

Crime, Social Control and Human Rights

From moral panics to states of denial

Essays in honour of **Stanley Cohen**



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Edited by
David Downes
Paul Rock
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Paul Rock was educated at the London School of Economics and the University of Oxford. He is Professor of Social Institutions at the former and occasional Visiting Professor at the University of Pennsylvania. His principal research interest has been in the development of policies for victims of crime, and he has written a number of books on the theme, beginning with *A View from the Shadows: The Ministry of the Solicitor General of Canada and the Justice for Victims of Crime Initiative*, and, most recently, *Constructing Victims' Rights: The Home Office, New Labour and Victims*. His current research focuses on the experimental introduction of victim impact statements in homicide trials in England and Wales.

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Nils Christie has for most of his life worked as Professor of Criminology at the University of Oslo, Norway. He has been the Director of the Institute of Criminology and Penal Law, and also of the Scandinavian Board of Criminology. He is the author of a great number of books and articles. His two most recent books are *Crime Control as Industry* (2000) and *A Suitable Amount of Crime* (2004), both translated into many languages. But most important here: he has been a friend of Stan for many, many good years.

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Foreword

Noam Chomsky

About 15 years ago, Stan Cohen wrote me about a research project he was undertaking on “denial” – how people manage to shut out information about atrocities and human rights violation’. The project led to his remarkable work *States of Denial*, a chilling testimony to the times; one is tempted to say ‘epitaph’. Throughout history, denial and historical amnesia have been a critically important instrument of domination from the smallest social groupings, like families, to international affairs. It is impressive, and deeply depressing, to see how differently history and what is happening before our eyes are refracted through the vision and sensibilities of those who hold the clubs, on the one hand, and those who are beaten by them, on the other. And no sensible person should be surprised to learn, over and over, how the balance of veracity is tilted. It would be tempting to provide examples, past and present, but any brief selection is unfair and misleading, and anything more serious would constitute another book – many parts of which have been written, rarely penetrating very deeply into the consciousness of those with the power and the privilege to shape history in their interests. One classic example, of unfortunately clear contemporary relevance, is de Tocqueville’s observations about how Americans were able ‘to exterminate the Indian race’ while ‘wholly depriving it of its rights ... without violating a single great principle of morality in the eyes of the world’ – at least the civilized world. But there are all too many more, wherever we turn our eyes.

Stan’s work on this topic began with his investigations of torture in Israel, surely informed by his early experiences in South Africa. He then extended them far more broadly, and with increasing depth and penetration. It is hard to overlook the fact that I am writing these words

a few days after the leader of the Free World has passed legislation that empowers the executive to authorize torture at its own discretion, to deny *habeas corpus* and other rights that date back centuries, and much else, and that immunizes from accountability those responsible, to the highest level. Perhaps that is the natural response to the advice given the President several years earlier by his legal counsel, now Attorney-General, that it would be wise to rescind the Geneva Convention, which he determined to be 'quaint' and 'obsolete'. That step, he explained, 'substantially reduces the threat of domestic criminal prosecution under the War Crimes Act', passed in 1996 by a Republican Congress, which carries severe penalties for 'grave breaches' of the Conventions: the death penalty if death results to the victim. All now in the ashcan of history, already overflowing with far worse examples.

The hope for the future is that others will take up the cause that Stanley Cohen has followed with courage, dedication, and penetrating honesty. It is a privilege to be able to contribute at least a few words in honour of an exemplary life and memorable achievements.

Introduction

The Editors

Cohen the criminologist

There is no need in an introduction extensively to recapitulate Stan Cohen's work as a sociologist of crime, deviance and control. It is too well known, and too well covered in other chapters of this book, to warrant description in any detail here. What we shall do instead is chart some of those properties that have made it stimulating, original and influential. Where one is so supple and sophisticated, it is all but impossible to reduce his thought to plain statements. Stan Cohen is, as they used to say, multivocal, and we can dwell on only a few of his voices. Indeed, John Braithwaite said to one of us how difficult it is to summarise his argument: the best and perhaps the only way forward, he said, is to allow him to speak for himself in quotation.

