

Introduction to Criminological Theories

Various attempts have been made to explain crime and prevent it from times of immemorial. Earlier explanations attached crime and deviance from evil spirit possession. Historical concern with crime is traceable to ancient Babylonia and the Code of Hammurabi, as well as biblical times, as evidenced by Old Testament dictates on restitution and the proportionality of punishment. Whereas such early edicts on infraction and punishment informed understanding of social control and justice, the origins of contemporary criminology stem from the Enlightenment period of the late 18th century, particularly the social and intellectual reforms then underway in western Europe. Philosophers from this period, such as Voltaire, Rousseau, and Locke, observed the superiority of reasoning based on direct experience and observation over subscription to faith and superstition that characterized collective opinion throughout the feudal era. Prior to this shift toward logic, crime was addressed informally within and between families whose recognition of justice was largely equated with realization of revenge.

Although the Enlightenment period did not completely end the belief that spirituality affects crime, the momentum of experience-based reasoning led to a general view of social life and human behavior that served as a forerunner to criminology. One of the primary concepts from this era that was important for the development of criminology is the idea of the *social contract*. First introduced by Thomas Hobbes (1588–1679), the social contract involves the sacrifice of some personal freedom through internalization of law and endorsement of formal social control in exchange for protection and the benefit of all. For example, it is likely that either alone or with the aid of a friend you could forcibly take personal property, such as a wallet, purse, or textbook, from someone on an almost daily basis. Similarly, there is likely an individual or group that could forcibly take your property. Despite these obvious realities, everyone generally enjoys freedom of movement with peace and safety. By sacrificing your ability to take what you might from others, you are protected from similar victimization. This trade-off of loss of potential gain through limiting free will in exchange for law and order is an oversimplified example of the social contract.

As a result of the Enlightenment period, then, superstition and spirituality-based orientations to crime were uprooted by innovative ways of thinking that emphasized relationships between criminal behavior and punishment. This newer approach, exemplified in the writings of the

Italian Cesare Beccaria (1738–1794) and the Englishman Jeremy Bentham (1748–1832), is known as the *classical school of criminology*, a perspective around which criminology would solidify and develop (Bierne, 1993). Notionally grounded in the concepts of deterrence and the dimensions of punishment (certainty, severity, and celerity), the classical school is significant for the development of criminological thought in at least two respects. First, crime was no longer believed to be a function of religion, superstition, or myth—views that largely placed the problem of crime beyond human control.

Second, crime was seen as the result of free will. Viewing crime as a function of free will—in essence, as decision making—meant that it could now be explained as an outcome of rational choice. The ideation of rational thought (a calculation of gains vs. risks) suggests that crime is logically related to the elements impacting the decision to offend, such as the amount and relative value of criminal proceeds and the likelihood of detection, arrest, and conviction. The principles of the classical school, revised by legal reformers (neoclassicists) and now referred to as *rational choice theory*; continue to influence both the study of criminal behavior and the nature of formal social control as the criminal justice system continues in the attempt to achieve deterrence as one of its primary objectives (Paternoster & Brame, 1997).

Paradigm (i.e., model or school of thought) shifts are common to the history of all academic disciplines, and criminology is no exception. A new philosophy began emerging in Europe during the 19th century that first emphasized the application of the scientific method. This perspective, known as *positivism*, stressed the identification of patterns and consistencies in observable facts (Bryant, 1985). It was believed that, by examining known patterns, causes of behavior could be determined that would enable predictions about outcomes when certain conditions exist. For example, one can ascertain a pattern of comparatively high criminality in the lower socioeconomic class. Given the absence of other intervening factors, one can predict a rise in lower class criminality if a sharp increase in unemployment affects unskilled laborers.

Regardless of whether this relationship is true, this line of thinking differs from the classical school's attention to free-will decision making, positing crime instead as a manifestation of factors external to and often beyond the control of individuals. Criminology did not move straight from a free-will orientation to endorsement of external influences; in between these perspectives was an era dominated by *determinism*.

Determinism takes the position that human behavior is caused by factors specific to the individual, such as biological and psychological traits. Perhaps the most famous figure associated with determinism in the context of criminality is Cesare Lombroso (1835–1909), whose “criminal type” illustrated in his influential work *Criminal Man* (1863) suggests that some people, such as convicted murderer and notorious contract killer, are simply born criminals.

Lombroso’s work, furthered by his student Raffaele Garofalo (1851–1934), was essential to viewing crime in a newer, more scientific light. As criminology continued to develop, determinism became more broadly viewed, with the inclusion of environmental and community criminogenic influences. In the evolution of American criminology, positivism began replacing the classical approach to crime during the 1920s, largely due to the rise of the Chicago School, a movement resulting from a series of seminal studies conducted by staff of the University of Chicago sociology department. From the 1920s through the 1940s, the Chicago School demonstrated that crime is largely a function of ecology, in particular the social disorganization that characterizes much of urban life.

The social ecological approach to crime is less concerned with the ways in which criminals and non-criminals differ in terms of intelligence, physical characteristics, or personality and more attentive to economic disadvantage, community cohesion, collective efficacy, and social stability. The Chicago School crime studies of Shaw and McKay (1942), Merton (1938), and Sutherland (1939) grounded U.S. criminology in sociology and established a dominant paradigm, or model of inquiry, oriented toward specifying environmental and community-level causes of crime and delinquency (e.g., Kornhauser, 1978). American criminology since its inception, then, has been conceptualized in theoretical terms—a perspective that has very much shaped its maturation. Although theory is vital to criminology in terms of justifying scientific status, confirmation of hypotheses (i.e., empirical proof) is also necessary.

The early sociological variants of the predestined actor model of crime and criminal behavior still have – like the early biological and psychological versions – been accused of being overly determinist. It is nevertheless a form of criminological explanation that has been extremely influential in informing the direction of later – less determinist – approaches. Furthermore, the recognition that social factors external to the human being place significant *constraints* on that

person's choice of action, has been particularly influential and, indeed, would be considered by many today to be an almost common-sense, if partial, explanation of criminal behaviour.

However, the later subculture theorists came increasingly to recognize that human beings are able to make choices about the course of action that they will take but it is a recognition that does not signify a return to unbridled purist variants of the rational actor model. From the perspective of these later and more sophisticated versions of the predestined actor model there is recognition of limited constrained human choice. Thus, the choices available to the individual are restricted by their life-chances, such as their education, training and skills, place of upbringing, membership of ethnic group, gender and differential access to material resources. Thus, people do not enjoy free will – as in the rational choice actor conceptualization – for no human being is ever totally free and they simply make choices that are constrained by their social circumstances.

The end of 20th c and the beginning of 21st c witnessed a rather radically different form of criminal behavior from previous epochs that dictated different ways of explanation. Hence, the aim of this course is enlightening students to contemporary criminological theories such as radical and conflict theories, feminist criminology, cultural criminology, life course criminology, green criminology, post-modern criminology, cyber criminology and the theory prevention of crime through environmental design. But, before directly entering to these theoretical assertions, the course tries to assess the classical and positivist schools of criminology.

Conflict and radical theories

Conflict and radical theories sought to explain crime and criminal behavior in terms of the unequal nature of the socio-political structure of society. Again, this is not a homogenous theory but a diverse collection of perspectives united by a common tendency to see societies as being characterized by conflict rather than consensus. Two broad categories or groupings can nevertheless be identified. First, conflict theorists take a *pluralist* stance and propose that society consists of numerous groups all involved in a struggle to promote their socio-economic interests. Second, *radical* accounts are invariably informed by various interpretations of Marxist social and economic theory. Notwithstanding these differences, writers in both camps see social consensus

as a temporary situation engineered by those with substantial power in society and the main concern for both groups of writers is with the social struggle for power and authority.

Among the critics of the labelling perspective were those who argued that it had just not gone far enough and failed to account for the origins of the differential power to label or stigmatise people. It was thus in response to that critique that conflict and radical writers came to explore and apply wider ideas from economic and political science to the consideration of crime and criminal behaviour.

Conflict theories

Thorsten Sellin (1938) was influenced by the work of Georg Simmel and was the first to argue that conflict causes crime. He proposed with his *culture conflict theory* that each culture establishes its own norms – or rules of behavior – which are then embedded into its members through the various processes of socialisation they undergo. Thus, the norms learned by any individual are prescribed by the host culture to which they belong. In a healthy homogenous society, these norms are enacted into laws and upheld by the members of that society because they are accepted as representing the consensual viewpoint but where homogeneity and consensus does not exist the outcome will be

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Conflict and radical theories culture conflict. Sellin argues that conflicts over *conduct norms* can occur at

both the micro and macro level in society.

At the macro level, conflicts occur between two different societal cultures and can arise because of border conflicts, territorial extension or, most typically, through migration. Secondary conflicts at the micro level occur within the macro culture, particularly when subcultures with their own conduct norms develop within the host culture. In the latter case, the laws usually represent the rules or norms of the dominant culture and indeed, the norms – and rules

of behaviour – of other groups can be in conflict with the law. Thus, society contains certain unwritten, and often unspoken, rules about what a person is supposed to do in certain circumstances, for example, if a man finds his wife

in bed with another man. Thus, while some more pre-modern or traditional societies might specify exactly what a man is supposed to do in this case – kill both his cheating wife and the other man – more modern societies offer

less in way of guidance and, for Sellin, this ambiguous state of confusion and contradiction is what leads to crime. This clearly has implications in contemporary multicultural societies where different cultures may clash on

how such situations should be dealt with. We should note however that – unlike the deviant subcultural tradition epitomised by Cohen (1955) or Cloward and Ohlin (1960) and discussed in Chapter 7 – the norms of the

subcultures in this conceptualisation do not develop in order to question or challenge dominant societal values or, for that matter, represent a different means of achieving the cultural goals of the middle or upper classes, they represent fundamentally different values and norms.

Lewis Coser (1956) was a functionalist sociologist with nevertheless significantly left-wing political leanings who was also clearly influenced by the work of Simmel. Coser presents several propositions surrounding what

he considers to be the key issue of the intensity of conflict. Thus, conflict is seen to actually increase when attempts are made to suppress it, when fighting takes place on behalf of a group, and when conflicting parties are in

close proximity. Coser observes that closeness creates intensity because that is when love and hate occur alongside each other. Other propositions have to do with the construction of social forms, like stability and rigidity, which are drawn from comparing the membership of groups which are formed by crosscutting other group memberships. Non-realistic conflict is perceived to have safety-valve functions and Coser observes that the necessity for hierarchy has emerged from a need to manage group size and complexity. He also produces an image of an ever-present and always-emerging offender and this is also clearly consistent with the ideas of Simmel, although Coser follows a more ‘crime is functional for the needs of society’ approach than his predecessor. George Vold (1958) developed the above ideas and produced an explanation of crime and criminal behaviour that emphasised the group nature of society and stressed the fact that groups compete with each other in order to secure what they identify as their interests. He argued that groups become ever more wary and watchful of their interests; vis-à-vis other groups and become engaged in a continuous struggle to improve their standing in relation to others. The whole process of lawmaking, lawbreaking and law enforcement

An Introduction to Criminological Theory 182 directly reflects deep-seated and fundamental conflicts between these group interests and the more general struggle between groups for control

of the police power of the state. Since minority groups lack the power to strongly influence the legislative process, their behaviour is that most often defined as criminal, or deviant. This process of criminalisation then legitimises the use of the police and other control agencies to enforce these laws on behalf of the most powerful groups in society.

For Austin Turk, the theoretical problem of explaining crime lies not in understanding the different varieties of criminal behaviour – for he observes that definitions of what is criminal will vary over time and place – but in explaining the actual process of criminalisation. Specifically this involves examining the process of the assignment of criminal status to individuals, which results in the production of criminality. There is an obvious resonance here with labelling theory but Turk was to go much further than those working in that tradition and sought to explain why it is that labels come to be widely accepted as legitimate, often by those who are so labelled. Turk fundamentally saw the social order as the outcome of powerful social groups who successfully control society in their own interests. He argued that social control is exercised by providing a normative – moral or value-laden – justification for law, which is then enforced by controlling agencies such as the police. In his earlier work, Turk (1969) suggested that those people who have an unclear view of how their behaviour will impact on others, especially on the powerful, and who go on to break rules, norms or laws, will be the most likely to be caught and processed by control agencies. It is an argument that explains why it is that young people are more likely to fall foul of the

law than most adults. In his later work, Turk (1969) described two ways in which control is exercised in society: first by *coercion* and, second, by the *control of legal images and living time*. The control of society by *coercion* – or the threat and exercise of physical force – is perhaps the most obvious form of control but the more that force is applied, the less likely it is to be accepted as legitimate and thus the more difficult it will be to control society. The control of legal images, on the other hand, is an altogether more subtle exercise. Legal systems have formal laws, breaches of which are legally punishable, and there are established procedures for exercising those laws but there are also degrees of discretion as to how the law is exercised. Turk argues that the subtle interplay of the formal and informal allows the powerful to manipulate the legal system in their own interests while still preserving an image of due process and impartiality. The control of living time suggests that people will become accustomed to forms of domination and control, especially if it is maintained and legitimised over generations. Later generations will

gradually forget that social control conditions were ever any different from those with which they

are familiar. Richard Quinney was originally a traditional conflict theorist – heavily influenced by social reaction/labelling theory but later coming to be identified with a more radical Marxist inspired perspective – who considered crime to be the product of legal definitions constructed through the exercise of political

Conflict and radical theories power. In this way, actions that may cause harm to others and be similar to forms of behaviour which are subject to the criminal law, may be dealt with less seriously, or not at all, if they are conventional activities carried out by, or in the interests of, the powerful. Thus, while the causing of death by a less powerful individual may well be defined as murder or manslaughter, if committed by a corporate body, or high status individual, it may be interpreted as a civil law violation, or simply an accident. Quinney pointed to numerous examples of harm-generating activities committed by the powerful that are not investigated, excused or effectively treated as misdemeanours and which fail to come under the auspices of the criminal law. Quinney – like many of the later radical criminologists – paid a good deal of attention to the role of the mass media in shaping the way in which people perceive crime. He observed that both crime and non-crime definitions are spread throughout the media. With their pervasive effect, the media select and construct a commonly held view of reality where certain actions are naturally crimes and others non-crimes. Quinney outlined six propositions that summarise his particular version of conflict theory. First, crime is a definition of human conduct which is created by authorised agents in a politically organised society. Second, these criminal definitions are applied by those segments of society which have the power to shape the enforcement of the criminal law. Third, these criminal definitions are applied by those segments of society that have the power to shape the administration of the criminal law. Fourth, behaviour patterns are structured in segmentally organised society in relation to criminal definitions, and within this context people engage in actions that have relative probabilities of being defined as deviant. Fifth, conceptions of crime are constructed and diffused in the segments of society by various means of communication. Sixth, the social reality of crime is constructed by the formulation and application of criminal definitions, the development of behaviour patterns

related to criminal definitions and the construction of criminal conceptions (Quinney, 1970: 15–23).

Criticisms of conflict theories

For the later radical criminologists much of early conflict theory, while accepting the inevitability of social conflict, was still seen as essentially conservative and complacent about the possibility of conflict leading to more successful social integration. It was also to an extent founded on predestined actor model notions that denied the possibility that victims of an unfair social and economic system might simply rationally choose offending behaviour as a way of coming to terms with a system which had failed to accommodate their interests. Conflict theorists had simply failed to explain why the law is as it is in the first place and, moreover, they proffered no acceptable explanation as to why it is that those sections of society who do not have their interests represented by established social institutions should choose to accept ‘stable authority relationships’ out of which they benefit little. In seeking an answer to that last criticism, Turk had argued that it is a ‘lack of sophistication’ among

An Introduction to Criminological Theory the subordinate groups that is to blame for the problems that they pose for established society. They may simply choose to break laws or norms that do not fit in with their perceptions of their situation. By promoting the idea that offenders have a limited capacity to express themselves to authority, we are encouraged to see their subjective accounts of their actions as less valid than those of authority-holders. This is a perspective strongly countered by labelling theorists such as Howard Becker, who argued that it is the task of the social researcher to give voice to the ‘underdog’ in the face of more than adequate representation of the account of ‘superordinate groups’. The essentially predestined actor model ‘correctionalist’ stance implicit in the work of Turk is illustrated by his view that deviant subcultures should be forcibly broken up by the authorities in order to coerce deviants back into an integrated consensus (Turk, 1969). This should happen apparently, regardless of whether or not the individuals concerned see such integration to be in their interests or not. This criticism cannot be directed at Quinney who proposes that the actions of those who are criminally labelled are not so much the outcome of inadequate socialisation and personality disorders but conscientious actions taken against the established, unequal social order. Taking this rather more rational actor model oriented approach, Quinney observed that these acts defined as criminal were perhaps the only appropriate means for expressing thoughts and feelings

concerning powerlessness and inequality and, he also, somewhat romantically, considered that deviant, or criminal, behaviour provides the only possibilities for bringing about social change.

Radical theories

Radical theories – like their conflict predecessors – encompass a broad range of ideas. The seminal text in the field, Taylor, Walton and Young's *The New Criminology* (1973) was an attempt to link the concerns of labelling theory with Marxism, while in the USA the works of William Chambliss and Richard Quinney were based on somewhat different foundations. There are many different variants of Marxism and these variants are invariably focused around different interpretations of what Marx said, wrote or meant. The basic two-class model of social stratification which while retaining some popularity as an explanation of the fiscal crisis (O'Connor, 1973) – and might well come back into its explanatory own during the forthcoming economic recession – has been significantly criticised as a form of 'vulgar Marxism' (Poulantzas, 1969). Similarly, only another vulgar variant 'instrumental Marxism' views the law as a simple tool of the ruling class (Chambliss, 1975) with 'structural Marxism' rejecting notions of deliberate intention by the ruling class and proposes that it rules through the creation and control of ideas (Althusser, 1966) or conspiracies (Mills, 1956). The Frankfurt School (Jay, 1973) incorporated Freudian psychoanalysis into Marxism while neo-Marxism (Friedrichs, 1980) makes use of the suggestion that Marx implied most criminals were *lumpenproletariat* – or what we would today

Conflict and radical theories call the underclass – who simply could not be counted on for revolutionary purposes.

