency to make this 'rationality mistake'.

The purpose of this article is to trace the inflection towards prevention via the deployment of 'risk factors' in the context of the criminal justice response to 'at risk' victims of partner violence. We shall do this through an examination of the co-existence of three narratives about risk: the theoretical; the policy; and the experiential. As a counterpoint to 'expert' rationality that is infused by theoretical and policy takes on risk, we will refer to experiential rationality as 'knowing otherwise'. In the first of these narratives we address briefly the nature of risk theorizing within criminology. In the second narrative, we consider how the concept of risk has been translated into policy and practice in the form of risk assessment tools paying particular attention to the deployment of these tools for assessing victims deemed to be 'at risk'. The third narrative focuses on the experiential: specifically with regards to what is, or is not, captured by the preceding two narratives. It should be noted from the outset that we use the three narratives of risk as a heuristic device to fix conceptual constructs that, in reality, have permeable borders. There is a deal of experiential knowledge brought to bear when experts in power bound spaces make policy decisions and similarly 'expert' knowledge – albeit not formally ratified – is used when ordinary people make particular life choices in the context of the resources available to them. Sidestepping such messiness, our primary concern here is to illustrate the extent to which the discordance that can be found between these narratives reveals much about both the risks of politics as well as the politics of risk, the consequences that has for our understanding of partner violence, and the extent to which asking these kinds of questions leads to the presumption that one is 'opting out of accountability' (*qua* Douglas above).

## The Theory Narrative

'Risk oriented thinking' has become central to the criminal justice system, in areas such as crime prevention, offender behaviour and victim protection (see Newburn, 2009: 332). Indeed, the ascendancy of this orientation has been such that it would not be stretching the imagination to allude to a process of 'risk creep' through which risk has steadily

spread its tentacles into almost all aspects of mainstream criminology, including debates around imprisonment (Murphy and Whitty, 2007), victimization (Davis et al., 2007); policing (Ericson and Haggerty, 1997) and crime control (Feeley and Simon, 1992). Of course, one of the key problems we encounter when we talk of and about risk is the all-encompassing nature of the concept. As Beck (2009: 138) notes: 'the category of risk exhibits an expansive logic. It embraces everything.' However for classical economists, such as Frank Knight (1922), risk ought to be reserved solely for instances in which harm can be calibrated, rather than those in which the harm remains indeterminate. For others, 'risk' helpfully characterizes situations of uncertainty when the possible harms remain inestimable. Indeed it is interesting to note Beck's recent reworking and clarification of his understanding of risk, whereby extant large-scale harms are now dubbed 'catastrophes' and potential future dangers are classified as 'risks'. However, as both Beck (2009) and Foucault (1991) have noted – albeit following distinct paths of inquiry – the development and advance of the capitalist neo-liberal state has produced a barrage of institutional processes and practices designed both to reduce danger and to encourage individualized risk management strategies.

Of course, risk – as both a macro form of structural regulation and a micro form of self-management – has a long tradition in social categorization, order and regulation (see O'Malley, 2010; Wilkinson, 2009). For instance, in areas around immigration, asylum, policing, detention, sentencing, probation and human rights it is evident that risk is hugely important in informing and shaping policy. Different theoretical trajectories notwithstanding, O'Malley (2004, 2006) posits that risk has been understood either as a unifying or a uniform concept, or indeed, taken to imply both. Such presumptions deny not only the potential of differential understandings of risk they also deny diverse experiences of risk. Although Beck (2009) has recently given greater prescience to this issue, variegated understandings and uses of risk remain a thorn in the side of the otherwise universal features of 'world' risk society. This oversight has led some commentators to flesh out the importance of social stratification – and specifically class, ethnicity and gender – on the meanings made of and about risk. Hannah-Moffat and O'Malley (2007), for example, demonstrate that the discursive construction of risk – and concomitant practices of risk *management* – are gendered and underpinned by assumptions about the behaviour of women and men. Such interventions aside, the casting of risk as a uniform and totalizing process fails to speak of the underlying significance of power and resource allocation (particularly crucial for the discussion here but significant across a wide spectrum of policy arenas) in determining who or what is defined as risky – or indeed who is 'at risk', under what circumstances, and from whom.

In treating risk as a unifying and/or a uniform concept, 'advances' in risk *theory* have largely failed to address the problem recounted some time ago by Douglas (1992: 30) that 'the commercial risk-averse culture has locally vanquished the risk-seeking culture, and written off the latter as pathological or abnormal'. The contributions of Bachelor (2005), Lyng (2005) and Tulloch and Lupton (2003) notwithstanding, the *theoretical* denial of risk seeking behaviour (as opposed to its *empirical* validity) stems from the conflation of agency and structure that is differently achieved by different risk theorists

(see, for example, Archer, 2007; Walklate and Mythen, 2010). Each risk oriented theoretical position has a different take on the relationship between agency and structure through the discursive construction of different images of the citizen – from the cosmopolitan, to the prudential and the neurotic – but each of these constructions all suffer from the problem of conflation. Arguably this conflation is derived from the implicit acceptance of risk as a forensic concept (Douglas, 1990). An acceptance, as Short (1984: 713) remarked some time ago, which separates ‘causal theory and research from social policy in both areas [and] condemns the latter to the treatment of symptoms’. Thus the domain assumptions made within risk theorizing, about risk itself, facilitate not only its measurement (identifying the symptoms) but also the development of risk assessment tools as a way of managing those symptoms. It is to the constraints imposed by these conceptual domain assumptions about what is knowable, actionable and doable in relation to risk, and thereby risk assessment, that we now turn.