Stan Cohen was at an important stage committed to the view that it was difficult to disentangle the personal and biographical from the professional and intellectual. He told his friend and sometime collaborator, Laurie Taylor, that he had for a long while been 'sold on the 60s idea that you could integrate every part of your life: the idea that your soul, your teaching, writing, political activity could all be harmonised into a single whole' (Taylor 2004). He later modified that view, calling it a 'kitsch theoretical synthesis' and saying that it should be replaced by no more than a linkage joining the 'private/personal with the political/public' (Cohen 2003: 2–3). But the biographical and intellectual did converge in his own life in several interesting ways. He would use himself and his circumstances reflexively as materials. It was with Laurie Taylor that he wrote *Escape Attempts*, in which they recalled how they 'took notes about our own "normal" deviance; smoking

dope with our students, organising anti-Vietnam war demonstrations, watching porno movies' (1976: 2). He is a storyteller who translated his experiences into narratives embellished by literary reference (Burroughs, Kafka, Kerouac, Orwell, Rinehart and Serge loom large), powerful metaphor, and mellifluous and fluent writing (he once made the remarkable confession that he did not find writing difficult). And that is his first strength: unlike many social scientists, he is a cultivated person who can see the world through literary eyes.

Born as a Jew and trained as a social worker in the South Africa of apartheid, he came to England in 1963 to practise, but then repeatedly changed course to embark on a successful academic career in London, Durham and Essex, emigrate to Israel in 1980 and return to London in 1994. He has been a wanderer, something of a *Steppenwolf* or 'intellectual maverick' (Plummer 2003: 2), who has not always settled or been at ease. Of Britain in the 1960s and 1970s, he said that it was 'a sour, post welfare state [society] which had patently not delivered the goods' (Cohen 1987: iii). 'I was,' he recalled of his first sojourn in the country, 'acutely aware that [my] original commitments could never find a home in English politics. I couldn't read about what was happening in South Africa and Israel and then connect with the striking British trades unionists or university Trotskyists' (Taylor 2004). His fellow countryman, Adam Kuper, pronounced at a colloquium held in his honour at the London School of Economics (LSE) in June 2006 that neither he nor Stan Cohen had ever felt at home in England. Yet he was also to become an outsider in the political life of the Israel to which he and his family later removed. He came to lose his allegiance to Zionism and despair of its politics. As his former colleague, Ken Plummer, observed in an address delivered when Stan Cohen was awarded an honorary doctorate at the University of Essex in July 2003, 'in Israel he came to detest the atrocities generated through the Israeli-Arab conflicts. ... This was one of the most unhappy periods of his life – although he loved the country.'

Marginal, something of an outsider looking in, he could not but experience a sense of anthropological distance, in which what others took for granted could be seen as extraordinary and problematic. Marginality may not be comfortable existentially, but it is propitious methodologically, and Stan Cohen was from the first committed to what he called a 'sceptical' approach (Cohen 1971), in which, as he later put it, there is an attempt 'to make the world look different: a strange terrain appears imperceptibly to be familiar or, just as interesting, a familiar terrain begins to look a little strange' (Cohen 1985: 1). It is at such points of transformation that questions and contrasts emerge, and they are worth cultivating. Stan Cohen has refused adamantly to

accept *ab initio* the surface appearance of things, or, more important and unusually, the accounts (even the sceptical accounts) offered by others, including friends, intellectual allies and close colleagues, about how things appear. He has achieved originality and strength by the apparently simple device of remorselessly interrogating what others are content to leave unanalysed. Nothing, not even the enterprise of criminology itself (see Cohen 1988), is to be accepted outright, and certainly not because a colleague or authority says it must be so ('The golden rule is this,' he remarked, 'be suspicious whenever both sides claim to be "realists"' (Cohen 2003: 5)). Almost everything is to be dissected, patiently, honestly, unremittingly and at close quarters, to see what it might reveal, and in his teaching and writing he has coaxed the most commonplace problems into yielding intriguing answers. There is in all this not only a transparent integrity and insistence on purpose and method, but also an application of mature common sense, a practical wisdom, that refuses to bow to mere fad, cleverness or superficial show. He returns time and again with piercing observations to discomfit pretension. Of the three 'voracious gods' confronting the sociologist, he claimed, two were 'an overriding obligation to pursue honest intellectual enquiry (however sceptical, irrelevant and unrealistic) ... [and] a political commitment to social justice' (Cohen 1998: 122).