Wilhelm Bonger (1916) was a traditional Marxist who saw capitalism to be the creator of social irresponsibility with his scholarship focusing on the dialectical interplay between capitalist business cycles and crime rates, thus when unemployment rises during periods of economic recession the crime rate increases. Using a two-class model, Bonger argued that conflict is likely to continue indefinitely because the inherent contradictions of capitalism creates a climate of motivation for crime with offenders motivated by self-interests rather than social interests.

Rusche and Kirchheimer (1939) took a broader historical focus to examine imprisonment rates and the fluctuations of capitalism and observed that the former rates have tended to vary in accordance with our position in the business cycle. This adds some support to the surplus labour

hypothesis which proposes that prisons are simply conduits for those – usually men – who are surplus to the requirements of the economy during any given period in time. Marxist penology (Adamson, 1984) shows little interest in abolishing crime but does seek to abolish prisons while the rehabilitation of prisoners is rejected as a strategy because it would only serve bourgeois interests (Scull, 1977).

Gordon's (1971) theory sees crime to be a rational response to the political and economic structure of institutions and claims that what are traditionally viewed as non-economic goals – status, respect – are closely tied into chances of material survival. Taking an instrumentalist view of the state, he argues that the mere token enforcement of 'upper-world crime' – which is a major concern of conflict criminology (Pearce, 1976) – is explained by protection of power and profits. Bill Chambliss had become interested in the socio-political context in which the criminal law had developed while undertaking a study of the development of the vagrancy laws in Britain, and observed that the origin of this body of legislation could be traced to vested interests: 'There is little question that these statutes were designed for one express purpose: to force labourers to accept employment at a low wage in order to ensure the landowner an adequate supply of labour at a price he could afford to pay' (Chambliss, 1964: 69).

It is an approach influenced by the US school of *legal realism*, which concerned itself with the distinction between the 'law in books' and the 'law in action' and in Chambliss' 1971 work *Law, Order, and Power* – written in collaboration with Robert Seidman – an almost Durkheimian argument is presented. The authors propose that the complexity that comes with technological development and which necessitates more complicated, differentiated and sophisticated social roles actually operates to put people at odds with one another and thus this increasing social complexity requires that sanctioning institutions be designed to keep order among the conflicting interests. In their view, the basis of the sanctioning would be organised in the interests of the 'dominant groups' in society but the actual application of the sanctions are enforced by bureaucratic institutions who have their own interests. The 'law of action' thus comes to reflect a combination of the organisations created to enforce the rules.

An Introduction to Criminological Theory Chambliss (1969) had previously argued that criminal justice bureaucracies tend to deal with members of the lower social classes more harshly than other people because the latter have little to offer in return for leniency and, moreover, they are

in no position to fight the system. Chambliss and Seidman (1971) later concluded that the police act illegally and breach the norms of due process at every stage of their activities and that this occurs because they are not committed to the notion of due process in the first place while, at the same time, they have an enormous potential for making discretionary decisions. There are also no real safeguards. Bargains struck with the prosecutor before the trial begins tend to reflect the relative political and economic power of the defendant. Additionally, considerable pressure is applied to the accused to plead guilty leading the powerless to surrender the 'right' to trial by jury in nine cases out of ten. Chambliss (1969) had observed that much of the criminal legal effort is devoted to processing the very people least likely to be deterred by legal sanctions. On the one hand, he observed that the use of lengthy prison sentences against drug addicts and capital punishment against murderers are instances where sanctions have little deterrent effect. On the other hand, there

is a reluctance to impose severe sentences against white-collar and professional criminals, the very offenders who are deterred by sanctions. Chambliss argued that such a policy went directly against the formal logic of deterrence, but fits perfectly with the bureaucratic logic of demonstrating 'effectiveness' by harsh treatment of the powerless while avoiding the organisational tensions that would follow from confronting the powerful. By the mid-1970s – at a time when a number of important social theorists were returning to the Marxist tradition that had virtually disappeared during the 1940s and 1950s in the USA – there was a significant shift in the position of Chambliss. This shift is reflected in his nine propositions. First, acts are defined as criminal because it is in the interests of the ruling class to define them as such. Second, members of the ruling class will be able to violate the laws with impunity while members of the

Critical Criminology

Critical criminology is a perspective where crime is defined in terms of the concept of oppression. Thus, some groups in society – the working class (in particular, the poorer sections), women (especially, those who are poor, sole parents and socially isolated) and ethnic minority groups (especially, those from non-English-speaking backgrounds and refugees) – are seen to be the most likely to suffer oppressive social relations based upon class division, sexism and racism.

Critical criminologists focus their attention on both the crimes of the powerful and those of the less powerful. Crime is viewed to be associated with broad processes of the political economy

that affect both groups but in quite different ways. For the powerful, there are pressures associated with the securing and maintenance of state and corporate interests in the context of global capitalism. In the case of the less powerful, criminal behavior is seen to be the outcome of the interaction between the marginalization or exclusion from access to mainstream institutions and that of criminalization by the state authorities with particular attention paid to the increasing racialization of crime, in which the media and police, in the 'war against crime' and public disorder, target certain invariably ethnic minority communities. In short, critical criminologists link offending behavior to a social context that is structurally determined by the general allocation of societal resources and by the specific nature of police intervention in the lives of its citizens.

The Origins of Critical Criminology

Radical criminologists' idealist view of the working class allowed them to appreciate and even condone deviant acts committed by members of this group. It was thus argued that offenders are engaged in activity which is meaningful to them and which so-happens to have been labeled as criminal by the dominant groups in society. Thus, Stan Cohen (1980: 1) argued that 'our society as presently structured, will continue to generate problems for some of its members – like working class adolescents – and then condemn whatever solution these groups find'.

The labeling and deviant subculture perspectives with their tradition of ethnographic observation were a considerable influence on this 'new idealism'. Actual day-to-day contact with so-called deviant adolescents convinced researchers that these young people were simply involved in activities regarded as legitimate by the perpetrators, but which had been prohibited by the state. In stigmatizing sections of young people, the legislature was responding to a moral panic fanned by sensational and exaggerated media reporting. Cohen (1973) had written about the stigmatization of mods and rockers and exaggerated newspaper and television reports of their behavior, the damage they caused and the holidaymakers they terrorized back in 1964.

- There was also a perceived need to keep the focus on the actions of those in power, not only in relation to those marginalized in society but more generally in the area of what has come to be known as white-collar crime or crimes of the powerful.

Crimes of the Powerful

Edwin Sutherland (1940) had been the first person to use the term ‘white collar crime’ when he launched an attack on the actions of the respectable in society – which had they been performed by the less powerful in a different context – would have been labeled as criminal. Sutherland basically observed a need to address the inequalities in the treatment of people who engaged in harmful behavior between those in power and those without power.

Swartz (1975: 115) has observed that because capitalism involves the maximization of corporate profits, ‘it’s normal functioning produces ... deaths and illnesses’ and the commission of business crime is linked to the values of capitalism and legitimate business goals. In the same vein, Mars (1982) observes that there is only a fine line between ‘entrepreneurialism and flair’ and ‘sharp practice and fraud’. Indeed, many such activities are not greeted with widespread disapproval, for example, an electrician who overcharges for services is often not perceived as a thief but an entrepreneur, and in this way such behavior is excused and distinguished from the activities of ‘real’ criminals. Corporations can practice a policy of law evasion and this may include the setting up of factories in countries that do not have pollution controls or stringent safety legislation or the selling of goods that haven been banned by the developed nations to markets in the developing world (Braithwaite, 1984). An example of this involved the Dalkon Shield intrauterine (contraceptive) device that was sold overseas for a considerable period when it had been declared unsafe in the USA (Hagan, 1994). In other words, multinationals dump some of their products, plants and practices, illegal in industrialized countries, onto undeveloped or underdeveloped countries (Box, 1987).

Such practices occur because:

- the recipient nations are dependent on the capital investment of multinationals,
- they have fewer resources to check the claims of manufacturers, and
- Their government officials are more susceptible to bribery and corruption.

Corporations therefore export their illegal behavior to where it is legal or at least where laws are not so rigorously enforced. In addition, multinational corporations often have sufficient economic resources and political influence to instigate or curtail legislation or at least its enforcement.

Box (1983) observes a need to penetrate the process of mystification that perpetuates the myth that corporate crime is both not serious and harmless and which protects the powerful segments of society who benefit from such crime. He himself provides a readable account of the ability of corporate crime to kill, injure and rob while arguing forcefully that the competitive environment in which businesses operate actively encourages employees to break the law.

In short, critical criminologists argue that working-class crime is insignificant when compared to the ‘crimes of the powerful’ that largely go unpunished. Price-fixing, tax evasion, white-collar crime, environmental pollution, deaths at work and other offences, they contend, cost society far more than, for example, youth offending, a regular source of societal condemnation and moral panic. Moreover, the powerful perpetrators of these offences stand to gain far more material advantage from their wrongdoings while fewer resources are used to combat white-collar crime and some questionable activities are not even criminalized, but are instead portrayed as examples of wealth-creation and enterprise. In addition, offenders in this category can hire accountants and lawyers to protect them and have powerful friends to lobby on their behalf.

Crimes of the Less Powerful

Critical criminologists recognized that – although the general level of affluence as measured by gross domestic product per head, public spending and welfare benefits had increased – relative deprivation still existed among a substantial minority of society, who were well below ‘the average’ and accepted standard of living of the majority. Now the definition of relative deprivation changes over time and between societies. Absolute poverty was admittedly being eliminated, but relative poverty continued to exist as the rich claimed a seemingly unfair slice of the larger cake. Thus, according to critical criminologists, attempts by the less powerful to claim their just rewards, or to protest about their lot, were simply criminalized. Reiman (1979) claimed that ‘the rich get richer and the poor get prison’.

Critical criminologists explain crime among the less powerful in society by reference to an interaction between *marginalization*, or the exclusion from access to mainstream institutions, and *criminalization*, which occurs with the intervention of the state authorities. The latter involves a process in which the law, agencies of social control and the media come to associate crime with particular groups who are subsequently identified, sought out and targeted as a threat. Scraton

and Chadwick (1996) argue that this process is used to divert attention from economic and social conditions, particularly at times of acute economic change that could provide the impetus for serious political unrest.

Moreover, overtly political protests are criminalized and political terrorists termed ‘common criminals’ in order to neutralize the political nature of their actions. Hillyard (1987) observes that this criminalization process helps to engender public support for anti-terrorist measures, as it is easier to mobilize state intervention against criminal acts than for the repression of what might be seen as a just political cause.

Criminalization can therefore be used to justify harsher social control measures that are often taken against economically and politically marginalized groups who have few means of resisting these initiatives. Major economic changes occurred during the last quarter of the twentieth century in most advanced industrial societies and in particular in the UK that were to impoverish many in the lower, and less powerful social classes, while critical criminologists observe that it is this group that has always been seen, since at least the beginning of the modern era, as the ‘dangerous classes’. It is through the criminalization of their activities that their situation can be attributed to their own weaknesses, thus justifying harsher control measures.

Crime, according to some critical criminologists, is, therefore, a reassuring sign that the perpetual struggle against inequality continues and this is an idea with its origins in the writings of Durkheim (1964: 72) who claimed that crime could be ‘functional’ for the needs of society.

Durkheim’s concept of the functionality of crime has survived in ‘conflict theories’ that depict crime as symptomatic of an ongoing struggle between powerful groups and the weak. This conflict essentially needs to take place so that social control does not become an unchecked oppression of citizens by the state.

Critical criminology or ‘left idealism’

For critical criminologists – such as Scraton and Chadwick (1996) – the growing disparities between rich and poor, and the expansion in the sheer number of the latter constitute a legitimation crisis for the capitalist system as a whole. *Actual* deprivation is again seen as the cause of working-class crime with the perceived state response involving a substantial move

toward 'law-and-order' politics, which has exacerbated the process of identifying and punishing members of particular groups within the working class and ethnic minorities.

Critical criminologists propose that a legitimate response to crime must be built upon a strategy of social empowerment. This means involving people directly in decisions about their future through direct participatory democracy but also crucially requires a redistribution of economic resources to communities on the basis of social need and equity.

To counter crimes committed by the powerful, there must be open and public accountability of all state officials and as part of wealth redistribution, there has to be a transfer of wealth from private hands to public ownership under community control. As a general crime prevention measure, and to reduce the prevalence of certain crimes, there needs to be anti-racist and anti-sexist campaigns, including the re-education and retraining of agents of the state such as the police. Strong emphasis is given to extending and protecting basic human rights and institutionalizing these by means of watchdog agencies and developmental policies.

Critical criminologists argue that the true function of the criminal justice system is not to solve crime but to unite the people against a rump in their midst – defined as deviant – and hence in this way maintain the legitimacy of the existind, is not to reform criminals but rather to stigmatize them and cause them to be seen as the enemy in our midst (Foucault, 1980). Likewise, it is not the real function of the police to prevent crime and apprehend criminals but rather to maintain the social order, being used to control industrial disputes, political demonstrations or any other activities that may threaten the community. They are also used to widen the net of social control so that the state – in the form of the criminal justice system – brings under surveillance and control more of those individuals and groups that can be considered potentially deviant (Cohen, 1985). In order to achieve this overall intention, the authorities, in particular the police will require the necessary powers and be relatively free of control by local and central governments (Scraton, 1985).

Many would consider this view of social order, the law and the criminal justice system to be too simplistic and a denial of the reality that most people experience and, moreover, the individual nature of criminality cannot simply be regarded as a construction of the state. Critical criminologists have nevertheless posed a number of important questions and have attempted to

critically interrogate dominant and orthodox perceptions of crime and criminal behavior arguing that crime should not be perceived as a problem of individual offenders in society but as a process related to the wider economic and social structures of power.

Critical Criminology and the Challenge of Zemiology

A significant contemporary variant of critical criminology has been zemiology or the study of social harm. The intention from this perspective is to significantly extend the legitimate parameters of criminological study away from a limited focus on those injurious acts defined as such by the criminal law, for example, theft, burglary, criminal damage, and to establish that a vast range of *harms*, for example, sexism, racism, imperialism and economic exploitation, could and should be included as the focal concern of criminological investigation and these contemporary critical criminologists observe that their former colleagues and now left realists remain trapped within a legal definition of 'crime'. It is the intention of these new zemiologists to look beyond 'crime' to discover where the most dangerous threats and risks to our person and property lie, for example, poverty, malnutrition, pollution, medical negligence, breaches of workplace health and safety laws, corporate corruption, state violence, genocide and human rights violations all have more widespread and damaging consequences than most of the behaviors and incidents that currently make up the 'problem of crime' (Muncie, 2000).

By the 1990s recognition of these social harms was beginning to be identified as a legitimate focus of criminological inquiry and the issue of human rights denial was entered on the agenda, not simply through extending definitions of what actually constitutes crime but through recognition of the legal transgressions routinely employed by those wielding political and economic power and their ability to deny or conceal the harms they unleash under the protection of the law (Cohen, 1993). Gender based violence, hate crimes, racial violence, state crime (in the form of illegal arms dealings, genocide and torture), transportation of live animals, and negligence of tobacco and food companies in knowingly marketing unsafe and life threatening substances have been described within a crime discourse.

For zemiologists, a conception of crime without a corresponding conception of power is meaningless. The power to cause certain harmful acts to become visible and define them as

‘crime’, while maintaining the invisibility of others – or defining them as beyond criminal sanction – lies at the heart of the problem of working within notions of ‘the problem of crime’.

Muncie (2000) observes that the first stage in what he terms ‘decriminalizing criminology’ is to recognize that a great number of damaging events are far more serious than those that make up the ‘crime problem’. Moreover, many of these incidents – such as petty theft, shoplifting, recreational drug use, vandalism, brawls, antisocial behavior – would not seem to score particularly high on a scale of serious harm. It is nevertheless these ‘minor’ events that take up much of the time and preoccupation of law enforcement agencies and the criminal justice system. Conversely, the risk of suffering many of those crimes defined by the state as ‘serious’ would seem negligible compared to such everyday risks as workplace injury and avoidable disease.

Critical criminologists argue that the redefining of crime as harm opens up the possibility of dealing with pain, suffering and injury as conflicts and troubles deserving negotiation, mediation and arbitration rather than as criminal events deserving guilt, punishment and exclusion.

Zemiologists propose that the concept of harm enables injury to be addressed by a wide variety of social responses and without necessarily the involvement of the criminal justice system. Thus, the concept of *redress* has an extensive set of formal definitions and meanings from ‘to put right, repair, rectify something suffered or complained of’ to ‘correct, amend, reform or do away with a bad or faulty state of things’ (De Haan, 1990: 158). It provides an opportunity for dealing with social problems or conflicts – such as crime – through neighborhood rather than criminal courts and the pursuit of compensation or reconciliation, rather than retaliation or blame allocation.

In short, the zemiological aim is to integrate, rather than exclude; to reduce, or if possible, abolish deliberately inflicted pain; to seek restoration rather than retribution (Cohen, 1994).

Feminist Criminology

Criminology has traditionally been one of the most androcentric (male-centered) fields of study in the social sciences. The majority of the research and theory have been based on the study of male criminality and criminal justice system responses to male offenders. Women, when considered at all, have been represented in negative and stereotypical ways, with a focus on their

failure to adhere to “traditional” models of appropriate female behavior, as in W. I. Thomas’s (1923) paternalistic view of women. Furthermore, in its quest to be recognized as a scholarly field, criminology has focused on objective empirical research, using official records and large national surveys. The result has been a failure to consider important differences in male and female pathways into crime, types of crime, victimization, and punishments. Feminist criminology seeks to address this limitation by enhancing our understanding of both male and female offending as well as criminal justice system responses to their crimes.

Feminist criminologists seek to place gender at the center of the discourse, bringing women’s ways of understanding the world into the scholarship on crime, criminality, and responses to crime. In the following sections, the focus will be on the emergence of feminist criminology; the range of perspectives and methods used in feminist criminological research; and the maturing of feminist criminology, both in scholarship and in visibility.