## **The Policy Narrative**

Assessment and policy approaches towards risk have come a long way since the early endeavours to communicate ‘objective’ crime risks to a lay public presumed to be unknowledgeable and ill informed. Indeed, most contemporary frameworks, models and experiments that deal in the currency of risk, recognize the significance of human behaviour in both producing and responding to risk. For example, influenced by the governmentality tradition, Garland (2001) notably delineated a ‘culture of control’ as a prominent feature of criminal justice policy responses in the UK and the USA. He identified one dimension of that culture as the process of responsabilization. This process aligns with the idea of a prudential citizen. Thus it is ‘simply assumed that individuals will embrace a calculative attitude to determining the risks that they face and adopt appropriate measures in the light of their probability of being victimized’ (Haggerty, 2003: 196). This presumption, which Karmen (1990) dubs victimization prevention, has taken a particular hold in informing criminal justice responses to a wide range of crimes in general and has been applied more recently to partner violence in particular. It is within this search for ways of controlling/managing crime (looking to the symptoms rather than the cause) that risk assessment tools for ‘at risk’ victims have emerged. However, before we go on to discuss the particular tools and practices for ‘at risk’ victims, it may be instructive to situate them more generally within the problematic nature of risk assessment tools for offenders.

O’Malley (2006: 49) points out that ‘crime prevention has succeeded in marrying risk with a more traditional social and behavioural form of criminology by translating the old causes of crime into risk factors’. This pre-occupation with risk factors is evident at both national and global levels. For example, following the lead of the World Health Organization (WHO), various countries have embedded the ‘ecological model’ of violence into national violence prevention strategies.<sup>1</sup> This model has four elements: the individual; the relational; the community; and the societal. Each element has, *inter alia*, associated risk factors: alcohol abuse, mental disorder; poor or abusive parenting; gang violence and poverty; drinking culture and the role of the media. The assumption underpinning the model and its ‘risk factors’ is that violence can be prevented in the first

instance by reducing the violent characteristics of individuals. So not only is it possible to engage in risk sorting (Feeley and Simon, 1994), it is also possible to assume that, as rational human beings, individuals will respond rationally when exposed to the impact of such sorting (Haggerty, 2003). This illustrates just one way in which risk has become something of an adjunct to policy. In colonizing debates about a range of social problems (see Tombs and Whyte, 2006) the canard that risk is ascertainable is reinforced (*qua* Douglas above). How and why this has happened is complex, but as Garland (2001) has documented, the increasing acceptance of the view that crime should be managed rather than solved paved the way for the risk profiling of offenders, groups and places and the development of risk assessment tools, both clinical and actuarial, to inform the appropriate management of such 'risky' populations, practices and places.

Clinical risk assessment stems from the activities of medical and mental health practitioners and is an approach rooted in individual diagnostic techniques geared towards identifying individual personality factors and situational triggers for behaviour. These kinds of assessments are retrospective not prospective and have a poor record of prediction. Following Kemshall (1996), clinical risk assessment can produce both false negative and false positive prediction: that is, falsely predicting behaviours (violence, for instance) will occur and it does not, or falsely predicting behaviour will not occur and it does. Accordingly, the consistency and reliability of clinical risk assessments are subject to question. On the other hand, actuarial risk assessment stems largely from the practices of the insurance industry. These practices are based upon statistical calculations of probability. Actuarial risk assessment offers statistically reliable information about groups of people or types of behaviour. Its aggregate powers of prediction in this sense are considerable. However, despite such strengths, actuarial risk assessment is not very useful for predicting the behaviour of individuals. There is no necessary corollary that what might be predicted for a group can be predicted for an individual. More recent advances in understanding and appreciating the efficacy of such risk assessment tools recommend the adoption of a combination of actuarial and clinical tools (Coid et al., 2007) and also suggest value in appreciating the different power of static and dynamic risk assessment methods (see, for example, Bonta, 1999). This approach has become refined more recently into stable (learned behaviours); acute (what takes place imminently before a violent or sexual attack), and dynamic risk assessment tools (see McNaughton et al., 2010).