That drive to integrity and justice is what made the essay introducing the second edition of *Folk Devils and Moral Panics*, the book based on his PhD dissertation, so memorable. The first edition had described the manner in which public interpretations of the confrontations between mods and rockers had been progressively elaborated to create folk monsters. The second questioned the weight of theory which other sociologists had subsequently woven around his themes of oppression, resistance and youthful culture. They had, he remarked, asked young people to bear a 'symbolic baggage ... [that] is just too heavy ... the interrogations are just a little forced. ... [it] is an imaginative way of reading the style; but how can we be sure that it is also not imaginary?' (Cohen 1980: xv). What decisively shattered his credulity, and his credulity as a Jew above all, was the assertion that the cultural appropriation of the swastika by punks in the 1970s should not and could not be read as anything but a piece of politically innocuous mockery: 'Time and time again, we are assured that although this symbol is "on one level" intended to outrage and shock, it is *really* being employed in a meta-language: the wearers are ironically distancing themselves from the very message that the symbol is usually intended to convey. ... But how are we to know this?' (Cohen 1980: xvii). Equally direct was his *riposte* to Taylor, Walton and Young's revolutionary vision of socialist diversity (1973). He had, he said, 'an aversion to the apocalyptic'

(1974: 30), and he questioned the failure of the radical criminologists closely to confront not only core problems of guilt, justice and tolerance but also the empirical evidence of how social life unfolded in countries ostensibly marked by 'socialist diversity'. Those are matters which cannot be trusted to the benign workings of a post-capitalist world. Socialist legality, he mused, tends to mean a 'model of social control in which offenders wearing sandwich boards listing their crimes before a crowd which shouts, "Down with the counter-revolutionaries!" are then led away to be publicly shot' (1979a: 44). Many of us may have entertained those sentiments in private, but it took a certain courage to voice them.

Relentless scepticism can blur into despair, and despair into *Weltschmerz*. There is at the heart of almost everything Stan Cohen writes an anguish about the human condition. He is, he said, a 'pessimist, a "miserabilist", even a depressive' (Cohen 2003: 5). 'The story of democratic society's attempts to control crime and deviance,' he came to write, 'is a depressing record of utopian visions gone sour, liberal hopes twisted into authoritarian nightmares and old promises lingering on to buttress policies long since discredited' (1979b: 250). Six years later, he wrote again that 'our private sense of what is going on around us ... [centres on a] private terrain [that] is inhabited by premonitions of *Nineteen Eighty-Four*, *Clockwork Orange* and *Brave New World*, by fears about new technologies of mind control, by dark thoughts about the increasing intrusion of the state into family lives, by a general unease that more of our actions and thoughts are under surveillance and subject to control and manipulation. Social control has become Kafka-land, a paranoid landscape in which things are done to us, without our knowing when, why or by whom, or even that they are being done' (1985: 6-7). There are parallels repeatedly drawn between the prison and the pains and confinements of everyday life, men and women being trapped inside cages of their own and others' making, and the stratagems they devise to break free only evolve tragically into new forms of constraint and accommodation with power (Cohen and Taylor 1972, 1976).

Such despair is perhaps the only condition on which Stan Cohen did not fully turn his own scepticism. It is engrained and absolute, perhaps too absolute, for there are eddies and stirrings of change in criminal justice systems which might persuade one that everything is not always for the worst in the worst of all possible worlds. After all, there is in the West, for good or bad reasons, less corporal and capital punishment, less public branding and punishment, than there once was (Spierenberg 1984; Gatrell 1994). There is less formal and informal repression of many forms of deviance and crimes without victims.