The Scope of Feminist Criminology

It is readily apparent that males do indeed commit far more offenses, especially those deemed important to criminology, than females do. This focus has been in part due to the relationship of criminology with legislative and corrections systems. The field developed in part to help improve understanding of why people commit crimes so that policies could be enacted to those crimes. Not only do women commit fewer crimes, but also they commit crimes that are of less interest to those concerned about public safety. Thus, women were largely ignored until the 1970s. Additionally, the Weberian value-free approach to the study of criminology has failed to recognize that the experiences of the researchers themselves shape and formulate their own approaches to their research. This has resulted in an unreflective supposition that data and theories about boys and men would be generalizable to girls and women.

Researchers and theorists have assumed that the study of male crime was the generic study of crime and that women who engaged in crime were more of an aberration than a subject to be studied in and of itself. Ultimately, the feminist approach to criminology emerged from the critique of this practice. It has been only in the last 30 years that feminist criminology has developed into a recognized perspective in criminology. However, the term *feminist criminology* is somewhat misleading; it might perhaps be better to speak of *feminist criminologies*. Feminist

criminology encompasses a wide range of theoretical perspectives and methodologies that place the ways in which gender shapes experience at the center of scholarly inquiry. It focuses on a broad range of issues related to women and crime, including theoretical explanations of crime, responses to female offending, programming in women's prisons, women as workers in the field of corrections, and the special needs of women prisoners. Feminist thought is not a homogeneous approach; it incorporates the liberal feminist focus on equal opportunities for women, the Marxist feminist focus on class relations and capitalism as the source of women's oppression, socialist feminists' blending of male domination with political and economic structures in society as the source of inequality, and the radical feminist focus on patriarchal domination of women, to name the most well-known branches. However, these feminist approaches have in common their focus on the ways in which the gendered structure of society is related to crime.

Emergence of Feminist Criminology

Until the latter half of the 20th century, most criminological work focused on male offenders and criminal justice system responses to male crime. The lack of attention to female offending stemmed from the fact that most crime was committed by males. However, by the last two decades of the 20th century, female incarceration rates were rising steeply, leading to a surge in research on girls, women, crime, and the criminal justice system.

Many scholars point to the *“war on drugs” and the federal sentencing reforms of the 1980s* as the primary explanations of the large increase in female prisoners as well as of the emergence of feminist criminological scholarship. Clearly, the war on drugs and federal reforms are the driving forces behind the tremendous increase in the incarceration of women. However, the roots of feminist criminology predate these changes. They are instead found in second-wave feminism as well as in the radical criminology of the 1960s and the 1970s.

The Gender Equality Argument

In the 1960s, scholars began to argue that women were ignored in criminological theorizing and research. The role of gender had been largely ignored, other than noting that males committed

more crime. Thus, theories had been developed that could explain the gender gap in crime but that were sorely lacking in being able to equally well explain female crime.

The second-wave feminism of the mid-20th century led to a renewed interest in female offenders. Two important books were published in the early 1970s, derived from second-wave liberal feminism's focus on gender equality: (1) Adler's (1975) *Sisters in Crime* and (2) Simon's (1975) *Women and Crime*. Although they focused on different aspects of the issue and reached somewhat different conclusions, both argued that the mid-20th-century *women's movement* changed both female participation in crime and *perceptions of* female participation in crime. Indeed, the central thesis of these two works was that women would engage in more crime as a result of women's liberation. Also, with the focus on equal treatment, the criminal justice response to female offending would become harsher and less "chivalrous."

Both books were important in bringing more attention to female crime and the criminal justice system's response to female crime, but the focus on increased criminal opportunities for women coming out of the push for equality has been critiqued by feminist criminologists. Among the criticisms, two broad themes emerged.

- First, scholars questioned whether lower-class female offenders were acting out of a desire to achieve equality with male offenders or whether increases in female crime might be due to the "feminization of poverty," because the composition of families in poverty became increasingly dominated by female-headed households. In addition, these scholars pointed out that lower income female offender tended to have more traditional and stereotypical views of women's roles, calling into question the idea that these offenders were trying to compete with men in the realm of crime.
- Second, careful analysis of data failed to support the contention that the gap between male and female offending was narrowing. The focus of feminist criminological thought began shifting to the ways in which social and economic structures shaped women's lives as well as their participation in crime.

The Influence of Critical Criminology

The second major factor in the rise of feminist criminology during the 1970s was the emergence of the "new criminologies," or the radical, conflict approaches to the study of crime. With

intellectual roots grounded in conflict and Marxist theory, these perspectives viewed crime as the result of oppression, especially gender, race, and class oppression. Both radical criminology and feminist criminology emerged during the highly political, socially conscious 1960s and 1970s. This was an era of rapid social change and political unrest. Existing ideologies and power structures were challenged, and social movements emerged, including the anti-war movement, the civil rights movement, and the women's liberation movement.

However, feminist criminologists quickly became somewhat disappointed with what was perceived as the overly idealistic and still male-centered approach of critical/radical criminology. The "new criminology" view of the offender as a noble warrior engaged in a struggle with a powerful state (Young, 1979) also angered radical feminists working to end intimate violence and rape. Feminist criminology began instead focusing on the ways in which a patriarchal society enabled the abuse of women. Radical feminism, with its focus on the consequences of patriarchy, contributed to the burgeoning body of feminist criminological scholarship.

Radical Feminism and Feminist Criminology

During the early 1970s, radical feminist scholars and activists labored to reform the public response to crimes such as rape and intimate violence. Prior to the revision of policies and laws, rape victims were often blamed for their victimization. Two seminal works during the mid-1970s brought the victimization of women by men into the forefront of feminist criminology and were extremely influential in the development of feminist criminological thought. Susan Brownmiller's (1975) *Against Our Will* was a searing analysis of the role of male dominance in the crime of rape. Similarly, Carol Smart (1976) critiqued mainstream criminological theories, not only for their failure to look at crime through a gendered lens but also for their assumption that victimization was a similar experience for all victims. Smart argued that mainstream theories failed to recognize how the patriarchal structure of society contributed to and shaped the victimization of women.

The contribution of radical feminism to the development of feminist criminology is important for two reasons. *First*, in collaboration with community activists, radical feminist scholars were able to effect social change. Violence against women became a matter of public concern. Shelters for battered women began emerging throughout the country, and rape laws were reformulated to

protect the victims from undue scrutiny. Until the mid-1970s, victims of rape were essentially placed on trial themselves. Proof of rape required evidence that the victim had resisted as well as corroborating evidence. Also, the victim's past sexual conduct could be introduced as evidence by the defense. The feminist approach to rape incorporated the perspective of the victim, and ultimately rape shield laws were enacted that barred introduction of the victim's past sexual behavior into evidence. **Second**, the feminist scholarship on rape and intimate violence impacted mainstream criminology. This has led to a revised understanding of the complexities of victimization. Statistics support the feminist position that women's victimization is intrinsically and fundamentally different than that of men. For example, women are far more likely to be victimized by someone close to them. From the radical feminist perspective, this is because social institutions and norms facilitate the victimization of women.

Mainstream Theories and Feminist Criminology

A major thrust of feminist criminology has been the critique of the development of mainstream theories based on research with boys and men. The "add women and stir" approach of mainstream criminology has meant that gender, if considered at all, has frequently been used only as a control variable. Although this has provided confirmation that males are indeed more criminal than females, virtually no information about female criminality can be gathered through this type of research. There are two unspoken assumptions inherent in this approach with which feminist criminologists take issue. **First** is the tacit assumption that, because males are far more likely than females to engage in criminal behavior, females are somehow unimportant to the field. **Second**, mainstream criminology assumes that males and females are similar and that what works to explain male criminality will work equally well to explain female criminality.

In particular, theories like Merton's (1938) *strain theory* have been criticized by feminist criminologists for their focus on economic goals and their failure to consider how personal relationships may contribute to criminality. Merton argued that crime was largely the result of having the American dream as a goal but lacking opportunities to achieve this goal in a legitimate manner. Feminist criminologists argued that Merton's theory was obviously not equally applicable to women. They pointed out that, although women were certainly more financially blocked than men, they committed far less crime.

Likewise, social learning and differential association theories, with their focus on peer attitudes and behaviors, have been criticized for the failure to take into account the gendered nature of peer relationships. Whereas male delinquency is strongly linked to having peers with delinquent behaviors and attitudes, this is far less true for females. Actually, females who are intimately involved with older delinquent males may be introduced to crime and delinquency by these intimate partners rather than by their peers. Although this is certainly not an exhaustive list of mainstream theories critiqued by feminist criminologists, it does give an idea of the male-dominated approach taken by purportedly gender-neutral theories.

However, other feminist criminologists have argued that mainstream theories may still be used if they are restructured and operationalized in a manner that is more sensitive to the predictors of crime in both men and women. In particular, Agnew's (1992) *general strain theory* attempts to be gender sensitive. By incorporating a broader range of sources of strain in the theory, he has attempted to address the concerns voiced by feminists. In his theory, he has explicitly focused on relationship strains as well as on negative life experiences, both of which are important predictors of female delinquency. Also, he has pointed out that men and women tend to have different emotional reactions to strain, possess different coping skills and resources, and commit different types of offenses.

A feminist operationalization of general strain theory could explicitly examine the role of abuse histories in predicting female crime. Agnew has argued that it is not strain per se but rather negative emotional responses to strain that lead to crime. Again, a thoughtful and gendered analysis would focus on how emotional responses and coping resources are gendered and how this would help explicate the different relationships between life experiences of males and females and their subsequent participation in crime. Indeed, general strain theory lends itself more to a gendered analysis than most, if not all, of the mainstream criminological theories.

Likewise, life course theories may offer an opportunity for a gendered exploration of women's criminality. These theories not only look at factors important in the initiation of criminal behavior but also examine occurrences that may change the pathways from criminal to noncriminal, or vice versa. In a broad sense, life course theories suggest that it is the salience of an event or reason that determines the likelihood that someone engaging in criminal behavior will cease. In the case of men, this may be marriage or career. However, for women, it may be

important to examine other reasons. In particular, the birth of a child may provide sufficient motivation for a woman engaging in criminal behaviors to change her trajectory to a noncriminal one. Overall, the gendered use of mainstream theories is not particularly well received by feminist criminologists.

Many argue that these theories fail to explore in detail the ways in which the experiences of girls and women shape their lives. In contrast, feminist pathways theory focuses explicitly on the relationship between life experiences and future criminality, arguing that one must consider the role of patriarchal society if one truly wishes to understand female crime and criminality.

Feminist Pathways Theory

Perhaps the greatest breakthrough in feminist criminological theory and research has come by means of the feminist pathways model. In the effort to demonstrate how female crime is inextricably linked to the life experiences of women and girls, this theory focuses on the ways in which women's place in society leads them into criminal lifestyles.

In numerous articles and books, Meda Chesney-Lind has laid out how childhood abuse and a patriarchal juvenile justice system shape the opportunities of girls, ultimately forcing them into criminal lifestyles. She argues that, unlike boys, girls' initial encounters with the juvenile justice system are largely the result of status offenses, such as running away or engaging in sexual activity. The patriarchal double standard means that girls engaging in these behaviors are seen as immoral and in need of "correction." Girls and women have historically faced institutionalization for engaging in behaviors that were at the most mildly frowned on in males. Indeed, girls suspected of sexual "misconduct" have often been treated more harshly than either boys or girls engaging in criminal activity. It is this patriarchal, paternalistic approach to the social control of the behavior of females that pushes them into contact with the juvenile justice system. Furthermore, there has been a failure to recognize that early sexual behaviors, as well as running away from home, are frequently the result of abuse within the home. Instead of intervening in the lives of abused girls, society has reacted with a double standard that labels these girls as incorrigible and/or immoral. By punishing these girls for behaviors that may actually be self-preserving (e.g., running away from abusive or neglectful homes), society may be further limiting their life chances by identifying them as delinquents. This perspective also examines the

relationship between abuse and substance abuse, the number one offense leading to women's imprisonment.

Substance abuse is seen as a coping mechanism. Girls and women often use alcohol and drugs to self-medicate their trauma that has resulted from abuse they have experienced. This is an important point, because the majority of incarcerated girls and women have substance abuse problems. Likewise, the majority of these "offenders" have histories of physical, sexual, or emotional abuse. Feminist pathways theory seeks to illuminate the connections between the abuse and exploitation of young females and their subsequent offending. It is arguably the dominant approach in contemporary feminist criminology.

Socialist Feminist Criminology

It would be remiss in any treatise on feminist criminology to exclude a discussion of how feminist criminology has led to examination of masculinity and crime. Feminist criminological scholarship has led to efforts to incorporate a clearer understanding of the experiences of both males and females. Messerschmidt (1986) focused on the ways in which patriarchal capitalism structures the experiences of both males and females. He laid out a theory that seeks to explain both male and female crimes of various types and argued that one cannot ignore either economic structures or gender relationships in any true explanation of crime. His theory suggests that marginalized lower class and minority males engage in street crimes because of their blocked opportunities and their roles as males in a patriarchal capitalistic society. In contrast, the structure of gender relations in society tends to relegate women's crime to low-level larceny and fraud.

In keeping with the feminist focus on crimes against women, Messerschmidt (1986) also explored the sexual exploitation of women in the sex trade in third world countries, showing how both patriarchy and capitalism place these women in desperate situations where they submit to exploitation in order to survive. In addition, he drew links between economic inequality and male-dominated family patterns in his discussion of male violence against women. Finally, he provided a masterful blending of theories about male privilege as well as theories about capitalism in his examination of higher level white-collar and corporate crimes, which are committed primarily by males. His work is extremely important to the development of feminist

criminology because he directly addresses the feminist criticism that most criminology ignores how gender relations structure crime. His theory illustrates that the feminist approach is cognizant of both men's and women's experiences, seeking to illuminate how gender is intrinsically related to crime.

Feminist Criminology and Multiple Marginalities

As in many of the social sciences, early feminist criminological scholarship has been criticized for its assumption that the experiences of all women are similar. This has led to scholarship that acknowledges the intertwined effects of gender, race, class, and sexual identity. In many ways, the critical race critique of feminist criminology has been similar to the feminist critique of mainstream criminology. The charge is that feminist criminologists have in many ways essentialized the experiences of women, assuming that all women are alike. Proponents of intersectionality and multiple marginality argue that race, class, and gender are each impacted by the social structure and in turn impact individuals. Furthermore, these impacts interact. It is not simply being female, being African American, being lesbian, or being poor that matters; neither are the effects cumulative. Instead, there is an interaction that evolves from the intersection of statuses. One's actions and opportunities are structured by one's placement along each of these dimensions. Thus, the experiences of, for example, Hispanic women are different from those of Hispanic men as well as white or African American women (Burgess-Proctor, 2006).

Feminist Criminology From a Global Perspective

Feminist criminology has arguably had more impact outside of the United States than within. This is because of the focus on violence against women that is a hallmark of feminist criminology as well as a recognized problem internationally. Research has focused on the abuse of women in Muslim countries and in India, female circumcision/genital mutilation, and female infanticide, to name a few topics. Because international attention has been drawn to the plight of women and girls in various parts of the world, research that takes a feminist slant on women's victimization has been welcomed (Maidment, 2006). At the international level, considerable attention has been paid to the exploitation of women and girls in the global sex industry. In addition, feminist criminologists study the ways in which laws and criminal justice policies around the world may victimize women, sanctioning them for violating traditional gender norms,

in particular in regard to sexuality. For example, in some Muslim countries, women who are raped may be viewed and treated as offenders instead of as victims because they have violated the expectations regarding women's sexuality.

Some feminist criminologists have recently argued that there has been a global backlash against feminist attempts to improve the situations of girls and women, not only in third world countries but also in the industrialized West. A 2008 issue of *Feminist Criminology* was devoted to articles on how crime and victimization initiatives by feminists have led to a countermovement.

Crime and the postmodern condition

Postmodernism can appear to be an extremely negative and nihilistic vision for if there is no such thing as the 'truth of the human condition' it is difficult to formulate an argument in support of basic human rights, or to locate legitimate foundations for law, if the human experience is seen to be reflexive and relative. The relativism implied by postmodernism thus denies the possibility of truth, and hence of justice, in anything other than a purely subjective form, which inevitably consigns us to the prospect of conflict.

Politically, postmodernism can carry us right the way across the traditional political spectrum from the libertarian right-wing assumption of a war of all against all, resonant of the work of Thomas Hobbes, to a libertarianism of the left, or even anarchism, which celebrates and tolerates all human diversity and activity.

Postmodernism therefore appears contemptuous of the possibility of developing an objective normative (moral) order which human beings can translate into enforceable norms or laws. Thus, while intellectually challenging and providing a possible explanation for the nature of social change in contemporary western societies, postmodernism has appeared extremely problematic for developing a plausible criminological strategy and this will become increasingly apparent throughout this fifth part of the book.

It is by regarding postmodernism in two distinct ways that it is possible we can accept some of its power to explain the enormous diversity in contemporary society without accepting some of the baggage of philosophical relativism. Pauline-Marie Rosenau (1992: 15) offers this option identifying what she terms *sceptical* and *affirmative* postmodernism:

The sceptical postmodernism (or merely sceptic), offering a pessimistic, negative, gloomy assessment, argues that the postmodern age is one of fragmentation, disintegration, malaise, meaninglessness, a vagueness, or even absence of moral parameters and societal chaos ... This is the dark side of postmodernism, the postmodernism of despair, the postmodernism that speaks of the immediacy of death, the demise of the subject, the end of the author, the impossibility of truth. They argue that the destructive nature of modernity makes the postmodern age one of 'radical, unsuppressible uncertainty' ... characterised by all that is grim, cruel, alienating, hopeless, tired and ambiguous. In this period no social or political project is worthy of commitment. If, as the sceptics claim, there is no truth, then all that is left is play, the play of words and meaning.