The information produced from such risk assessment tools is used to identify the 'risk factors' that are likely to result in problematic behaviour with a view to facilitating the management of known offenders on the one hand as well as highlighting potential offenders on the other (*qua* the ecological model of the WHO). As tools they are essentially concerned with prediction. Nevertheless, this concern, driven by the requirements to offer the public protection, although understandable, masks a deeper problem. As Bernstein (1996: 334) states: 'the past seldom obliges by revealing to us when wildness will break out in the future'. In other words, probability statistics, on which actuarial risk assessments are made, or indeed the evidence on which clinical risk assessments are made, are rooted in historical data. Logically they can never provide us with anything more than hypotheses concerning what *might* happen in the future; though it should be noted that for practitioners some of the data they produce are robust. Yet events can

always happen otherwise. Of course, such logic stands precisely in opposition to the purpose of risk management; that is to minimize the likelihood of wildness breaking out. But the possibility of wildness cannot be eliminated. To deny this denies the possibility of human agency on two counts. It denies the actual lived reality of risk assessment *practices*, in other words what it is that criminal justice professionals actually do: how they *judge* risk. It also denies those deemed 'at risk' the possibility of doing otherwise. Despite these problems, decision making in the criminal justice system, especially decisions on the potential for recidivism, are frequently informed by a combination of clinical and actuarial risk assessment methods. What is newer is the adoption of risk assessment practices to inform responses to 'at risk' victims, especially in cases of partner violence.

Despite feminist interventions documenting the repeated nature of domestic/partner violence, it was not until the availability of statistical evidence on populations at risk from repeat victimization emanating from analyses of British Crime Survey data (see, for example, National Board for Crime Prevention, 1994) that the phenomenon of repeat domestic violence achieved a raised policy profile. Indeed, reducing repeat victimization was a performance indicator for policing in 1995–1996 and thus required some strategic thinking about how to respond to multiple victims. In the first instance the availability of such data led to risk assessments involving various technological solutions like 'flagging' victims on computer or police call systems who had reported victimization before, in order to alert a heightened criminal justice response to them. Indeed a study by Hamner et al. (1999) highlighted the value of a graded (in intensity) policing response to both the victims and offenders of domestic violence in the light of the repeated nature of the violence. However, responses to partner violence are contemporarily somewhat more sophisticated.

Research in the United States and Canada demonstrated the value of a multi-agency response to domestic violence, and in the light of this work multi-agency risk assessment conferences (MARACs) were introduced in South Wales in 2003 and became policy in England and Wales in 2006. By 2009 there were 225 MARACs in England and Wales. Alongside MARACs, Independent Domestic Violence Advisers (IDVAs), intended to provide specialist support for high-risk victims were introduced in 2005–2006 and by 2009 there were 700 such advisers across England and Wales. These policy developments, both in the UK and elsewhere, have brought with them a range of risk assessment tools, like for example, the spousal risk appraisal guide (SARA), the Propensity for Abusiveness Scale (PAS); and the Partner Abuse Prognostic Scale (PAPS) (all quoted in Hoyle, 2008: 327). In the UK, as Robinson and Rowlands (2009: 191) observe, such policy developments are 'posited on a common understanding of domestic violence, in particular the likelihood of escalating risk by the offending partner' with the SPECSS risk factor approach – Separation, Pregnancy, Escalation, Cultural Issues, Stalking, Sexual Assault (Hoyle, 2008: 327) – being one of the tools adopted to assess this. This risk factor approach has been translated into the DASH (Domestic Abuse, Stalking and Harassment, and Honour Based Violence) risk assessment tool resulting in a policing response called RARA – Remove the Risk, Avoid the Risk, Reduce the Risk, Accept the risk (Hoyle, 2008: 327).

These policy developments notwithstanding, it should be noted that the IPCC (Independent Police Complaints Commission) report for 2008–2009 on Deaths Following

Police Contact indicates that ‘other deaths’ (the category under which deaths from partners post-contact with the police are logged) have risen from 24 in 2004–2005 to 34 in 2008–2009, with the largest category within the 2008–2009 group being six women ‘known to be at risk from their former partners’. In addition, Westmarland (forthcoming) reports that:

In a review of 13 domestic violence murders, Thornton (n.d.) found that seven had had no prior domestic violence incidents reported to the police. Of those that had had police involvement and been risk assessed, none had been assessed as high risk using the DASH (of the six assessed, one was assessed as medium and five as standard). In addition, one study found there to be no correlation between police risk assessment level and arrest, with incidents rated as ‘high risk’ not significantly more likely to result in arrest than those rated as lower risk.

These observations, taken together with the statistics quoted at the beginning of this article, suggest that despite all of this policy activity much appears to have remained the same in terms of a potential for a fatal outcome as a result of partner violence.

Nevertheless, emerging from this policy activity of targeting ‘at risk’ victims there seems to be some agreement on the ‘risk factors’ for interpersonal homicide in the context of partner violence. These are: prior interpersonal violence; age difference; cohabiting; estrangement; and the presence of a child not biologically related to the abuser. Other factors include homes where there is mental illness, drug abuse and the presence of weapons (Campbell et al., 2009). Hoyle (2008: 332) observes that such risk assessments that are done informed by these ‘risk factors’

typically include getting the victim to agree to ‘safety plans’ for which ‘victims are made individually accountable – in part, at least – for minimising the risk of further violence. Victims are encouraged to take seriously the recommendations of the domestic violence victim safety plan’.

Indeed the formulation of such plans is the key task of IDVAs in England and Wales. Yet such processes simultaneously fail to ‘take into consideration women’s own assessments of the danger they are in, independent of other risk factors, even though most studies suggest it is highly predictive of serious domestic assault’ (Hoyle, 2008: 330; see also Campbell, 2004; Heckert and Gondolf, 2004). In the light of recognizing the significance of women’s own assessments of risk, Campbell and colleagues have gone on to devise risk assessment tools that the women themselves are asked to use (see for example, Campbell et al., 2009 and [www.dangerassessment.com](http://www.dangerassessment.com)). Indeed IDVAs are expected to take into account the victims’ views of their risk in making their assessments of the seriousness of cases. Yet as Hoyle (2008: 335) concludes:

The high proportion of cases of serious intimate violence and homicide in households, which have never previously come to police attention, serves to remind us that in any event these tools are likely to remain of relatively limited scope in preventing domestic homicide.

Hoyle’s (2008) overall conclusion in respect of the development of these kinds of risk assessment tools in the UK is that the ‘jury is still out’ despite the increasing willingness

of criminal justice agencies and partnerships to filter such tools into their working practices. So, while such tools appear to have taken a grip of the kind of work criminal justice professionals are expected to do in a wide range of activities demanded of them – as it has taken a grip of government policy agendas – there remains a hiatus between promise and delivery (see also Robinson, 2010).

To summarize: risk assessment tools reflect an implicit acceptance of the idea of risk as a forensic concept. In other words, that risk can be measured, causes and suspected felons identified and those deemed risky (whether potential offenders or potential victims) surveilled and managed. Nonetheless, at the same time, risk assessment tools are ill equipped to provide the kind of information that would facilitate this and, what is more, criminal justice professionals ‘know’ that such tools are merely devices to inform decision making (see Sparks, 2001). Despite the prevailing assumption of both theory and policy approaches, ‘homo prudens’ (Adams, 1996, see also Kemshall, 2010) does not exist. That said, what is important for our analysis here is recognizing that what has become embedded within these processes is remarkably similar to what has become entrenched within risk theorizing; not only is risk considered to be a forensic concept it is also treated as uniform and unifying. From the risk factors for violence in the WHO model to the risk assessment tools available to criminal justice professionals, it is possible to discern not only the denial of structural variables as ‘risk factors’ but also the denial of *experience* as a risk factor. The informative work of Robinson and Rowlands (2009: 199) is clearly indicative of this problem of uniformity in risk assessment tools. As they say, ‘A “one size fits all” approach is as clearly flawed for male “victims” as it is for heterosexual female “perpetrators”.’ For Douglas (1992) this reflects the deeply rooted cultural expectation that (modern) life should no longer be risky. It echoes too the risk trap identified by Rigakos and Hadden (2001: 77) in which institutions become consumed by managing upcoming dangers and are thus duty bound to assume responsibility for the future. Such a quest for ‘zero risk’ (O’Malley, 2006; Walklate, 1997) is embraced by policy as though it were positive, actionable and doable, further, when such presumptions are challenged, it is the challenge that is deemed problematic. So the question remains as to how we might think differently about risk and risk assessment tools without being faced with the charge of ‘opting out of accountability’.

### **The Experiential Narrative: ‘Knowing Otherwise’**

In discussing debates on the nature and extent of domestic violence, Mooney (2007: 159) asks: ‘How can violence be both a public anathema and a private common place?’ Given the increasing focus given to partner violence in policy and in practice this poses a prescient question. Walklate (2008), borrowing Carlen’s (2008) use of the term *imaginary*, points to the extent to which it is ‘imagined’ that such policies meet the needs of women (or men for that matter) who have experienced physical or sexual violence. In England and Wales these policies reflect a persistent demand to ensure as robust a policing/partnership response as possible in risk assessing repeat domestic violence. But what promise, if any lies in this stance? As Hoyle (2008) avers, such robust responses do little for those who never come to the attention of the police and – as media headlines and



IPCC statistics (quoted above) illustrate – all too often fail those who have had previous contact with the police. This in and of itself suggests that risk assessment tools and how they are used, whether actuarial or clinical, fall considerably short of the mark in predicting behaviour. Interestingly, as suggested earlier, in the context of partner violence, the risk assessment tools themselves acknowledge that the process of assessing risk comprises more than the use of the tools alone.

For example the CAADA (Co-ordinated Action Against Domestic Abuse) Risk Identification Checklist (RIC) and Guidance for Domestic Abuse, Stalking and ‘Honour’ Based Violence ([www.caada.org.uk](http://www.caada.org.uk)) states explicitly: ‘Please pay particular attention to a practitioner’s professional judgement in all cases. The results from a checklist are not a definitive assessment of risk’ (CAADA: 1). So, although such tools are clearly illustrative of Carlen’s (2008) discussion of ‘risk-crazed governance’ and may be helpful in informing resource allocation to those deemed ‘at risk’ (*qua* Radford and Gill, 2006, Robinson, 2010), problems of an *appropriately* targeted response remain. While what constitutes ‘appropriate’ is up for grabs, the important point is achieving a policy response that is *proportionate* to the risk so far as we are able to predict it. Glossing over the impossibility of determining future behaviour, missing the mark in response terms raises questions about not only how risk assessments are actually made but also about whose knowledge counts in that risk assessment process. There are several inter-related questions here. Namely, how are risk assessments actually arrived at, if we know prediction is problematic? If risk assessments are made drawing on other forms of knowing than those provided by the risk assessment tools, what is the basis of that knowledge? Finally, how do these processes actually relate to people’s (including practitioners) real lives? In an attempt to answer these questions we turn to the experiential narrative and the salience of what we have dubbed ‘knowing otherwise’.