Acknowledging that there is no clear-cut divide between the approaches, Rosenau (1992: 15–16) identifies an alternative and altogether more positive tendency in the postmodern movement: Although the affirmative postmodernists ... agree with the sceptical postmodern critique of modernity, they have a more hopeful, optimistic view of the postmodern age. More indigenous to Anglo-North American culture than to the [European] Continent, the generally optimistic affirmatives are oriented towards process. They are either open to positive political action (struggle and resistance) or content with the recognition of visionary, celebratory, personal, non-dogmatic projects that range from New Age religion to New Wave lifestyles and include a whole spectrum of postmodern social movements. Most affirmatives seek a philosophical and intellectual practice that is non-dogmatic, tentative and non-ideological. These postmodernists do not, however, shy away from affirming an ethic, making normative choices, and striving to build issue-specific political coalitions. Many affirmatives argue that certain value choices are superior to others, a line of reasoning that would incur the disapproval of the sceptical postmodernists.

The essential problem for the development of legislation and explanations of crime and criminal behavior in the postmodern condition remains the difficulty of making any objective claims for truth, goodness and morality. This is less the case for the affirmatives than for the sceptics. On the issue of the foundations of knowledge (epistemology), Rosenau (1992: 137) notes:

Postmodern social science ... announces the end of all paradigms. Only an absence of knowledge claims, an affirmation of multiple realities, and an acceptance of divergent interpretations remain. We can convince those who agree with us, but we have no basis for

convincing those who dissent and no criteria to employ in arguing for the superiority of any particular view. Those who disagree with us can always argue that different interpretations must be accepted and that in a postmodern world one interpretation is as good as another. Postmodernists have no interest in convincing others that their view is best – the most just, appropriate, or true. In the end the problem with most postmodern social science is that you can say anything you want, but so can everyone else. Some of what is said will be interesting and fascinating, but some will also be ridiculous and absurd. Postmodernism provides no means to distinguish between the two.

There are clearly some fundamental logical intellectual difficulties posed for those seeking to research and explain criminal behavior. First, there is little available empirical evidence to support the assumption that we have already reached a post ideological climate. To argue that we can achieve the position that no intellectual tradition can be considered to have privileged authority over another is seriously problematic as the only too obvious reality is that particular traditions are usually seen to be more authoritative. We should moreover note at this juncture that many influential social scientists and theorists deny the notion of postmodern society – which for such a social formation to exist would require some substantive rupture with the modernist social formation – and thus emphasizing the continuities and following the influential social theorist Anthony Giddens (1990, 1991) use the term late modernity. The term postmodern *condition* is thus used in this book, although we might note that the equally distinguished social theorist Norbert Elias (1978, 1982) had previously observed that we live in a period of late barbarism.

Second, whilst postmodernism may advocate giving a voice to the oppressed and less powerful – and may celebrate diversity – it could be argued that in practice power relations and political decisions are fundamentally important and may restrict this ideal. Indeed, it could be argued that recent criminal justice policy – both in the UK and the USA and beyond – and the politics that have informed it have tended to encourage less tolerance of difference rather than more. We will now consider how constitutive criminology has sought to explain crime and criminal behavior in the context of the postmodern condition and their proposed solutions.

Constitutive criminology and postmodernity

Mark Cowling (2006) observes while many criminologists have used aspects of postmodernism as a critique – or as a source of inspiration – the only well-developed attempt to rethink the central issues and themes of criminology in terms of postmodern theories is the constitutive criminology originally developed by Stuart Henry and Dragan Milovanovic (1996, 1999, 2000, 2001).

In a critical review of their perspective he observes that they actually produce a fairly orthodox account of postmodernism where there are no privileged knowledges and everyone or anyone is an expert, with a celebration of diversity, plurality and the subjugated. We should nevertheless note that the authors themselves actually deny they are postmodernists and that they and their subsequent followers depend on aspects of modernism in order to identify the marginalized and oppressed. The two main theoretical foundations of constitutive criminology can be identified as being an interpretation of the post-Freudian Jacques Lacan and chaos theory which in its original manifestation describes the behavior of certain dynamic systems.

Jacques Lacan and constitutive criminology

The ideas of Lacan center on Freudian concepts such as the unconscious, the castration complex and the ego with the focus being on the centrality of language to subjectivity. Lacan has been extremely influential in critical theory, literary studies and twentieth-century French philosophy but it is his interpretation of clinical psychoanalysis that has been influential with constitutive criminologists.

Lacan understands psychoanalysis as a process in which there are four major discourses: (i) the discourse of the master, (ii) the University, (iii) the hysteric; and (iv) the analyst. It is invariably the role of the discourse of the analyst to help develop the discourse of the hysteric in order to assist her through a collaborative process in articulating her desire and in the criminological context this can be a prisoner, an oppressed community or group who are being helped by an expert activist. Williams and Arrigo (2004) cite the example of young offenders involved in restorative justice.

Constitutive criminologists argue that people who are being repressed by the criminal justice system are extremely likely to be suffering oppression and would thus benefit from assistance in articulating their needs while, at the same time, they might well have desires which are not

socially acceptable in their current form and which can get them into trouble with the law. This notion is clearly problematic because of the difficulty of reconciling individual needs with those of the group. Henry and Milovanovic (2001: 168) acknowledge this conundrum to some extent and note that ‘satisfying positions of desire can occur at another’s expense’.

Constitutive criminologists have a strong commitment to social justice rather than merely criminal justice and thus Henry and Milovanovic (1996: 64) aim for a ‘constitutive theorizing [which] is a contingently and provisionally based humanistic vision of what could be a radical super-liberalism’ and where justice is held to be specific to particular sites and which cannot be linked to a desire for consensus or universally posited agreement. Tracy Young (1999) adopts a similar approach and observes that modernist criminal justice systems are concerned with the rationality, uniformity and consistency of treatment before the law, whereas the postmodern equivalent is grounded in chaos theory which allows room for creativity. Variation and creativity are thus seen to be desirable and some of this is linked to the idea that different local justice systems can coexist with each other. Young (1997) uses the examples of a Native American system – or one within a professional body – which she observes can coexist within the wider state justice system.

Chaos theory and constitutive criminology

Henry and Milovanovic (1996) observe that chaos theory is a central component in much postmodernist analysis and it is therefore worth exploring this notion a little further. Chaos theory began as a field of physics and mathematics dealing with the structures of turbulence and self-similar forms of fractal geometry. As it is popularly understood, chaos deals with unpredictable complex systems and the theory originates, in part, from the work of Edward Lorenz, a meteorologist, who simulated weather patterns on a computer. Working with a computer which had limited memory and after viewing a particular pattern, he wanted to recover the data and started the program again, except he put in the values rounded off to three places instead of the original six. He was astonished to find a completely different result on his computer than previously which looked like this when it was printed out:

This has become known as the ‘butterfly effect’ and is often used to refer to complexity and unpredictability and in chaos theory refers to the discovery that in a chaotic system such as the

global weather, tiny perturbations (or slight disturbances of a system by a secondary influence within the system) may sometimes lead to major changes in the overall system. It is theoretically possible that a slight rise in temperature in the ocean off the coast of Peru will create tiny changes in the airflow that would eventually lead to different weather in North America and Europe. In most cases the slight change would make no difference whatsoever, but when the system is unpredictable at a certain stage, the future may unfold quite differently, depending upon what little difference occurred. Chaos theory has been subsequently applied to the study of management and organizations – including those within the criminal justice system – and where the constituents of a system are observed to be complex and unpredictable. Some observe parallels between chaos theory and postmodernism even to the extent of proposing that the former is postmodern science (Hayles, 1990, 1991; Brennan, 1995; Bloland, 1995; Markus, 2000) but there is also significant opposition to that notion.

The application of the mathematics of chaos theory to society is inherently problematic (Cowling, 2006). Chaos theory tends to be seen as applicable to physical phenomena governed by deterministic laws which are predictable in principle but which are in reality unpredictable in practice because they are so sensitive to initial conditions. This is famously expressed in the idea that a butterfly flapping its wings in Brazil might cause a hurricane in Florida three weeks from that date and this is why, although it is possible to predict roughly the sort of weather which can be expected in a particular place in three weeks' time, it is not possible to produce an accurate weather forecast.

Human societies, in contrast, are complicated systems involving a vast number of variables, for which it is impossible – at least currently – to develop any legitimate equations and thus to speak of systems in terms of chaos takes us no further than the intuition already contained in popular wisdom (Sokal and Bricmont, 1999). Thus the sort of situation in society where a small cause can produce a large effect will also be a highly unpredictable situation and where it is not at all clear what will eventually emerge. Thus, for example, the assassination of Archduke Franz Ferdinand of Austria in Sarajevo in 1914 precipitated a complex chain of events that was to lead to World War 1 and a multitude of subsequent momentous linked events which have changed the history of the world. Few, if any, of these events could have been predicted at the time. Some of those involved in the constitutive criminology project thus use chaos theory simply as a

metaphor (Simons and Stroup, 1997; Arrigo 1997; Williams and Arrigo, 2004) but in the main the authors see themselves as *applying* chaos theory (Cowling, 2006).

Constitutive criminologists adopt three main concepts from chaos theory: (i) the notion of undecidability or uncertainty, (ii) the idea that one individual can make a significant difference, and (iii) the analysis of conditions being far from equilibrium. The first two outcomes thus flow from the idea that a very small initial difference can have a massive causal effect but the problem with this is that given the very many possible initial variables the very idea of undecidability means that social science becomes impossible. We simply cannot know what outcome we might expect from an initial set of variables.

The constitutive response to this conundrum however is to celebrate the unexpected, surprise, ironic, contradictory, and emergent (Milovanovic, 1997a) but this does seem to occur in a context where there is no background of regularity against which to contrast the unexpected.

Cowling (2006) observes that the idea that one individual can make a difference is found repeatedly in constitutive criminology and the best way of assessing the idea is to consider some ways in which it might be recognized in practice. The examples provided by the constitutive criminologists concern things such as a crossing guard who takes an interest in one particular young person, thus helping him avoid becoming delinquent when his circumstances would make this likely, or going on a demonstration, signing a petition, engaging in civil disobedience or voting (Milovanovic, 1997b).

A further use of chaos theory concerns situations where, following a great deal of replication, far from equilibrium conditions result, and the system itself may thus change dramatically. Young (1997) thus proposes that white-collar crime may be instigated by four or more unmanageable parameters. Thus, for example, a doctor might cope with a general drop in his or her income, the failure of investment portfolios and the reduction in rent payments from tenants if a major corporation was to move from the city, but any further losses such as patients defaulting on bills could well drive them to crime. We might call this the 'straw that broke the camel's back' argument.

A rather different use of chaos theory is the claim that truth values are 'fractal': thus, matters of right or wrong, good or bad, just or unjust are simply matters of degree (Arrigo, 1997). This

claim is nevertheless over-optimistic for the practical consequence of the unpredictability which follows from chaos theory is that standard moral judgements become impossible. Cowling (2006) observes that we commend acts of charity because they help people in need while we condemn random unpremeditated violence because it harms people who do not deserve to be harmed. The adoption of chaos theory simply undermines any confidence we might have in typical consequences and thus we have no legitimate basis for making moral judgements.

Henry and Milovanovic (1996) define crime as the power to deny others and they argue that the conventional crime control strategies, in the form of fast expanding criminal justice institutions – the police and prisons – or as political rhetoric rehearsed in the media, fuel the engine of crime. What they seek is the development of ‘replacement discourses’ that fuel positive social constructions with the intention not to ‘replace one truth with another’ but instead invoke ‘a multiplicity of resistances’ ‘to the ubiquity of power’ (Henry and Milovanovic, 1996: ix–xiii; Milovanovic, 1997b: 91). Constitutive criminologists are thus opposed to imprisonment which they consider to be merely incapacitation and an approach that presents a false separation between inside and outside and observe that the incarcerated actually commit more and worse crimes in their ‘new architectural spaces’. They object to expenditure on prisons which they propose is money that might be better spent on education and welfare provision. Prison expansion is, moreover, accompanied by an increased fear of crime with the outcome that incapacitation simply offers the fiction of a safer society but actually offers more freedom for the powerful to commit more crimes (Henry and Milovanovic, 1996: 194; Milovanovic, 1997b).

Constitutive criminologists are also opposed to the war on drugs and offer some support for mediation, conflict resolution, and reconciliation programmes and the idea of relating crime more to wider society (Henry and Milovanovic, 2001: 174–75).

Mark Cowling (2006) questions these notions and asks whether the imprisonment of serial killers and rapists simply makes things worse and queries whether it would be better for us all if the state did not interfere in domestic violence. He moreover asks whether it is an appropriate role for ‘progressive’ criminologists to be supporting ‘resistances’ by men who have been engaged in battering against the ‘ubiquitous’ power of the police and courts and propose that such expansive claims need to be revealed and argued rather than merely asserted.

We might observe that in many ways constitutive criminology has considerable similarities to the anarchist criminology to which we now turn although this is part of long-established tradition that clearly proceeds postmodernity.

Anarchist criminology

Anarchism is an orientation toward social life and social relations that is ultimately no orientation at all. In fact, anarchism might best be thought of as disorientation; that is, an approach which openly values fractured, uncertain, and unrealized understandings and practices as the emerging essence of social life. Unlike most modernist intellectual orientations, anarchism and anarchist criminology do not seek to incorporate reasoned or reasonable critiques of law and legal authority but, in contrast, argue that progressive social change requires the ‘unreasonable’ and the ‘unthinkable’. In other words, reason and ‘common sense’ notions of the legal and illegal are seen to keep us trapped within the present arrangements of authority and power, and it is thus in our interest to stop making sense, to imagine the unimaginable and think the unthinkable (Ferrell, 1998).

Anarchist criminologists launch aggressive and ‘unreasonable’ critiques against law and legal authority because they argue that these undermine human community and diversity. Anarchist criminology is thus different from the modernist critical criminological tradition because it is not a careful criticism of criminal justice, a ‘loyal opposition’ to the state and state law but stands instead as a disloyal and disrespectful attack (Mazor, 1978), a ‘counterpunch to the belly of authority’ (Ferrell, 1996: 197). Anarchist criminology furthermore aims its disrespectful gaze both high and low: it attacks the state structure and legal authority above us but also encourages those below and beyond this authority to find ways of resisting it and finding more egalitarian alternatives.

Anarchist critiques of law and legality are nothing new and have long established foundations in early anarchism itself with prominent writers and activists like William Godwin (1756–1836), Max Stirner (1806–56), Michael Bakunin (1814–76) and Peter Kropotkin (1842–1921) focusing some of their most significant assaults on state authority and legal control. Kropotkin (1975), for example, criticized the tendency of the law to crystallize that which should be modified and developed on a day-to-day basis and demanded the abolition of prisons and the law itself.

Bakunin also called for the destruction of the state and its replacement with the spontaneous and continuous action of the masses.

Ferrell (1998) observes that such anarchist critiques have emerged not as the outcome of theoretical posturing but out of head-on confrontations between state legal authorities and anarchists attempting to construct alternative societal arrangements. Thus, for Bakunin and Kropotkin, anarchist criminology was part of revolutionary activity against the Russian oligarchy and the emerging nation states of capitalism. In fact, Bakunin's notion of 'the spontaneous and continuous action of the masses' referred to an actual case of anarchist revolt: the Paris Commune of 1871. In the USA, anarchists like Emma Goldman (1869–1940) and Alexander Berkman (1870–1936) also mixed labour and social activism with theoretical critique and spent large periods of their lives in prison. Most remarkable were the Wobblies¹ who blended deceptive strategies to avoid legal prosecution with out-and-out defiance of the law. With allied unions they invented strategies to turn the law against itself, and win labour and political victories: thus, for example, on occasion, in the workplace, they obeyed every rule and regulation so precisely as to finally grind all work to a halt and in the streets, they systematically violated unjust laws in such great numbers as to overload courts and jails, and force dismissal of their cases (Ferrell and Ryan, 1985; Kornbluh, 1988; Ferrell, 1991).

Ferrell (1998) observes that anarchist criminology has actually flourished during the previous 30 years in the USA. Harold Pepinsky (1978) published an article advocating 'communist anarchism as an alternative to the rule of criminal law' and later transformed this approach into a 'peacemaking criminology' – which is now almost mainstream in the USA – and is opposed to the violence seen to be inherent in the concept and practice of state law (Pepinsky, 1991; Pepinsky and Quinney, 1991). Larry Tifft (1979) developed an anarchist criminology which argued for replacing state/legal 'justice' with a fluid, face-to-face form of justice grounded in emerging human needs. Bruce DiCristina (1995) has, more recently, constructed a critique of criminology and criminal justice developed from the work of the anarchist philosopher of science Paul Feyerabend (1975) we encountered above. Ferrell (1994, 1995a, 1995b, 1996; Ryan and Ferrell, 1986) has also developed an anarchist criminology aimed especially at examining the interplay between state/legal authority, day-to-day resistance to it, and the practice of criminality.

Anarchist criminology thus incorporates the sort of ‘visceral revolt’ (Guerin, 1970) that is characteristic of anarchism itself, the passionate sense of ‘fuck authority’, to quote the old anarchist slogan, that is the outcome of being pushed around by police officers, judges, bosses, priests, and other authorities. Ferrell (1997) notes that anarchists agree with many feminist and postmodernist theorists that intuitive passions are important as methods of understanding and resistance outside the usual confines of rationality and respect while, at the same time, they seek to incorporate a relatively complex critique of state law and legality which begins to explain *why* we might benefit from defying authority, or standing ‘against the law’.

Many contemporary critical criminologists agree that state law is so thoroughly lubricated by economic privilege, intertwined with patriarchal arrangements, and protected by racist procedures as to constitute a mailed fist regularly brought down on the heads of women, the poor, ethnic minorities, young people, and other outsiders to economic power or state authority (Ferrell, 1998). Anarchist criminologists agree with this analysis but go further and argue that the practice of centralized state law actually harms people, groups, and the social fabric which joins them together even if it is not aimed directly at ‘the powerless’. In other words, they are arguing that the administration of centralized state authority and legality destroys community, exacerbates criminality, and expands the abusive power of the state machinery throughout the contemporary social order and then, through its discriminatory practices, doubles this harm for those pushed to the bottom of the system.