The direction to ‘pay particular attention to a practitioner’s professional judgement in all cases’ as suggested above, offers one clue as to both how risk assessments are made and whose knowledge counts in the risk assessment process. The answer is embedded in the phrase ‘professional judgement’. Walklate (1999) has argued that in making ‘judgements’ professionals use all kinds of knowledge to assign value to the ‘facts’ that they have before them and more recent work has cast some light on how that is achieved. Kemshall (2010: 11) tells us that ‘workers operate subjective overrides where cases make them anxious or where subjective biases and organisational values do not “fit” actuarial results’. Broadhurst et al. (2010: 1052) add some useful detail on precisely how this happens. They describe an ‘iterative process’ between the ‘demands of procedure’ and the ‘demands of the case’ that is informed by what they cast as ‘the informal logics of risk management’. Logics comprised of the particularities of the case, the social relationships of the team (including that of the relationship with the client) and a range of other values including compassion, empathy and sense of responsibility. This work adds some appreciable contextual detail to the observations made by Kemshall and Maguire (2001: 249) as to the significance of understanding the interaction between ‘expert judgement’ and ‘actuarial judgement’ in the context of ‘agency cultures and practical concerns and contingencies’ lending weight to Robinson’s (2010) articulation of ‘structured professional judgement’. Moreover, Ansbro (2010) suggests that when the evidence conflicts, practitioners err on the side of precaution. All of these observations

lend weight to Kemshall (2010: 11) on the 'firewalls' to risk that, as far as professional practice is concerned, challenge the presumption of its 'inexorable logic'.

So in the process of 'doing' risk assessment, criminal justice professionals use all kinds of 'knowledge' to accomplish the practical task of risk assessment. Moreover, while part of the risk assessment process will be informed by clinical and/or actuarial concerns (whether stable, acute or dynamic); part of that process will also be informed by the professional's experience, differently informed by their professional culture, the specifics of the case alongside their 'feelings' about it. At this point it is possible to suggest that risk, and those deemed at risk, are not forensically measured at all: they are constructed within a logic of norms and values that are felt. That process of feeling may incorporate a whole range of different kinds of knowing but ultimately, the assignation of this offender as likely to re-offend or that victim as likely to be in a potentially lethal situation is a decision rooted in how professionals make sense of the different kinds of evidence before them, though how this is actually achieved by IDVAs, for example, is still somewhat a 'black box' (Robinson, 2010). Consequently the practice of risk assessment valorizes the professional's knowledge as much as it valorizes the tools available to the professional. Both contribute to the decision-making process and inform the nature of the response. While clearly the *relationship* with those 'at risk' constitutes part of this decision-making process (as required by IDVAs), the question remains as to the extent their voices, and their assessment of risk, feature.

Heckert and Gondolf (2004: 798) have commented: 'women's perceptions of risk appear to enhance risk assessment efforts [and] suggest women may be able to assess risk in broader terms and more idiosyncratic ways that go beyond a combination of risk factors'. They go on to observe, however, that in the face of professional intervention 'women tend not to trust their "intuition"' (2004: 798). More significantly, when women's perceptions are taken into consideration they too are subjected and shaped by risk assessment tools (*qua* Campbell et al., 2009). Yet it may be precisely *their* intuition that affords a more complete picture of the next likely act of violence: their knowing otherwise. Indeed as Smith et al. (2010: 27) intimate, such knowing may be deeply embedded in their strategies for coping with 'battering' in which an appreciation of what they call 'The Coping Window' may feature. This 'include[s] family history of abuse, gender role socialisation, the attitudes toward violence of the immediate and extended social network, and various characteristics of the abuse and abusive partner'. There is much within the feminist informed literature that would support what is implied by this suggestion (see, for example, Kirkwood, 1993). In other words, understanding women's experiences in *context*. Genn (1988) demonstrated the significance of this for criminal victimization survey data in her analysis of a woman's testimony as to her routine, day-to-day experience of violence in her life in 'Bleak House'. The problem here then is more deeply rooted than the identifiable tensions between lay and expert knowledge on risk. The problem lies in what counts as *legitimate* knowledge in the risk assessment process, what that knowledge counts for and who can have it and use it.

Thus, the institutionalization of risk in theory and risk in assessment tools and policy, within both academia and within the criminal justice system, raises the prospect of risk imperialism. While the deployment of risk has produced some noteworthy insights, arguably the grasp that risk has had in theory and practice, has been over-extended, resulting

in *catachresis*: a process by which the concept has been applied to situations and in areas where it is not relevant or appropriate. As O'Malley (2006: 49) reminds us, the marriage between crime prevention and risk carries some unfortunate consequences. Thus, alcohol abuse, mental disorder; poor or abusive parenting; gang violence and poverty; drinking culture, the role of the media, all become risks denuded of their *situational* relevance that simultaneously erases the significance of social structure. By way of illustration, in the context of female offenders, Hannah-Moffatt (2006) reasons the unacknowledged gendered nature of risk assessments has been transformed into similarly unacknowledged needs assessments for females 'at risk' of offending. Davidson and Chesney-Lind (2009) have gone on to suggest that such transformations may result in an over-classification and under-classification of women at risk (of offending) all at the same time. The same dilemma might also be observed in risk assessment tools for those 'at risk' of partner violence illustrated by the transformation implicit in the normative heterosexism of risk assessment tools (Robinson and Rowlands, 2009). In other words risk has replaced an appreciation of cause and/or need understood in context, and in both examples serves to erase experience and structure. Each of which contribute in different ways to different manifestations of partner violence, as the 'Zero Tolerance' campaigns of the early 1990s illustrated.

In summary, the presumption of risk as both uniform and unifying reinforces the power of expert knowledge based on risk assessment tools that not only mask what it is that those professionals actually do, but also renders silent other voices claims for what is doable: in the example deployed here, the (potential) victims of (partner) violence themselves. What is doable, of course, may not always be what is rational since that silencing also quietens the role of feelings for the professionals in making their judgements and those subject to professional judgements. By way of illustration, in analysing the governance of alcohol addiction, Valverde (2003) alludes to the way in which desire or pleasure are rendered absent in that world. Desire and pleasure, she suggests, have been differently transposed into research on craving. In a parallel fashion, the desire to prevent and extinguish interpersonal violence, especially partner violence, has proceeded to transpose *relationships*, which include, or once included, and may indeed continue to include, feelings like love and desire, into *risk factors* that can be measured and managed. This transposition not only denies agency and reflexivity on behalf of all of those involved in the process, it also denies violence as a cultural and potentially pleasurable resource for those that wield and observe it.

To return to the question posed by Mooney quoted earlier, as she suggests, the values whereby men's violence to women is sustained in the face of public imperatives otherwise 'exist throughout the width and breadth of popular culture' (Mooney, 2007: 169). For example, consider the vicarious pleasure gained by some young males in witnessing violence on a 'good night out' (Winlow and Hall, 2006). Thus violence becomes 'folded into everyday life' an 'intertwining of the descent into the ordinary' in which 'ordinary people become scarred' (Das, 2007: 14–15); like people silently lining the streets between the military base and the hospital in Oxford when soldiers' bodies are brought back from the war in Iraq and Afghanistan, or when a woman living with violence judges that the risk of poverty and homelessness is worse than the violence she knows she will be subjected to (see Genn, 1988; Kirkwood, 1993). This is not the violence of risk assessment

tools or risk factors. This is the ordinary violence of everyday life. In fading out the voices of those who 'know otherwise' this ordinariness of violence is rendered absent. This absence can be traced from the WHO model on violence prevention to the emergency call taker who fails to 'hear' the voice on the phone. To answer Mooney (2007) this is one way in which violence can be both public anathema and a private common place all at the same time. Contra the totalizing narratives of risk theory and the distance that objective forms of policy making around risk strive to assume, experiential narratives cannot be but lived, situated and rooted in culture as some of the evidence cited here illustrates.

## Conclusion: Escaping the Risk Conundrum

O'Malley (2008) has recently suggested that it is time for criminology in particular to engage more positively with risk. He suggests that there is some mileage in exploring Foucault's concept of strategic knowledges as a move towards democratizing risk via debunking the experts and/or putting the experts in their place. In some respects, the empirical work cited here *qua* Ansbro (2010), Broadhurst et al. (2010) and Kemshall (2010) may mark the beginnings of such a process: the traces of a rising narrative of 'knowing otherwise'. Such a re-orientation might well contribute to exposing paradoxes embedded in the contemporary social scientific embrace of risk that are also identifiable in the practices of risk assessment and risk assessment tools, and thereby open up a dialogue for alternative ways of 'assessing risk'. Indeed as Robinson and Rowlands (2009: 191) suggest risk assessment tools have their uses. They structure police response, aid resource allocation and through information sharing raise awareness of safety issues for all concerned. However, the constraints imposed on these uses by the concept of risk itself need to be considered. How might we begin to think differently and escape the risk conundrum?

The search for 'other imaginaries' needs to be mindful not only of the politics of risk but also the risks of politics (see Mythen and Walklate, 2008). In relation to policy responses to violence against women such policies are 'imagined' by politicians and policy makers, and such imagining may bear little relationship with people's real lives (Walklate, 2008). As Merton (1936: 900) remarked some time ago, 'action in which this element of immediacy of interest is involved may be rational in terms of the values basic to that interest but irrational in terms of the life organization of the individual'. Here Merton is discussing the 'unanticipated consequences of purposive action' in which he makes a distinction between discrete action and institutionalized action both of which may be differently motivated by interest. In the context of this discussion, the 'interest' is the criminal justice professional on the one hand and government policy on the other. The ideational creep of risk, and its material translation into risk assessment tools serves to protect those charged with protecting us: the criminal justice professionals (see also Kemshall and Maguire, 2001: 256). By not only embracing risk assessment tools, but also demonstrating their deployment, it is possible to exhibit 'accountability' despite the shortcomings of that process. In this desire to demonstrate responsiveness and accountability, there is little space to accommodate the 'irrational life' of the individual. Despite the fact that that undulating, sometimes capricious and always unique 'irrational life' exists not only for those subjected to risk assessment but also for criminal justice

professionals themselves, these co-existing narratives on risk do not coalesce and are not of equal value. Narratives of risk and risk assessment render some concerns more visible and valuable than others. This indicates that a failure to debate and contest risk adequately is tantamount at best to turning a blind eye to deficient forms of risk regulation, at worst of permitting the silent reproduction of violence and inequality. As the work of Broadhurst et al. (2010) and Munro (2010) illustrates some professionals do their best to resist such a state of affairs. However, knowing otherwise, and exploring the possibilities of such a stance might ultimately result in doing otherwise. Such is the contrariness of risk, for some, that itself might look like ‘opting out of accountability’.