Ferrell (1998) observes four broad harms of state legality. First, there is the ‘state-protection racket’ (Pepinsky and Jesilow, 1984: 10) where cash and conformity is seen to be extorted from those unlucky enough to be caught up in it:

From speed traps to parking fines, from the plethora of licensing fees to the bureaucratized bungling of the tax authorities, the state operates a vast revenue machine which serves itself and those who operate it and which are enforced by a whole range of state-sanctioned strong-arm tactics such as impoundment, seizure and imprisonment. It is a system designed to perpetuate itself and to protect the powerful in and around it, obscuring its real intentions by an ideological veil of being in the best interests of the community.

(Ferrell, 1998: 13)

Second, this labyrinth of state legality grows in the absence of real human community and once in place suffocates any possibility of fluid and engaged human interaction:

In a social world increasingly fractured by alienated labor and economic inequality, privatized leisure, and the paranoia of the lonely crowd, calls for police assistance and civil litigation multiply as does the sense that such disjointed, externalized tactics somehow constitute appropriate measures for solving disputes and achieving justice.

(Ferrell, 1998: 14)

Third, there is recognition and acknowledgement of the labeling tradition we encountered in the third part of this book with the confinement of people and groups within state-administered categories of criminality and systems of punishment and retribution which, in reality, promotes not rehabilitative humanity but rather a downward spiral of crime, criminalization, and inhumanity:

This spiral interconnects state and media sponsored fears of crime, an ideology of state-sanctioned retaliation, and thus sudden outbreaks of objectification, dehumanization, and legal retribution. It is in this way that a system of state law and 'justice' is perpetuated within individual lives and larger social relations.

(Ferrell, 1998: 15)

Fourth, the 'rule of law' continues to proliferate, to penetrate further into all corners of social and cultural life (Cohen, 1979) – as in Max Weber's notion of the 'iron cage of bureaucracy' (Weber, 1964) – while, state legality constitutes a sort of bureaucratic cancer that grows on itself, that produces an ever-expanding maze of legal control, and that in turn generates an ever-expanding body of bureaucratic and legal sycophants employed to obfuscate and interpret it:

This proliferation of legal controls finally suspends what little protection the law once may have afforded. Every facet of social and cultural life is defined by legal control, and thus by state definitions of legality and illegality, we all remain continually vulnerable to the flagrant exercise of state power.

(Ferrell, 1998: 16)

Anarchist criminology thus produces a profoundly radical critique of state law as a system of inherent inhumanity and its sense of standing ‘against the law’ leads logically to criminology of crime and resistance. Labor historians and sociologists of work have long documented the pattern by which systems of authoritarian, alienating work generate among workers incidents of sabotage – of intentional rule-breaking and disruption – as a means of resisting these systems and regaining some sense of humanity and control. Anarchist criminologists suggest that this pattern may be found in the interplay of state legal control and criminality. Rather than dismissing criminality as mindless misbehavior, or worse, simply accepting the social construction of legality and illegality provided by the state as definitive of good and bad human conduct, anarchist criminologists seek to explore the situated politics of crime and criminality. In other words, anarchist criminologists argue that the political – and politically inequitable – nature of state law and criminalization means that acts of crime under such a system must also carry some degree of political meaning.

Anarchist criminologists thus seek to blur and explore the boundaries between crime and political resistance (Simon, 1991). This exploration does not however assume that all crime constitutes conscious resistance to state authority, nor does it ignore the often, but not always, negative consequences of criminality for people and communities but it does, on the other hand, require that careful attention is paid to various criminal(ized) activities – graffiti writing, ‘obscene’ art and music performances, pirate radio broadcasts, illegal labour strikes, curfew violations, shoplifting, drug use, street cruising, gangbanging, computer hacking (Ferrell, 1995a, 1996; Ferrell and Sanders, 1995) – as a means of investigating the variety of ways in which criminal or criminalized behaviors may incorporate repressed dimensions of human dignity and self-determination, and lived resistance to the authority of state law.

Anarchist criminology calls for human communities which are decentralized, fluid, eclectic, and inclusive and it is proposed that this sense of inclusive, non-authoritarian community can benefit critical criminology itself. Ferrell (1998) observes that anarchist criminology shares much with the uncertainty and situated politics of feminist criminology, with the decentered authority and textual deconstruction of the postmodern and constitutive criminologies we encountered above, the critical pacifism of peacemaking criminology and of course with the broader critique of legal injustice common to all critical criminologies. He observes that even left realists share with

anarchist criminology a concern with identifying and exploring the situated consequences of crime and crime control. In the spirit of eclectic inclusivity, then, anarchist criminology argues against partitioning critical criminology into a series of small intellectual cubicles, and then closing one critical cubicle to the occupants of another (Pepinsky, 1991). It instead calls for an ongoing critical conversation among perspectives, for a multi-faceted critique of legal injustice made all the more powerful by its openness to alternatives. Stan

Cohen (1988: 232) writes of his 'lack of commitment to any master plan (such as liberalism, left realism, or abolitionism), a failing, I would like to think, not of my own psyche but of the social world's refusal to correspond to any one theory'. Anarchist criminology shares this postmodern lack of commitment to master plans or grand narratives – including its own – and embraces instead fluid communities of uncertainty and critique.

8. Cultural criminology and the schizophrenia of crime

Cultural criminology seeks to explain crime and criminal behavior and its control in terms of culture and has very close intellectual links with the postmodern and anarchist criminology we encountered in the previous chapter. From this perspective, crime and the various agencies and institutions of crime control are perceived to be cultural and creative constructs and it is argued that these should be understood in terms of the phenomenological meanings they carry. It is thus a perspective which also has clear links to the labeling tradition which was a central component of the modernist victimized actor model and which has been so influential in providing crucial foundations of critical criminology. Cultural criminology involves a focus upon the continuous generation of meaning around interaction where rules that are created and broken involving a constant interplay of moral entrepreneurship, political innovation and transgression.

The focus of cultural criminology

Cultural criminologists follow in a tradition established by Marx and the later humanist Marxists who argue that the essence of 'humanity' is not that we are rational calculating beings but productive and creative beings who carry with us a 'world vision' and ideology that shapes our own version of what is right and wrong (Lukacs, 1970; Goldmann, 1970). We nevertheless live out the 'everyday' within a social world which is structured at least in part by an economic system that insists on the pursuit of scientific rationalism in order to survive. In this context,

'crime' appears to the dominant political groups in society to be endemic and simply a reflection of their world turned 'upside down'. Mike Presdee (2004: 276) observes that the overwhelming lure of transgression for the cultural criminologist brings with it a 'fascination with the unacceptable' in scientific rational society:

Culture delivers to us social sites where popular transgression – the breaking through of the constraints created around us – is considered a crime in itself and where order and its accompanying rationalizations actually herald the death and the destruction of spontaneous life. That spontaneity – by its very essence – defies and resists order and this dynamic tension between order and disorder in turn creates a cultural energy that is immediately apparent in the culture of 'edge work', 'emotion work' and 'excitement' which provides a central thread in much of the work conducted by cultural criminologists. The history of cultural criminology therefore reflects the history of the discourses of 'limit' and 'transgression'; 'boundary making' and 'boundary breaking'; 'control' and 'hedonism'; 'rationality' and 'irrationality'; alongside the examination of the 'inner' experience of individuals free from moral reasoning and safe from the 'outside' world.

Garland (2001) argues that contemporary life is characterized by a 'culture of control' where we are policed at home, at work, at pleasure and in a surveillance society where we cannot escape the dominant gaze (the gaze of the dominant), as we are watched and tracked, trailed, filmed and photographed, as our 'life-trail' is picked up by the electronic panopticon of rational society.

This experience of domination thus produces cultures which are characterized by the process of the dominance through which they are formed. Mainstream criminology has tended to view these cultures as non-cultural, deviant and pathological but cultural criminology approaches human behavior through an analysis of lived everyday life, and has thus come to understand that humans have the ability to twist, modify and oppose meanings produced by dominant rational groups (Willis, 1978).

Cultural criminology thus studies the way that some cultures have come to be designated as deviant. Cultural activities, whether strategies of resistance or otherwise, represent clear attempts to find meaning in a life lived through rules proscribed by others and provided from above. These are ways of life first 'received' and then 'perceived' and acted upon as 'tastes, feelings,

likes and dislikes are developed in minute articulation with the concrete world' (Willis, 1978). Presdee (2004: 281) observes that:

Now we can begin to see that much crime, but not all; much disorder, but not all, is no more or less than the everyday life of the oppressed and the 'excluded'. From this perspective, crime should be viewed as everyday responses to lives lived out within deprived, brutalized and often lonely social locations. Moreover, the responses from within the structures of domination are often truly masochistic in that the reaction to such disorder is often further acts of cruelty by the dominant over the dominated.

Similar themes are very much in evidence in one of the other major social dynamics explored by cultural criminologists: the changing cultural significance of contemporary consumer cultures and their particular effect on feelings and emotions (see Hayward, 2004a). The desire to own, to have and therefore to 'be' no longer respects the limits and cultural boundaries produced in the past to protect the institution of ownership. This new and all-encompassing consumer culture creates a confused consumer psyche where anxiety and its social antidotes are themselves producing much so-called 'social disorder' and 'transgression', as groups and individuals attempt to make sense of a life increasingly mediated through the new and distinct processes associated with consumerism in contemporary society (Presdee, 2000; Hayward, 2004b). The search for the thwarted promise of happiness through consumption thus leads many to hedonism and seemingly irrational acts.

We have seen earlier in this book that a fundamental change has occurred in the economic order during the past 30 years. Thus, where previously 'production' was the dominant culture this has been replaced by the dominance of 'consumption' (Bauman, 1997, 1998) and in this changed world we must all now consume at all costs. Presdee (2004: 283) explains this perspective thus:

... it is no longer the creation or the making of 'things' that excites us, but the consumption of things – or more specifically, the *destruction* of 'things'.

To destroy, use up, consume, becomes an important daily activity and hangs in our consciousness, peppering our culture and everyday lives.

One of the responsibilities of ‘citizenship’ under contemporary social conditions is to destroy daily. The perfect consumer leaves nothing of the product and is thus made ready for further destruction, emotionally as well as economically.

In a society based on consumption to ‘have’ is to exist: to have nothing is to be nothing. Presdee asks rhetorically how – in the latter case – can we emotionally live a life that is laden with such shame and observes that it is through crime we can ‘have’, and therefore ‘be’. It is this nothingness and loss of social status that is often the wellspring of social or personal harm, the trigger for violence as self-expression, whether it is directed inwardly (self-mutilation) or outwardly (the mutilation of others):

Personal social decline isolates us as we learn where we fit; learn that we are poor, that we are ugly, that we are excluded, different, apart. Then a silence descends on the isolated and lonely within a culture of distraction that is part of everyday life and the central question becomes ... social survival or social destruction?

(Presdee, 2004: 286)

Crime and disorder can provide a subjective solution to this conundrum and thus becomes a ‘therapeutic action’ to alleviate personally perceived loss and translates the nothingness of life into *something* while the pain of life is translated into pleasure.

In the same way that new crimes emerged as feudalism gave way to capitalism, we have now entered a new and largely uncharted phase of globalized capitalism and hyper-consumption and once again crime takes on new meanings that require new criminological understandings. Presdee (2004) observes that individuals work through these new tensions in the turmoil of their everyday lives, then new feelings, emotions and imperatives emerge in their culture and it is somewhere here that the new cultural criminology has established its territory.

The seductions of crime

Cultural criminology uses everyday existences, life histories, music, dance and performance as databases to discover how and why it is that certain cultural forms become criminalized. Ferrell and Sanders (1995) observe that it is the intention to expand and enliven criminology and to push back the boundaries of accepted criminological discourse and it is in this context that Katz

(1988) writes about the 'seductions of crime' in which disorder becomes in itself a 'delight' to be sought after and savored and where the causes of crime are constructed by the offenders themselves in ways which are compellingly seductive. 'Hot-blooded' murder is thus described in terms of a triad of conditions: interpretive, emotional, and practical. Interpretive conditions include the defense of morality, the role of teasing or daring the victim, the role of a supportive audience, and the role of alcohol in casual settings of last resort, for example, in the home. Emotional conditions involve a process of transcending humiliation with rage via the intermediary of righteousness.

Practical conditions are a marking, or desecration, of the body of the victim, for example, when offenders can recall precisely the number of stitches it took for a victim to survive. The key term is 'humiliation' which is defined as a 'profound loss of control over one's identity, or soul' (Katz, 1988: 24). Humiliation is also a key term for analyzing other categories of crime and all forms of criminality are considered to be a moral response to this shame. The notion of 'uncertainty' eliminates inevitability in the event. Cursing by the attacker and silent prayers by the victim are treated as priestly omens and sacrificial service honoring the sacred which must be approached by a 'leap into faith' and the final seduction into 'the unknown' (Katz, 1988: 43).

Katz (1988: 51) defines foreground as individual consciousness and associated mental processes while the lesser-important background involves factors such as social class and gender. Background differences can vary the experience of humiliation and open up possibilities for rituals of forgiveness, but foreground, or what is going through the head of the offender at the time of the crime, is more important. Crimes such as shoplifting and pizza theft involve attributing sensual power to an object so that the seduction is like a 'romantic encounter'. Practical conditions involve flirting with the object and a tension of being privately deviant in public places. Emotional conditions involve transcending uncontrollable feelings of thrill. Interpretive conditions involve metaphors of self (bounding immorality), game (timeouts and goal lines), religion (secret defilement), sex (like an orgasm), and the interrelationship between deviance and charisma (reaching for mysterious forces). The resonating of these metaphors makes the seduction irresistibly compelling and thus, 'it is not the taste for pizza that makes the crime happen but the crime that makes the pizza taste good' (Katz, 1988: 91).

Gang violence requires learning to be a ‘badass’ by projecting symbols of impenetrability, which Katz relates to the hardness of male phallic imagery and feels that such behavior requires a commitment to firmness of purpose so that it is left to make the rational choice calculations of costs and benefits.

Badasses engage in the ‘accidental bump’ and hog the pavement when they walk. Practical conditions involve creation of an oppressive background image to emphasize the status of the person as a street survivor, or member of an elite. Emotional conditions involve ‘getting over’ from ‘here’ to ‘there’ and the personal insults involving others’ violations of artificial turf space.

Katz (1988) considers robbery to be a prototypical ‘breeding ground’ for crime and thus those conducting hold-ups with weapons are those that seek ‘continuous action’ and embrace a death wish (thanatos) and they will commit any degree of violence necessary even to the point where it puts at risk their own lives. These ‘stick-up men’ also develop a sense of competence at superior perceptual ability – in exploiting contextual weaknesses in a target, be it victim or architecture – and claim a special morality about this. Uncertainty in this example is related to ‘chaos’, that is, during a holdup, the offender is required to maintain suspense and manage the impression of coming from an alien world.

Katz (1988) argues that it is the desire to seek continuous action – for example, crime, drugs, sex and gambling – which distinguishes the persistent or career criminal. Such offenders – also known as ‘heavies’ or omnibus felons – will often pursue action to the point of physical and mental exhaustion and they do this by always being available for all spontaneous opportunities, maintaining permeable boundaries for associates, and reckless, super-fast spending with the proceeds from crime.

Katz observes that the main problem for criminals is the transcendence of chaos and this exists as an ongoing project. Chaos is the master dialectic, acting as both a resource and a barrier to action. Katz draws heavily upon Matza (1969) in describing the dizziness of a criminal career where caught up in a lifestyle of frequent intoxication, compounded lies, jealous lovers, and being a constant target for rip-offs and a regular suspect for police, the arrest, or more final end to the project, almost comes as a relief. Katz depicts the project of transcending chaos as a process of imposing discipline and control on one’s life and doing this often means the

humiliation and physical abuse of women and children. Imposing control is seeking to get caught by sarcastically thanking the authorities, doing some moral accountancy – thus ‘got away withs’ exceed ‘got caughts’ – and looking forward to the opportunities for action in prison.

Katz (1988: 247) observes that the attractions of crime are seen as extensions, or ‘celebrations’ of being male and being black and cites research on childhood socialisation to suggest that the main effect of being male is preparation for a life of pretensions (Lever, 1978). Being black means to live in a culture of continuous insult, even from fellow blacks, and this tradition prepares blacks for becoming ‘bad’ by overcoming insult with insult. Crime emerges in the process of establishing a gendered, ethnic identity.

The carnival of crime

O’Malley and Mugford (1994) propose that a new phenomenology of pleasure is needed if we are to recognize ‘crime’ as simply a *transgression* from the impermissible and as *transcendence* of the everyday mundane. Presdee (2000) captures this sense of the inter-relationships between pleasure and pain through his notion of ‘crime as carnival’ where the latter is a site where the pleasure of playing at the boundaries is clearly catered for. Thus, festive excess, transgression, the mocking of the powerful, irrational behavior and so on are all temporarily legitimated in the moment of carnival. Breaking rules is a source of joy, of humor, of celebration and many acts that might otherwise be considered criminal are momentarily tolerated. In such acts as sado masachism, raving, joyriding, computer hacking, recreational drug use, reclaim the streets parties, gang rituals and extreme sports, Presdee finds enduring fragments from the culture of the carnival. Moreover, as Thornton’s (1995) study of 1990s youth club cultures found, there is a continual and shifting exchange between the boundaries of acceptability and illegality and between subcultural authenticity and media manufacture. Moral panics about deviancy no longer simply signify condemnation, but are something to be celebrated by the subcultural participants themselves.

Cultural criminologists argue that we need to push deeper and deeper to capture the full meaning of social harm. They accept that the traditional concept of crime does have a place but one that is subjugated to, and set against, a multiple series of alternative discourses incorporating transgression, disrespect, disorder, and resistance, as well as loss, injury and troubles. Van

Swaaningen (1999: 23) observes that such discourses themselves may also suggest a new sociology of deviance based on difference and 'otherness'. Once more the discursive frame necessary to recognise these elements needs to shift not just from criminal justice to social justice, restoration and reconciliation, but to delight, drama, tolerance, celebration, transcendence and the pursuit of pleasure. It is an ambitious and for some an exhilarating agenda.