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## Note

1. See, for example, the UK Government’s Action Plan for Tackling Violence 2008–11.

## References

- Adams J (1996) *Risk*. London: UCL Press.
- Ansbro M (2010) The nuts and bolts of risk assessment: When the clinical and actuarial conflict. *Howard Journal* 49(3): 252–268.
- Archer M (2007) *Making our Way through the World*. Cambridge: Cambridge University Press.
- Bachelor S (2005) ‘Prove me the bam!’: Victimisation and agency in the lives of young women who commit violent offences. *Probation Journal* 52(4): 358–375.
- Beck U (2009) *World at Risk*. Cambridge: Polity Press.
- Bernstein PL (1996) *Against the Gods: The Remarkable Story of Risk*. New York: Wiley.
- Bonta J (1999) Approaches to offender risk assessment: Static vs dynamic. *Research Summary* 4(2). Available at: [www.sgc.gc.ca](http://www.sgc.gc.ca).
- Broadhurst K, Hall C, Wastell D, White S and Pithouse A (2010) Risk, instrumentalism and the humane project in social work: Identifying the informal logics of risk management in children’s statutory services. *British Journal of Social Work* 40(4): 1046–1064.
- Campbell J (2004) Helping women understand their risk in situations of intimate partner violence. *Journal of Interpersonal Violence* 19(12): 1464–1477.
- Campbell J, Webster DW and Glass N (2009) The danger assessment: Validation of a lethality risk assessment instrument for intimate partner femicide. *Journal of Interpersonal Violence* 24(4): 653–674.
- Carlen P (2008) Imaginary penalties and risk crazed governance. In: Carlen P (ed.) *Imaginary Penalties*. Cullompton, Devon: Willan, 1–25.
- Coid J, Yang M, Ullrichm S, et al. (2007) *Protecting and Understanding Risk of Re-offending: The Prisoner Cohort Study*. Research Summary. London: Ministry of Justice.
- Coleman K and Osborne S (2010) Homicide. In: Smith K, Flatley J (eds) *Homicides, Firearm Offences and Intimate Violence 2008/09 – Supplementary Volume 2 to Crime in England and Wales 2008/09*. London: Home Office, 9–36.
- Das V (2007) *Life and Words*. Berkeley, CA: University of California Press.
- Davidson J and Chesney-Lind M (2009) Discounting women: Context matters in risk and need assessment. *Critical Criminology* 17(4): 221–245.
- Davis P, Francis P and Greer P (2007) *Victims, Crime and Society*. London: SAGE.
- Douglas M (1990) Risk as a forensic resource. *Daedalus* 119(4): 1–16.