The schizophrenia of crime

Hopkins Burke (2007) introduces the term 'the schizophrenia of crime' to refer to the apparently contradictory duality of attitude to criminal behavior that has become endemic in contemporary societies characterized by the postmodern condition. Thus, on the one hand, it is possible to observe widespread public demand for a rigorous intervention against criminality that has made the 'war against crime' a major political issue and indeed, it is in this context that we can observe an extensive expansion in situational crime prevention strategies epitomized by the ubiquitous existence of closed-circuit television cameras (Hopkins Burke, 2004b), a whole raft of crime control legislation that has placed increasing restrictions on our civil liberties and human rights (Hopkins Burke, 2004c), and the introduction of rigorous 'zero-tolerance-style' policing interventions (see Hopkins Burke, 1998a, 2002, 2004a) that have occurred not as the outcome of the coercive strategies of a totalitarian regime but in response to overwhelming public demand in a liberal democratic society (Hopkins Burke, 2004b). *We want it, we demand it, and we get it* (Hopkins Burke, 2007) even though we as individuals are invariably unaware of the ultimate implications for our freedom. Hopkins Burke thus has developed a left realist historical perspective we have encountered elsewhere in this book to incorporate both the embourgeoisement thesis of John Goldthorpe (1968–9) and the 'civilising process' of Norbert Elias (1978, 1982) in order to explain how increasing demands for improved social conditions and material rewards among the respectable working classes – or more recently the new middle classes – have occurred alongside a fast declining tolerance for the very visible criminality and incivilities in our midst.

On the other hand, we should observe that criminality has become widespread to the virtual point of universality. Many people have consequently committed criminal offences at some stage in their life and a great many continue to do so. There is increasing empirical evidence to show that white-collar, corporate and business crime is extremely widespread as was shown in the

introduction to this book and when one considers, for example, recreational drug use (far from the sole prerogative of an unemployed underclass) (see Winlow and Hall, 2006), crimes of disorder and incivility associated with alcohol use (extremely extensive in any location urban or rural in the UK, particularly during weekend evenings) (Hobbs *et al.*, 2000, 2005) and driving cars beyond the legal speed limit (virtually compulsory through peer group pressure on motorways) (Hopkins Burke, 2007) the notion of the virtual universality of criminality is not as implausible as it may at first seem. Hopkins Burke (2007) is clearly influenced by Mike Presdee's notion of 'second lives' where the usually law-abiding and pillars of straight society enjoy alternative part-time existence involving walking on the wild side (Presdee, 2000). There is thus – as Jock Young (1999, 2001) has observed – a considerable 'blurring of boundaries' between the criminal and the legal and, significantly, in our perceptions and understandings of these supposedly polarised opposite behaviours, that enables us to make some sense of 'the schizophrenia of crime' in a world where crime has become both normal and indeed non pathological.

Crime as normal and non pathological

For many years the crime rate rose ever upwards, although it has come down recently in the UK, and more so in the USA, but that fall has been from unprecedented high levels and crime rates remain historically high. David Garland (1996) has pertinently observed that as crime has come to be more frequent it has ceased to be an exceptional or pathological event, which surprises us when it occurs, but has become instead a standard, normal, background feature of our lives. This increasing blurring of boundaries has become no more apparent than in the realms of organised crime, corporate crime and legitimate business.

As Ruggiero (2000) observes, organised crime has become a branch of big business and is simply the illegal sector of capital. Castells (1998) notes that by the middle of the 1990s the 'gross criminal product' of global organized crime had made it the twentieth richest organisation in the world and richer than 150 sovereign states, while De Brie (2000) notes that the total world gross criminal product is estimated at 20 per cent of world trade.

Carter (1997) proposes that the structure of criminal enterprise is no longer characterised by archaic forms of 'family' organisation typified by the old Sicilian Mafia and observes that newer

flexible forms of 'entrepreneurial' criminal organisation and methods of operation are highly adaptive to fast moving global networks and achieve increasing integration into the legitimate economy through sophisticated money laundering techniques.

The use of encrypted electronic mail, anonymous websites and the myriad of instantaneous transactions which constitute the Internet in general and financial markets in particular, render the legal and the illegal increasingly indistinguishable and where distinguished, beyond the reach of national law enforcement agencies. As both Van Duyne (1997) and Castells (1998) note criminality is thus normalised by these networks.

Ruggiero (1997) further observes that legitimate business both actively seeks relations with criminal organisations and adopts methods akin to those of organised crime. Thus, immigrant smuggling eases labour supply problems in a variety of manufacturing sectors such as clothing and food, construction and agriculture and in 'dirty economies' where semi-legal employment is interspersed with employment in more directly criminal activity. Moreover, as De Brie (2000) notes, the global sphere of multinational corporations enables the export of the most brutal aspects of cheap labour to convenient locations in the southern hemisphere.

Meanwhile, the legal financial sector may go out of its way to attract criminal investments. Kochan and Whittington (1991) note that the closure of the Bank of Credit and Commerce International in 1991 showed how private banks and investment traders openly tout for legal and illegal funds without being too concerned about the distinction between the two. Moreover, legitimate capital has started to use the same tactics as organised crime. Thus, while drugs cartels launder their profits through 'offshore' banking facilities, legitimate capital enhances its power over governments to reduce tax burdens not only with the threat to relocate employment but also by adopting some of the tactics and resources of organised crime (Shelley, 1998). At the same time, for many states criminality acts as a buffer against poverty and economic collapse. Cocaine production, for example, acts as a counter to the impoverishment of thousands of Latin American peasant farmers, reducing the impact of falling world prices for agricultural products and raw materials in these areas. Thus, in a world where the boundaries between criminals and non criminals and legal and illegal activities become increasingly difficult to disentangle, the classic crime control methods of modernity become increasingly more problematic not least with a globalisation of deviance. The globalisation of generic crime and criminal behaviour is

considered in more detail in the following chapter which considers new modes of governance in a risk society. We will here consider the globalisation of deviant youth sub cultures in the guise of a significant fast growing club culture with clear roots in the notions of the postmodern condition, cultural criminology, the carnival of crime and beyond.

One planet under a groove

Ben Carrington and Brian Wilson (2002) observe that like all youth cultures, and especially those formed through associations with music cultures, the evolution of ‘club cultures’ around the world can be attributed, in part, to the ongoing global processes of cultural borrowing. The term ‘club cultures’ refers to the youth cultural phenomenon that is associated with all-night dance parties at nightclubs or other venues, the production and consumption of various dance music genres – music ‘mixed’ or electronically created by DJs – and with the use of amphetamine drugs – particularly MDMA or ‘Ecstasy’ – to enhance the dance/music experience. The roots of this culture can be found in the 1970s and early 1980s American dance music scenes of New York, Chicago and Detroit, and more recently in Britain where ‘rave culture’ emerged in 1988 during what came to be known as the ‘second summer of love’. In Britain in particular, the subsequent criminalization of the rave scene – a partial outcome of moral panics about rave-related drug use – and the incorporation of the rave scene by the mainstream music industry led the culture to become grounded in ‘nightclub venues and that is how ravers, in effect, became clubbers’ (Carrington and Wilson, 2002). Chambers (1994: 80) argues that:

The international medium of musical reproduction underlines *a new epoch of global culture contact*. Modern movement and mobility, whether through migration, the media or tourism, have dramatically transformed both musical production and publics and intensified cultural contact. DJs and promoters thus travel to foreign countries, are exposed to fresh varieties of music and nightclubs, and ultimately integrate ideas gleaned from these experiences into their domestic dance music cultures. Touring DJs and imported albums – in turn – influence local music-makers who combine the new material with their current work, thus creating something ‘new again’.

Images and ideas extracted from mass and alternative media are incorporated into local music production, fashion styles and club venues. In retrospect, what has emanated from years of this

cultural ‘cutting and mixing’ (Hebdige, 1987) is a fascinating but hazy relationship between a ‘global’ club culture and various ‘local club cultures’.

Carrington and Wilson (2002) observe that the increasing tendency for youth to travel to foreign scenes as ‘post-rave tourists’ has meant that local cultures are becoming further defined by their diverse and transient membership. These mobile formations might well be described as *reflexive* communities in the extent to which they dissolve the boundary between producers and consumers, are actively entered into by their members rather than being proscribed by social location, are not delimited by simple time–space boundaries, and are based on cultural and symbolic practices.

We observed in Chapter 7 of this book how researchers and scholars at the Centre for Contemporary Cultural Studies (CCCS) in Birmingham, England, had shown how youth ‘reactively and proactively’ expressed their dissatisfaction with the status quo of post-war British society. By articulating themselves through spectacular forms of ‘style’ – for example, the extreme fashions of punks and skinheads – youth were believed to be symbolically and creatively resisting, and in so doing, finding ‘solutions’ to their problems. CCCS theorists referred to these ‘magical solutions’ as a way of recognizing that subcultural involvement is only a temporary form of empowerment and escape that does not (necessarily) substantially challenge the dominance/ hegemony of the ruling classes. Hopkins Burke and Sunley (1996, 1998) more recently observed the co-existence of a number of different subcultures and argued that this is the outcome of the postmodern condition where specific groups of young people have coalesced to create solutions to their specific socio-economic problems with central to their account being the possibility of choice.

Carrington and Wilson (2002) recognise that these studies were to provide significant foundations for later studies of youth culture but among a number of identified limitations was the recognition that insufficient attention had been paid to the ways in which youth cultures were influenced by subcultural traditions in other countries. Others were simply dismissive of such developments and even announced the death of youth subcultures, while Redhead (1990) proposed that subcultural authenticity was now ‘impossible’ because of the tendency of contemporary culture to be self-referential, shallow, flat and hyper-real or, in other words, a culture of effervescent, spectacular, fast moving, ever-present, ‘better than real’ images.

Muggleton (1997, 2000) thus suggests that the postmodern condition is inhabited by ‘postsub-culturalists’ whose ‘neo-tribal’ identities are multiple and fluid, whose consumption is no longer ‘articulated through the modernist structuring relations of class, gender or ethnicity’ and who are defined by their fragmented/multiple stylistic identities. They have a low degree of commitment to any subcultural group and high rates of subcultural mobility, any fascination with style and image are generally apolitical, and have a ‘positive attitude toward media and a celebration of the inauthentic’ (Muggleton, 2000: 52). From this perspective dance cultures are invariably seen as the archetypal postmodern youth formation.

Appadurai (1990) provides an alternative perspective and identifies ‘five dimensions of cultural flow’ in order to describe the dynamics of global cultural transmission. He suggests that these five dimensions – ethnoscaples, mediascaples, technoscaples, finanscaples, and ideoscaples – work in ways that prevent the construction of a homogenous culture. Ethnoscaples refers to the flow of people around the world, for example, tourists, immigrants, refugees, exiles, guest-workers and other moving groups. Technoscaples refers to the flow of technology, for example, the export of technology to countries as part of transnational business relocations. Finanscaples refers to the patterns of global capital transfer and Appadurai (1990: 298) argues that:

The global relationship between these three scapes is deeply disjunctive and profoundly unpredictable, since each of these landscapes is subject to its own constraints and incentives ... at the same time as each acts as a constraint and a parameter for the other.

Augmenting these first three scapes are mediascaples and ideoscaples. The former refers to mass media images, to the modes of image distribution, for example, electronic or print media and to the ways that these images allow viewers to gain access to other parts of the world and thus become part of ‘imagined communities’. The latter refers to images that are invested with political-ideological meaning, for example, the images presented by governmental groups justifying a military action, or images created by social movements attempting to overthrow power groups. The crux of Appadurai’s framework is the assumption that the various ‘disjunctures’ or interactions that occur between global cultural flows – as they relate to the various scapes – provide the analyst with crucial information about the complex ways that local cultures relate to global forces.

Carrington and Wilson (2002) adapt this framework to their discussion of the globalisation of dance music cultures and observe that this more elaborate approach to theorising 'the local' encourages researchers to consider the intricacies of youth tastes, for example, preferences for various genres of dance music, such as house or jungle or trance; interpretations of the music, for example, as an escape, as a form of resistance; and uses of it, for example, making a living in dance-music related occupations. This more flexible and integrated interpretive framework also allows the analyst to consider how youth might simultaneously be interpreters and producers of culture, creating 'alternative' media that both reflects the individuals understandings of global culture, while contributing to this same culture.

Carrington and Wilson (2002) observe that the history of rave and club culture shows how travellers – within the ethnoscape – contributed to the transmission of dance music culture from the USA and Ibiza to Britain, and then, subsequently, back from Britain to the USA and parts of Europe. The 'post-rave tourist' has also emerged, as a clubber who travels to locations around the world with the explicit purpose of experiencing the club/rave culture of the area. It is observed that British satellite and terrestrial television companies continue to make programmes such as *Ibiza Uncovered* (BSkyB) and *Around the World in 80 Raves* (Channel 4) aimed at this newly found constituency of clubbing tourists, who can now enjoy the spectacle related to the post-rave tourist gaze without ever having to engage with the old modernist tradition of actually leaving their front rooms to experience the club sensation.

Carrington and Wilson (2002) argue that it would be a mistake to simply read the consumption – and production – of young people within this scene as an index of cultural manipulation. They argue that there is a sense of agency in the ways in which young people, through their engagement with the dance scene, have developed a degree of scepticism around the truth claims made by the scientific knowledge industries. For example, the attempt to define dance cultures through a public health discourse, as inherently dangerous sites of unknown and indeterminate risk, have spectacularly failed to prevent young people from embracing, adapting and exploring the possibilities of dance culture. It is argued that this is why, despite the attempt of most Western governments to prohibit the consumption of drugs especially amongst the 'vulnerable' young, rates of consumption of Ecstasy – amongst other drugs – have remained high. Carrington and Wilson (2002) suggest that the dance scene, by the extent and degree of its normalisation of

drug use, has challenged the hegemony of the anti-drug discourse to the extent that a number of governmental agencies and states are having to radically rethink the effectiveness of the ‘war on drugs’ citing as an example the dramatic decriminalisation by Portugal of its drug laws in 2001.

Carrington and Wilson (2002) recognise that if social relations are primarily defined as being produced in the last instance by a particular set of (economic) determinants, then formations such as dance music cultures will always be seen as proxies for ‘real’ oppositional politics. If, however, it is acknowledged that the social field is constituted by multi-various power relations between different social groupings, none of which have an assumed claim to determinacy, then more qualified ‘moments of resistance’ can be traced by careful and historically situated studies. Gilbert and Pearson (1999: 160) argue that the key questions should not be:

How likely dance culture is to bring down capitalism or patriarchy, but at what precise points it succeeds or fails in negotiating new spaces. In particular, it is not a simple question of dance culture being ‘for’ or ‘against’ the dominant culture, but of how far its articulations with other discourses and cultures – dominant or otherwise – result in *democratisations* of the cultural field, how far they successfully break down existing concentrations of power, and how far they fail to do so.

Thus, in a world where the boundaries between criminals and non criminals and legal and illegal activities have become increasingly difficult to distinguish, the classic crime control methods of modernity become increasingly more problematic not least because these are invariably based on the individual nation-state and are totally inadequate to deal with global phenomena such as the dance culture and its ancillary attached illegal activities. Some criminologists have thus drawn upon the ‘governmentality’ literature in order to explore the links between contemporary neoliberal political policy and the growing use of ‘actuarial’ or ‘risk-based’ strategies of crime control (Stenson and Sullivan, 2001) and these theories are explored in the following chapter.

9. Crime, globalization and the risk society

The previous chapter concluded with the recognition that in a world permeated with the morally ambiguous postmodern condition, where the boundaries between criminals and non criminals, and legal and illegal activities, have become increasingly difficult to distinguish, the classic crime control methods of modernity have become increasingly more problematic. Some

criminologists have thus drawn upon the ‘governmentality’ literature in order to explore the links between contemporary neoliberal political policy and the growing use of ‘actuarial’ or ‘risk-based’ strategies of crime control (Stenson and Sullivan, 2001). This is a new governmentality thesis which refers to ‘the new means to render populations thinkable and measurable through categorisation, differentiation, and sorting into hierarchies, for the purpose of government’ (Stenson, 2001: 22–3). This chapter will commence with a consideration of these new modes of governance, the wider notion of the risk society and the threats contained within it which seem to be a significant outcome of the postmodern condition, and will conclude by considering the internationalisation of crime and risk in terms of globalisation and the morally ambiguous notion of terrorism.

New modes of governance

The concept of governance in contemporary political theory signifies, ‘a change in the meaning of government, referring to a *new* process of governing; or a *changed* condition of ordered rule; or the *new* method by which society is governed’ (Rhodes, 1997: 46). In criminological theory, the concept has been used to signify changes in the control of crime and to acknowledge similar objects of control such as incivility, harm, safety and security.

The principal feature of the concept of governance is a rupture with traditional perceptions that place the state at the centre of the exercise of political power. In this new Foucauldian conceptualisation, power is thus not simply possessed by the state to be wielded over civil society but is tenuous, unresolved and the outcome of struggles between coalitions of public and private, formal and informal, actors. These struggles are rooted in the central paradox of power: thus, when actors possess the potential to govern they are not powerful because they are not actually governing, but neither are they powerful when they govern because they are dependent on others to carry out their commands (Clegg, 1989).

This all implies a new complex and fragile process of governing through negotiation, bargaining, and other relationships of exchange rather than through command, coercion or normative appeals for support. Thus, in order to accomplish and sustain political authority, would-be political leaders have to appreciate their ‘power-dependence’ on others and recruit and retain sufficient supporters to maintain a governing coalition (Rhodes, 1997). A criminological example is the

attempt to control crime through partnerships of statutory, commercial and voluntary organisations (Crawford, 1997). This multi-agency approach has accompanied official recognition of the limits to the state's capacity to reduce crime, in particular the insufficiency of criminal justice, and the consequent need to enrol expertise and resources from nonstate actors including the 'responsibilisation' of private citizens for their own security (Garland, 2001).