- Douglas M (1992) *Risk and Blame: Essays in Cultural Theory*. London: Routledge.
- Ericson RV and Haggerty KD (1997) *Policing the Risk Society*. Oxford: Clarendon.
- Feeley M and Simon J (1992) The new penology: Notes on the emerging strategy of corrections and its implications. *Criminology* 30(4): 449–474.
- Feeley M and Simon J (1994) Actuarial justice: The emerging new criminal law. In: Nelken D (ed.) *The Futures of Criminology*. London: SAGE, 173–201.
- Foucault M (1991) Governmentality. In: Burchell G, Gordon C and Miller P (eds) *The Foucault Effect: Studies in Governmentality*. London: Harvester Wheatsheaf, 87–104.
- Garland D (2001) *The Culture of Control*. Oxford: Oxford University Press.
- Genn H (1988) Multiple victimisation. In: Maguire M, Pontingm J (eds) *Victims of Crime: A New Deal?* Buckingham: Open University Press, 88–98.
- Haggerty KD (2003) From risk to precaution: The rationalities of crime prevention. In: Ericson RV, Doyle A (eds) *Risk and Morality*. Toronto: University of Toronto Press, 193–214.
- Hamner J, Griffiths S and Jerwood D (1999) *Arresting Evidence: Domestic Violence and Repeat Victimisation*. Policing and Reducing Crime Unit, Police Research Series Paper 104. London: Home Office.
- Hannah-Moffatt K (2006) Pandora's box: Risk/need and gender responsive corrections. *Criminology and Public Policy* 5(1): 183–191.
- Hannah-Moffatt K and O'Malley P (eds) (2007) *Gendered Risks*. London: Routledge.
- Heckert DA and Gondolf W (2004) Battered women's perceptions of risk versus risk factors and instruments in predicting repeat reassault. *Journal of Interpersonal Violence* 19(7): 778–800.
- Hoyle C (2008) Will she be safe? A critical analysis of risk assessment in domestic violence cases. *Children and Youth Services Review* 30(3): 323–337.
- Karmen A (1990) *Crime Victims: An Introduction to Victimology*. Belmont, CA: Wadsworth.
- Kemshall H (1996) *Reviewing Risk: A Review of Research on the Assessment and Management of Risk and Dangerousness: Implications for Policy and Practice in the Probation Service*. London: Home Office.
- Kemshall H (2010) Risk rationalities in contemporary social work policy and practice. *British Journal of Social Work* 00: 1–00 (accessed 24 June 2010).
- Kemshall H and Maguire M (2001) Public protection, partnership, and risk penalty: The multi-agency risk management of sexual and violent offenders. *Punishment and Society* 3(2): 237–264.
- Kirkwood C (1993) *Leaving Abusive Partners*. London: SAGE.
- Knight F (1922) *Risk, Uncertainty and Profit*. Boston, MA: Houghton Mifflin.
- Lyng S (ed.) (2005) *Edgework: The Sociology of Risk Taking*. London: Routledge.
- McNaughton Nicholls C, Callanan M, Legard R, Tomaszewski W, Purdon S and Webster S (2010) *Examining Implementation of the Stable and Acute Dynamic Risk Assessment Tool Pilot in England and Wales*. Ministry of Justice Research Series 4/10. London: Ministry of Justice.
- Merton RK (1936) The unanticipated consequences of purposive social action. *American Sociological Review* 1(6): 894–904.
- Mooney J (2007) Shadow values, shadow figures: Real violence. *Critical Criminology* 15(2): 159–170.
- Munro E (2010) Learning to reduce risk in child protection. *British Journal of Social Work* 40(4): 1135–1151.
- Murphy T and Whitty N (2007) Risk and human rights in UK prison governance. *British Journal of Criminology* 47(5): 798–818.
- Mythen G and Walklate S (2008) Terrorism, risk and international security: The perils of asking what if? *Security Dialogue* 39(2–3): 221–242.
- National Board for Crime Prevention (1994) *Wise after the Event: Tackling Repeat Victimisation*. London: National Board for Crime Prevention.

- Newburn T (2009) *Criminology*. Devon: Willan.
- O'Malley P (2004) *Risk and Uncertainty*. London: Glasshouse Press.
- O'Malley P (2006) Criminology and risk. In: Mythen G, Walklate S (eds) *Beyond the Risk Society*. London: McGraw-Hill, 43–58.
- O'Malley P (2008) Experiments in risk and criminal justice. *Theoretical Criminology* 12(4): 451–471.
- O'Malley P (2010) *Crime and Risk*. London: SAGE.
- Radford L and Gill A (2006) Losing the plot? Researching community safety partnership work against domestic violence. *Howard Journal* 45(4): 369–387.
- Rigakos G and Hadden RW (2001) Crime, capitalism and the 'risk society': Towards the same old modernity? *Theoretical Criminology* 5(1): 61–84.
- Robinson A (2010, forthcoming) Risk and intimate partner violence. In: Kemshall H, Wilkinson B (eds) *Good Practice in Risk Assessment and Risk Management*. London: Jessica Kingsley.
- Robinson A and Rowlands J (2009) Assessing and managing risk among different victims of domestic abuse: Limits of a generic model of risk assessment. *Security Journal* 22(3): 190–204.
- Short J (1984) The social fabric of risk: Towards the social transformation of risk analysis. *American Sociological Review* 49(6): 711–725.
- Smith PH, Murray CE and Coker AL (2010) The coping window: A contextual understanding of the methods women use to cope with battering. *Violence and Victims* 25(1): 18–28.
- Sparks R (2001) Degrees of estrangement: The cultural theory of risk and comparative penology. *Theoretical Criminology* 5(2): 159–176.
- Tombs S and Whyte D (2006) Work and risk. In: Mythen G, Walklate S (eds) *Beyond the Risk Society*. Maidenhead: Open University Press, 169–193.
- Tulloch J and Lupton D (2003) *Risk and Everyday Life*. London: SAGE.
- Valverde M (2003) Targeted governance and the problem of desire. In: Ericson RV, Doyle A (eds) *Risk and Morality*. Toronto: University of Toronto Press, 438–458.
- Walklate S (1997) Criminal victimisation and risk: A modernist dilemma? *British Journal of Criminology* 37(1): 35–45.
- Walklate S (1999) Is it possible to assess risk? *Risk Management: An International Journal* 1(4): 45–53.
- Walklate S (2008) What is to be done about violence against women? *British Journal of Criminology* 48(1): 39–54.
- Walklate S and Mythen G (2010) Agency, reflexivity and risk: Cosmopolitan, neurotic or prudent citizen? *British Journal of Sociology* 61(1): 45–62.
- Westmarland N (forthcoming) Co-ordinating responses to domestic violence. In: Brown J, Walklate S (eds) *Handbook of Sexual Violence*. London: Routledge-Willan.
- Wilkinson I (2009) *Risk, Vulnerability and Everyday Life*. London: Routledge.
- Winlow S and Hall S (2006) *Violent Night: Urban Leisure and Contemporary Culture*. London: Berg.

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