This idea of 'joined-up' government to attack multi-faceted and complex problems such as youth offending, through multi-agency partnerships employing a broad spectrum of social policy interventions, represents a definite break with the methods of modern public administration. It challenges the specialisation of government into discrete areas of functional expertise and, in so doing, defines new objects of governance. Youth offending, for example, ceases to be defined only in terms of 'criminality' and thus subject to the expertise of criminal justice professionals but becomes a problem of education, health and, in terms of contemporary terminology, one of 'social exclusion' and 'antisocial behaviour' (Hopkins Burke, 2008).

For most of the twentieth century crime control was dominated by the 'treatment model' prescribed by the predestined actor model of crime and criminal behaviour – we encountered in the second part of this book – and was closely aligned to the powerful and benevolent state which was obliged to intervene in the lives of individual offenders and seek to diagnose and cure their criminal behaviour. It was, as we have seen, the apparent failure of that interventionist modernist project epitomised by chronically high crime rates and the apparent failure of criminal justice intervention that led to a rediscovery of the rational actor model and an increased emphasis on preventive responses.

Crime and the risk society

Garland (1996) observes that the new governmental style is organised around economic forms of reasoning and it is thus reflected in those contemporary rational actor theories which view crime to be simply a matter of opportunity and which requires no special disposition or abnormality. The subsequent outcome has been a shift in policies from those directed at the individual offender to those directed at 'criminogenic situations' and these include 'unsupervised car parks, town squares late at night, deserted neighbourhoods, poorly lit streets, shopping malls, football games, bus stops, subway stations and so on' (Garland, 1999: 19).

For Feeley and Simon (1994: 180) these changes are part of a paradigm shift in the criminal process from the 'old penology' to the 'new penology'. The former was concerned with the identification of the individual criminal for the purpose of ascribing guilt and blame, the imposition of punishment and treatment while the latter is 'concerned with techniques for identifying, classifying and managing groups assorted by levels of dangerousness' based not on individualised suspicion, but on the probability that an individual may be an offender. Justice is thus becoming 'actuarial', its interventions increasingly based on risk assessment, rather than on the identification of specific criminal behaviour and we are therefore witnessing an increase in, and the legal sanction of, such practices as preventive detention, offender profiling and mass surveillance (Norris and Armstrong, 1999).

The past twenty years has witnessed an ever-increasing use of surveillance technologies designed to regulate groups as a part of a strategy of managing danger and these include the ubiquitous city centre surveillance systems referred to above, the testing of employees for the use of drugs (Gilliom, 1994) and the introduction of the blanket DNA testing of entire communities (Nelken and Andrews, 1999). The introduction of these new technologies often tends to be justified in terms of their ability to monitor 'risk' groups who pose a serious threat to society, but, once introduced, the concept of dangerousness is broadened to include a much wider range of offenders and suspects (see Pratt, 1999). Thus, the National DNA Database was originally established in the UK as a forensic source to help identify those involved in serious crimes such as murder and rape, but an amendment to the Criminal Justice and Public Order Act 1994 allows samples to be taken without consent from any person convicted or *suspected* of a recordable offence (Home Office, 1999).

For some these trends are indicative of a broader transition in structural formation from an industrial society towards a risk society (Beck, 1992). This concept is not intended to imply any increase in the levels of risk that exist in society but rather refers to a social formation which is organised in order to respond to risks. As Anthony Giddens observes 'it is a society increasingly preoccupied with the future (and also with safety), which generates the notion of risk' (Giddens, 1998: 3). Beck (1992: 21) himself defines risk in such a social formation as 'a systematic way of dealing with hazards and insecurities induced and introduced by modernisation itself'.

Human beings have always been subjected to certain levels of risk but modern societies are exposed to a particular type that is the outcome of the modernisation process itself and as a result this has led to changes in the nature of social organisation. Thus, there are risks such as natural disasters that have always had negative effects on human populations but these are produced by non-human forces. Modern risks, in contrast, are the product of human activity and Giddens (1998) refers to these two different categories as *external* and *manufactured* risks. Risk society is predominantly concerned with the latter.

Because manufactured risks are the product of human agents there is the potential to assess the level of risk that is being or about to be produced. The outcome is that risks have transformed the very process of modernization. Thus, with the introduction of human caused disasters such as Chernobyl (in the Ukraine)¹ and the Love Canal Crisis (in New York City)² public faith in the modernist project has declined, leaving only variable trust in industry, government and experts (Giddens, 1990). The increased critique of modern industrial practices has resulted in a state of reflexive modernization with widespread consideration given to issues of sustainability and the precautionary principle that focuses on preventative measures to reduce risk levels. Contemporary debates about global warming and the future of the planet should be seen in the context of debates about the risk society.

Social relations have changed significantly with the introduction of manufactured risks and reflexive modernization, with risks, much like wealth, distributed unevenly in a population and thus, differentially, influences the quality of life. People will occupy social risk positions they achieve through aversion strategies and which differ from wealth positions which are gained through accumulation. Beck (1992) proposes that widespread risks contain a 'boomerang effect' in that individual producers of risk will at the same time be exposed to them which suggests, for example, that wealthy individuals whose capital is largely responsible for creating pollution will suffer when, for example, contaminants seep into the water supply. This argument might appear to be oversimplified, as wealthy people may have the ability to mitigate risk more easily but the argument is that the distribution of the risk originates from knowledge as opposed to wealth.

Ericson and Haggerty (1997: 450) argue that in the area of criminal justice we are witnessing a transformation of legal forms and policing strategies that reflect the transition to the risk society:

Risk society is fuelled by surveillance, by the routine production of knowledge of populations useful for their administration. Surveillance provides biopower, the power to make biographical profiles of human populations to determine what is probable and possible for them.

Surveillance fabricates people around institutionally established norms – risk is always somewhere on the continuum of imprecise normality. In these circumstances, policing becomes increasingly more proactive rather than reactive and, given that risk assessment is probabilistic rather than determinist, it requires the assignment of individuals and events to classificatory schemes which provide differentiated assessment of risk and calls for management strategies. Returning to the predestined actor tradition, offenders are now classified as ‘prolific’ rather than merely opportunistic and having been designated as such, the individual becomes a candidate for targeting by more intensive forms of technical or human surveillance. The emphasis on risk makes everyone a legitimate target for surveillance and ‘everyone is assumed guilty until the risk profile assumes otherwise’ (Norris and Armstrong, 1999: 25).

Developments in the contemporary youth justice system reflect these wider trends for social policy often focusing on children ‘at risk’ and the management of that risk pervades every sphere of activity within the contemporary youth justice system. The commencement of intervention itself is regulated through a detailed assessment of risk through the *Asset* profile, which contains a scoring system that predicts the likelihood of offending and will determine the level of intervention and surveillance the young person will experience (Youth Justice Board, 2002; Hopkins Burke, 2008).

Many of the programmes of practical action which flow from strategies of ‘risk management’ in the criminal justice system are increasingly addressed not by central-state agencies such as the police, ‘but *beyond* the state apparatus, to the organisations, institutions and individuals in civil society’ (O’Malley, 1992; Fyfe, 1995; Garland, 1996: 451). Following the demise of the Keynesian Welfare State that had epitomised for many the high point in modernity in advanced capitalist nations (Hopkins Burke, 1999a), the emphasis on individuals managing their own risk finds converts from all parts of the political spectrum (Barry, Osborne and Rose, 1996). Thus, Pat O’Malley (1992) has written of the emergence of a new form of ‘prudentialism’ where insurance against future risks becomes a private obligation of the active citizen. Responsibilisation strategies are thus designed to offload the responsibility for risk management

from central government on to the local state and non-state agencies, hence the increasing emphasis on public/private partnerships, inter-agency cooperation, inter-governmental forums and the rapid growth of non-elected government agencies. The composition of such networks allows the state to 'govern-at-a-distance' – to utilise the norms and control strategies of those formerly autonomous institutions identified by Foucault (1971, 1976) – while leaving 'the centralised state machine more powerful than before, with an extended capacity for action and influence' (Garland, 1996: 454).

It is in this context that Hopkins Burke has directed our attention not just to the increasing pervasiveness of policing in its various disguises in society (Hopkins Burke, 2004a) including the development of the contemporary youth justice system (Hopkins Burke, 2008) but also significantly to our own contribution in the legitimisation of this state of affairs and his neo-Foucauldian left realist variation on the carceral surveillance society proposes that in a complex fragmented dangerous global risk society it is *we* the general public – regardless of class location, gender or ethnic origin – that have a significant material interest in the development of that surveillance matrix invariably at an international level.

It is evident that theorists of risk, modernity and postmodernity see many of the processes they are discussing to be global transformations and thus the concept of globalisation is central to these new ways of thinking. The term is however used in different ways. A restricted meaning of globalization widely used proposes the process to be one of global market liberalisation, the product of the last two decades. Other theorists use the term in a much broader historical perspective and where it refers to a much wider set of processes. We will now examine these processes further in the context of crime and criminal behaviour.

Globalisation and crime

Kinnvall and Jonsson (2002) observe that the concept of globalisation is very difficult to define precisely as it appears to be an all-embracing catchword of the contemporary world covering everything from economic and political issues to the spread of Western culture to all points of the globe. Globalisation is nevertheless invariably discussed in terms of three processes: scale, speed and cognition. Scale involves a discussion of magnitudes and refers to the number of economic, political, social and human linkages between societies at the present which are greater

than at any other time in history. Speed has to do with how globalisation is conceptualised in time and space and it is observed that this is not a new phenomenon but does involve a compression of time and space never previously experienced. Cognition refers to an increased awareness of the globe as a smaller place where events elsewhere may have consequences for our everyday political, social and economic lives which may significantly impact on our sense of individual being.

Marfleet and Kiely (1998) define globalisation in reference to a world where societies, cultures, politics and economics have in some sense come closer together. Thus following Giddens (1964) who observed an intensification of worldwide social relations which link distant localities in such a way that local undertakings are shaped by events occurring many miles away and vice versa. Snyder (2002) conceptualises globalisation as an aggregate of multifaceted uneven, often contradictory economic, political, social and cultural processes which are characteristic of our time.

Johannen, Steven and Gomez (2003) note that there appears to be agreement in recent academic discussion that the term globalisation embraces the essence of historical movement, a triumph of neoliberal and characteristically Anglo–US ideology, being a more intense stage of capitalism, a confluence of events and technologies, or some combination of these. This Anglo–US ideology brings with it rapid transformations for business, government and, indeed, ordinary people. Findlay (2000) takes this further and views globalization in a social context as the progress towards one culture on the planet or a single interdependent society. In this definition, globalisation is seen as a social process whereby the constraints of geography on social and cultural arrangements recede and people become increasingly aware of this recession. The common denominator of all these various different definitions appears to focus on the increasing degree of integration among societies that plays an crucial role in most types of social change.

A review of the literature shows that the following are considered to be critical global crimes: dealing in illicit drugs; illegal trafficking in weapons; illegal trafficking in human beings; money laundering; corruption; violent crimes including terrorism; and war crimes (Braithwaite, 1979; UNDP, 1999; Bequai, 2002). Eduardo (2002) provides an example of the interlinking of transnational crimes where the ‘vast poppy fields in eastern Turkey are linked to the heroin dealer in downtown Detroit’, ‘the banker laundering drug money in Vienna is in league with the

thriving cocaine refineries in Colombia', 'the men of the Chinese triads who control gambling and extortion in San Francisco's Chinatown work the same network as the Singapore gang that turns out millions of fake credit cards' and 'the contract hit man who flies from Moscow to kill an unco-operative store owner in New York, on behalf of the Organisation, gets his fake papers by supplying the Sicilian Mafia with Soviet Army surplus ground-to-air missiles to smuggle into the Balkans to supply the Bosnian Serbs'.

The growing influence of organised crime is estimated to gross \$1.5 trillion a year and is a significant rival to multinational corporations as an economic power. Global crime groups have the power to criminalise politics, business and the police, developing efficient networks, extend their reach deep and wide. All have operations extending beyond national borders, and they are now developing strategic alliances which are linked in a global network, reaping the benefits of globalisation (UNDP, 1999). Crime syndicates prefer globalisation, for it creates 'new and exciting opportunities, and among the most enterprising and imaginative opportunists are the world's criminals' (UNDP, 1999: 43). The UNDP (1999: 41) thus observes that:

The illegal drug trade in 1995 was estimated at \$400 billion, about 8% of world trade, more than the share of iron and steel or of motor vehicles, and roughly the same as textiles (7.5%) and gas and oil (8.6%).

There are now 200 million drug users throughout the world and in the past decade the production of opium has more than tripled and that of the coca leaf more than doubled in order to meet the huge demand from this illicit market. The problem of drugs is thus not restricted to a few countries but is a global phenomenon and many armed conflicts taking place in different parts of the world may be financed by illegal sources including a significant element from drugs.

Buchanan (2004) observes that as globalisation has evolved, money launderers have been able to conduct their trade with greater ease, sophistication and profitability. As new financial instruments and trading opportunities have been created and the liquidity of financial markets has improved, it has also allowed money laundering systems to be set up and shut down with greater ease. The latter tend to allocate dirty money around the world on the basis of avoiding national controls and thus flow to countries with less stringent controls. Globalisation has also improved the ability of money launderers to communicate using the Internet and travel allowing

them to spread transactions across a greater number of jurisdictions and in doing so increases the number of legal obstacles that may hinder investigations. Underground or parallel banking systems have also attracted the attention of law enforcement and regulatory agencies.

Braithwaite (1979) observes that global money laundering imposes significant costs on the world economy by damaging the effective operations of national economies and by promoting inadequate economic policies. The outcome is that financial markets slowly become corrupted and the confidence of the public in the international financial system is eroded. Eventually, as financial markets become increasingly risky and less stable, the rate of growth of the world economy is reduced.

Eduardo (2000) observes that corruption is a significant trait of global crime with the blurring of the boundary between state and criminal power making the fight against organised crime significantly more difficult. In the countries where organised crime has asserted its political or financial power, whether it be by greed or fear, state illegality has become endemic. Interestingly low levels of corruption are seen to promote economic growth in certain regions but at a higher level it inhibits growth and damages the economy. Bribes are socially damaging and politically destabilizing and are harmful for the growth prospects of host countries in that they can undermine the functioning of states, lower the efficiency of production, reduce competitiveness and introduce inequities (Ackerman, 2002). Corruption is not only damaging in itself but it also furthers other criminal activities such as drug production and trafficking and the creation of safe havens for terrorists. Russia is an example of how corruption becomes a main factor in the expansion of organized crime (Eduardo, 2000).

Global crime groups have the power to criminalize politics, business and law enforcement agencies, developing efficient networks and pervasively extending their reach. For example, the United Nations estimates that human trafficking is a \$5–7 billion operation annually with four million persons moved from one country to another and within countries (Raymond, 2002). The traffic in women and girls for sexual exploitation – 500,000 a year to Western Europe alone – is estimated to be a \$7 billion business (UNDP, 1999) and is a worldwide phenomenon that is becoming the fastest growing branch of organised crime (Raymond, 2002). Reliable estimates indicate that two hundred million people may be under the control of traffickers of various kinds worldwide (Eduardo, 2002). Globalisation has greatly facilitated the growth of international

terrorism. The development of international civil aviation has made hijacking possible, television has given terrorists worldwide publicity and modern technology has provided an impressive range of weapons and explosives (Eduardo, 2002).

International terrorist organisations would nevertheless find it hard to operate and pose a challenge to any nation-state without media publicity and requisite funding. It is the money that they obtain from money-laundering, credit card frauds, securities scams, and much more, that enable international terrorists to traverse the globe at will, and buy the requisite equipment and armaments (Bequai, 2002). The threat of international terrorism is multiform. First, there is the traditional state-sponsored terrorism – which is a form of global organised crime – and this is also characterised as socio-political organised crime. Second, there is a new variant of freelance terrorists who constitute an even more frightening possibility because they are not sponsored by any particular state and are loosely affiliated with extremist and violent ideologies. These terrorists have proven to be all the more dangerous precisely because of their lack of organisation and the difficulties associated with identifying them (Eduardo, 2002). Terrorism and terrorist motivations are discussed in more detail below.

Computer and related criminality – cybercrime – has become the phenomenon of the early twenty-first century and this has been created by the vast expansion of computers in the global economy, the rapid increase of their use in households and, in particular, the Internet and public access cable television. There are thus countless individuals with the capacity and intent to use the medium to inflict damage (Bequai, 2002). One of the largest industries utilizing the Internet is that of pornography, a business that is estimated to exceed a \$100 billion annual turnover and which terrorists have been quick to exploit as a source of income. With a minimal investment of funds, and working through corporate fronts and money men, terrorist organizations have been reaping billions of dollars annually from pornography (Bequai, 2002).

The illegal trafficking of weapons is a fast expanding business which destabilizes societies and governments, arming conflicts in Africa and Eastern Europe. Light weapons which have the most immediate impact on the lives of people, have been used in every conflict around the world, and have caused 90 per cent of war casualties since 1945. In El Salvador the homicide rate increased 36 per cent after the end of the civil war and in South Africa machine guns pouring in from Angola and Mozambique are being used increasingly in more and more crimes. In Albania

there were five times as many murders in 1997 as in 1996, a rise attributed to the illegal arming of civilians (UNDP, 1999).

Organised crime is not new but criminals have been taking advantage of fast moving technological advances, overall globalisation and the freedom of circulation and the establishment of global markets. The acceleration of the liberalisation of markets has been at least partly technology-driven and with the rapid development of travel, global networks, electronic commerce and the information economy, it has been easy for people to trade and communicate.

Financial activity, services and investments are becoming increasingly mobile. These developments provide opportunities for sustained improvements in economic performance but they also raise important new challenges in the form of globalized crime. Globalization has certainly brought countries closer together through technological innovation and the integration of financial markets. The ability to conduct trade has become substantially quicker and cheaper and the global financial system now operates on a 24-hour basis. Globalization has increased levels of cross border investment and brought about the transfer of technology, skills and knowledge across countries. It has significantly benefited participants not only in the legal economy but also in the illegal economy (Findlay, 2000).

Findlay (2000) explains the global explosion in crime and criminal activity in terms of the market conditions which are the outcome of the internationalization of capital, the generalization of consumerism and the unification of economies that are in a state of imbalance. He observes that power and domination are simply criminogenic. The new rules of globalization focus on the integration of global markets and the needs of people that markets cannot meet are simply neglected. The process is thus concentrating power in the hands of the rich and already powerful while accentuating the marginalization of both poor people and poor countries.

Susan George (1999) proposes that globalization is creating a three-track society, in which there are the exploiters, the exploited and the outcasts, the latter group being people who are not even worth exploiting. She argues that the current 'corporate-driven, neo-liberal globalization' results in increasing inequalities between rich and poor, both within and between countries. Many are marginalized, specifically in the less developed world with weak state institutions and fragile

economies burdened by debt payments. George (1999) observes that those marginalised do not passively wait until they starve to death, but create their own means to survive whether in the legal economy or in the illegal one and more often in the grey area that lies in between.

Globalisation excludes segments of economies and societies from the networks of information available to the dominant society. Unemployment, alienation, and youth abandonment, which make up what Castells (1998) calls the 'black holes of informational capitalism', provide the ideal terrain for criminal recruitment of, for example, global drug traffickers. This phenomenon is even more acute in Russia where following the collapse of the Soviet Union young people became an attractive labor pool for criminal organizations (Findlay, 2000; Eduardo, 2002). Findlay (2000) argues that the globalization of markets has profoundly transformed the structures of employment, distribution of wealth, and consumption through modernization, development, and urbanization. Such macro-economic transformations are moreover accompanied by significant global changes of societal norms and values, which influence the scope and nature of local and global crime (Le Billon, 2001; Eduardo, 2002; Mehanna, 2004). This may be a result of technological transfer, information transfer or immigration.

A further significant link in the globalization process is that of the media. For example, the globalization of a culture of violence has spread through the media and has become a major focus of popular culture, from children's cartoons to investigative journalism and has been very influential on the pattern of local crime. The over-representation and legitimization of violence by the global media is thus compounded locally by the availability of guns, the institutionalization of violence by criminal justice agencies, lax parental supervision and weak parental bonding. At the cultural level, these phenomena are connected with the general dissolution of traditional norms and values that characterize the current era of globalization (Funk, 2004).

Terrorism and state violence

On 11 September 2001 the terrorist group al-Qaeda carried out attacks on the World Trade Center in New York City and the Pentagon in Washington DC causing thousands of casualties and in doing so provided inevitable widespread public support for what was to be an extensive authoritarian assault on civil liberties and human rights both in the USA and the UK. Further

terrorist attacks on the allies of the USA again involving large numbers of casualties – including those in Bali on 12 October 2002, in Turkey on 20 November 2003 and the London Transport System on 7 July 2005 – and the almost constant warnings by government of failed attempts and successful interventions by the security forces against terrorists invariably living in our midst strengthened support for measures to protect society from such attacks (see Hopkins Burke, 2004c).

There is a well-known adage that ‘one man’s terrorist is another man’s freedom fighter’ and it is clear that those involved in the aforementioned al- Qaeda terrorist attacks undoubtedly considered their actions to be justified acts of war, just as the retaliatory strikes against Afghanistan and Iraq were subsequently considered just acts in the ‘war against terrorism’ by the governments of the USA, UK, and their allies. Contemporary politicians go to great lengths to describe terrorists as being no different from common criminals but this has not always been the case. During the nineteenth century Britain obtained a reputation for being a safe haven for political ‘agitators’ and refugees from Europe but this situation was to change significantly during the following century when ‘political criminals’ were to become synonymous with ‘terrorists’ and abhorred by governments throughout the world.

‘Terrorism’ is an emotive word which emphasizes the extreme fear caused by apparently indiscriminate violent actions of individuals claiming to be operating on behalf of some particular cause. Sometimes terrorist activities are funded by states – state-sponsored terrorism – and the West has been keen to accuse countries such as Libya, Iran, (previously) Iraq and Syria of doing so. Western states have, on the other hand, supported terrorism when it has been in their political interests to do so and thus during the Cold War backed many right-wing-movements invariably as a bulwark against communism. Israel also readily condemns terrorism but ironically the state itself came into being as the outcome of a terrorist campaign. One of the actions of the Jewish organization Irgun Zvai Leumi was to blow up the King David Hotel in Jerusalem in July 1946 without giving any warning and killing over 70 people many of them British. The leader of Irgun, Menachem Begin was sought by the British as a terrorist and a murderer and was sentenced to death in his absence. He was later to become Prime Minister of Israel and was awarded the Nobel Peace Prize in 1978. Similarly, Nelson Mandela spent over 25

years in prison for acts of terrorism and subsequently became President of South Africa within five years of his release and a global icon.

Most of the major theories that seek to explain terrorism – and individual and group involvement – are derived from theories of collective violence developed in the field of political science. Terrorism is not a form of governance but anarchism is. Most anarchists reject terrorism but in a theoretical sense, anarchism justifies such actions as a form of criminal action that attacks the values of an organized, complacent society. Anarchism is – as we saw in the previous chapter – a theory of governance that rejects any form of central or external authority, preferring instead to replace it with alternative forms of organization such as shaming rituals for deviants, mutual assistance pacts between citizens, syndicalism (any non-authoritarian organizational structure that gives the greatest freedom to workers), iconoclasm (the destruction of cherished beliefs), libertarianism (a belief in absolute liberty), and straightforward individualism. Anarchism is often referred to as providing the nineteenth century foundations of terrorism with the actual term first introduced in 1840 by Pierre-Joseph Proudhon. Other major nineteenth anarchist figures – like Karl Heinzen and Johann Most – argued that murder, especially murder-suicide, constituted the highest form of revolutionary struggle and both advocated the use of weapons of mass destruction.

It was minor figures in the history of anarchism, like Charles Gallo, Auguste Vaillante, Emile Henry, and Claudius Konigstein who advocated the influential idea that to be most effective, the targets must be innocents (in places such as crowded dance halls or shopping centres) or symbols of economic success (like banks and stock exchanges). It is nevertheless important to note that present day anarchists – and certainly not the anarchist criminologists such as Ferrell and Tifft we encountered in the previous chapter – do not support terrorism. Moreover, it is important to recognize that only a small minority of terrorists have ever been anarchists, and only a small minority of anarchists have ever been terrorists.

Passmore (2002) proposes that fascism – a form of government with strong links to state sponsored terrorism – can be defined as the consolidation of an ultranationalist ideology that is unashamedly racist. The word itself comes from the Latin ‘fasces’ which means to use power to scare or impress people and it generally refers to the consolidation of all economic and political power into some form of super-patriotism that is devoted to genocide or endless war. So called

islamo-fascism has links with the birth of Nazi ‘national socialist’ fascism in 1928 when the Muslim Brotherhood (Al Ikhwan Al Muslimun) – parent organisation of numerous terrorist groups – was formed in reaction to the 1924 abolition of the caliphate by the secularist Turkish Government. Passmore (2002) observes that the term ‘Islamic Fascism’ is a better term with which to describe the agenda of contemporary radical Islam for this captures the twin thrusts of reactionary fascism. In one sense, fascism is born out of insecurity and a sense of failure, but in another sense it thrives in a once proud, humbled but ascendant, people. Envy and false grievances are the characteristics of such reactionary fascism while believers are subject to all kinds of conspiratorial delusions that setbacks were caused by others and can be erased through ever more zealous action.

Fascism supports terrorism at home and abroad and its inevitably charismatic leaders are usually given supreme powers to crack down on dissidents. With the frequent wars and militaristic ventures that come with fascism, an effort is made to demonize the enemy as subhuman who deserve extinction while, at the same time, being transformed into scapegoats and blamed for all the past problems a country has experienced. Fascism simply appeals to the frustrations and resentments of an ethnic group of people who think they ought to have a bigger place at the global table. When combined with an anti-western slant (the USA as the Great Satan) fascism becomes a means of social identity (Pan-Africanism, Pan-Arabism, Islamo-Fascism) as well as a facilitator of terrorism.

Hoffman (1993) notes that about a quarter of all terrorist groups and about a half of the most dangerous ones on earth are primarily motivated by religious concerns who believe that God not only approves of their action but demands their action. Their cause is thus sacred and consists of a combined sense of hope for the future and vengeance for the past. Of these two components, the backward-looking desire for vengeance may be the more important trigger for terrorism because the forward-looking component – called apocalyptic thinking or eschatology – tends to produce wild-eyed fanatics who are more a danger to themselves and their own people.

The successful use of terrorism in the name of religion rests upon convincing believers or the converted that a ‘neglected duty’ exists in the fundamental, mainstream part of the religion. Religious terrorism is therefore, *not* about extremism, fanaticism, sects, or cults, but is instead about a fundamentalist or militant interpretation of the basic tenets. Most religious traditions are

filled with plenty of violent images at their core and destruction or self-destruction is a central part of the logic behind religion-based terrorism (Juergensmeyer, 2001). Stitt (2003) observes that evil is often defined as malignant narcissism from a theological point of view and religion easily serves as moral cover for self-centred terrorists and psychopaths. We should note that religion has always absorbed or absolved evil and guilt in what is called theodicy or the study of how the existence of evil can be reconciled with a good and benevolent God (Kraemer, 2004).

Economics has many concepts that are relevant to an understanding of terrorism, such as, supply and demand, costs and benefits and we saw in the first part of this book that rational choice theory has become a significant component of the contemporary variant of the rational actor model of crime and criminal behaviour which proposes that people will engage in crime after weighing the costs and benefits of their actions. Criminals must thus come to believe that their actions will be beneficial – to themselves, their community, or society – and they must come to see that crime pays, or is at least a risk-free way to better their situation (Cohen and Felson, 1979). It is in this theoretical context that the Olson (1982) hypothesis suggests that participants in revolutionary violence base their behaviour on a rational cost-benefit calculus to pursue the best course of action given the social circumstances. Rational choice theory, in political science, follows a similar line, and holds that people can be collectively rational, even when making what appears to be irrational decisions for them as individuals, after perceiving that their participation is important and their personal contribution to the public good outweighs any concerns they may have for the ‘free rider’ problem (Muller and Opp, 1986).

Martha Crenshaw (1998) is a rational choice theorist who argues that terrorism is not a pathological phenomenon or aberration and that the central focus of study should be on why it is that some groups find terrorism useful and conversely why it is that other groups do not find terrorism useful. Thus, some groups may continue to work with established patterns of dissident action while others may resort to terrorism because they have tried other alternatives. Still other groups may choose terrorism as an early choice because they have learned from the experiences of others that alternative strategies do not work. Crenshaw (1998) calls the latter the contagion effect and claims it has distinctive patterns similar to the copycat effect in other theories of collective violence (Gurr, 1970). There may also be circumstances in which the terrorist group

wants to publicize its cause to the world, a process Crenshaw (1995) calls the globalization of civil war.

Nassar (2004) argues that the processes of globalization contribute to dreams, fantasies, and rising expectations, but at the same time, lead to dashed hopes, broken dreams, and unfulfilled achievements. He observes that terrorism breeds in the gap between expectations and achievements and this is an argument resonant with Merton's version of anomie theory which we encountered in the second part of this book. Indeed, we might observe that the only thing unique with this version of globalization theory is that it adds a rich-poor dichotomy. Thus, rich people (or nations) are seen as wanting power and wealth, and poor people (or nations) are seen as wanting justice.

From this perspective, rich people are part of the causes of terrorism since they contribute to the conditions which give rise to it while the perpetrators are never seen as being born or socialized with any specific predispositions toward it. In short, globalization theory proposes that if the oppressed and disgruntled poor people of the world were simply given the chance to find peaceful means for achieving justice, terrorism would not thrive.

Modern sociological perspectives are primarily concerned with the social construction of fear or panic and how institutions and processes, especially the media, primary and secondary groups, maintain that expression of fear. O'Connor (1994) makes use of a neo-functionalist framework to chart the way terrorism impacts on the whole of society by affecting core values of achievement, competition, and individualism. Thus, some societies become 'softer' targets after terrorism (especially after short-term target hardening) and other societies become stronger in the long term. It depends upon interaction patterns, stabilities and interpenetrations among the structural subsystems (economy, polity, religion, law).

O'Connor (1994) identifies five contemporary sociological theories of terrorism. First, the *frustration-aggression hypothesis* proposes that every frustration leads to some form of aggression and every aggressive act relieves that frustration to some extent. Second, the *relative deprivation hypothesis* proposes that as a person goes about choosing their values and interests, they compare what they have and do not have, as well as what they want or do not want, with real or imaginary others. The person then usually perceives a discrepancy between what is

possible for them and what is possible for others, and reacts to it with anger or an inflamed sense of injustice. Third, the *negative identity hypothesis* proposes that, for whatever reason, a person develops a vindictive and covert rejection of the roles and statuses laid out for them by their family, community, or society. Thus, a child raised in an affluent family might secretly sabotage every effort to give them a good start in life, until the day comes, with some apparent life-altering experience (like engaging in terrorism) that the long-nurtured negative identity comes to the fore, and the subject can then make it feel more like a total identity transformation. Fourth, the *narcissistic rage hypothesis* is a generic explanation for all the numerous things that can go wrong in child-rearing, such as too much mothering, too little mothering, ineffective discipline, overly stringent discipline, psychological trauma and coming from a broken home which leads to a damaged self-concept and a tendency to blame others for our own inadequacies. Fifth, the *moral disengagement hypothesis* follows the work of David Matza on 'techniques of neutralization' we encountered in the second part of this book and proposes the ways that a person neutralizes or removes any inhibitions they have about committing acts of horrific violence. Thus, some common patterns include imagining oneself to be a hero, portraying oneself as a mere functionary with limited (or diminished) responsibility, minimizing the harm done, dehumanizing the victim, or insulating oneself in routine activities. O'Connor (1994) observes that organized crime figures, for example, usually hide behind family activities with their wives and children although we should also be aware that there are numerous other ways that violence can be rationalized and neutralized (see Hacker, 1996). Terrorist rationalizations usually involve a complete shift in the way government and civil society is perceived by the individuals and groups concerned.

Psychological explanations of terrorism have tended with a few exceptions (Ross, 1996, 1999) to be clinical and invariably futile attempts to find something pathological in the terrorist personality. Merari (1990) provides a good overview of psychological approaches and factors that have been implicated in the formation of supposedly terrorist personalities and these include the familiar explanations of ineffective parenting, rebellion against parents, a pathological need for absolutism and a variety of other 'syndromes' and hypotheses which it is observed have yielded little valid and reliable information about the psychology of terrorists other than a few generalizations. There have been several promising attempts to merge or combine psychology with sociology – and criminal justice perspectives – into what might be called terrorist profiling

(Russell and Bowman, 1977; Bell, 1982; Galvin, 1983; Strentz, 1988; Hudson, 1999). When suicide bombing came to the fore, Merari (1990) conducted interviews with terrorists and found that most who commit suicide attacks are between the ages of sixteen and 28. Most are male, but 15 per cent are female with that proportion increasing. Many come from poor backgrounds and have limited education, but some have university degrees and come from wealthy families.

What sociological and psychological approaches basically tell us is that individuals join terrorist organizations in order to commit acts of terrorism, and that this process is the same as when individuals join criminal subcultures in order to commit acts of crime. Moreover, there appears to be no unique terrorist personality but there does appear to be unique subcultural phenomena which develop, support, and enhance an enthusiasm for cold-blooded, calculated violence which, if not satisfied within a terrorist organization *might* well be fulfilled elsewhere. Terrorism is a social activity and individuals join a terrorist group usually after they have tried other forms of political involvement. The emotional links between individuals and the strength of commitment to their ideology appear to become stronger by the group living in the underground and facing adversity in the form of counterterrorism.

Socialization in the terrorist underground is quite intense and the identity of an individual may become tied to the identity of the group but it is just as likely that emotional relationships become as important (if not more) than the purpose of the group. This means that the distribution of beliefs among members in a terrorist group may be uneven and there may be major differences between individual and group ideology (Ferracuti, 1982). Thus, ideology may not necessarily be the main component of motivation.

We have observed in our discussion above how some of the traditional criminological theories that we have encountered in the first four parts of this book – in particular, the US anomie tradition as developed via deviant subculture theories but also social control theories – have helped to explain why it is that people join terrorist groups. In other words, this is part of a long established criminological tradition which proposes that people choose to act in certain criminal ways because of where they are born and who they associate with and this is as much applicable to involvement in terrorism as it is to the white-collar, professional and hate crimes we identified in the second part of this book. Ruggiero (2005) follows in this sociological criminological tradition and commences his discussion with Durkheim and we should observe that the latter's

notion of the ‘normality of crime’ which is functional to requirements of society is commensurate with an understanding of terrorist activity. Terrorist activities seem to make most sense at times of rapid social change – when there is a prevailing sense of normlessness or Durkheimian anomie – and when an unfair or forced division of labour is readily apparent to many.

Terrorism and postmodernism revisited

Whether or not the terrorist activities outlined above can be considered to be ‘just’ wars in terms of international law and in any objective sense has been widely debated but it does seem that these can be considered perfectly normal, albeit violent and extremely unpleasant activities, which make perfect subjective sense to the participants and the groups supporting them. The significance for our discussion of terrorism is that the events of 11 September 2001 – and those which followed – seemingly signposted the end for any positive notion of a postmodern society. From that date, the very idea of societies being founded on widely accepted and legitimate moral ambiguities where ‘there are a range of different discourses that can be legitimate and hence right for different people, at different times, in different contexts’ becomes seriously problematic.

Postmodern societies can only function successfully if there is a reciprocal acceptance of diverse values from all participant groups. It was always a deeply problematic notion in societies with a very pronounced ‘forced division- of-labor’ (Durkheim, 1933) and it appears seemingly impossible when groups become so totally opposed to the values and activities of others that they are prepared to use any means to destroy them. At that point, such groups become enemies and anyone – however, tangentially associated with them – will become a legitimate target for surveillance and risk assessment. Government cannot afford not to take the issue of state security seriously and the notion of the risk society becomes entrenched and virtually unassailable in public policy discourse.