ADVANCES IN CRIMINOLOGY

Deleuze and Environmental Damage

Violence of the Text

Mark Halsey

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Violence of the Text

MARK HALSEY
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For Mum, Dad and Nicky.

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Introduction

Early in 2001 I visited an exhibition at the South Australian Museum devoted to the extinct thylacine – also known as the 'Tasmanian Tiger'. One display in particular caught my eye – a text from 1886 which ran as follows,

> It is quite time some other name was commonly adopted for the comparatively harmless marsupial, generally spoken of as 'The Tiger'. It is not the tenacious brute the name implies, and under no circumstances would it attack ever a child. On two occasions I have met with recently arrived emigrants who objected to leave town to secure work in the country for fear they or their children might be devoured (*The Tasmanian Mail*, September 1886).

I cite this text because it is a clear example of how words can significantly alter the course of events. Indeed, writers such as Friedrich Nietzsche and Michel Foucault contend that words are themselves events since they are the acoustical outcome of (violent) struggles, impositions, and forgettings (see Nietzsche, 1992; Foucault, 1980a, pp. 139–64). No one knows precisely how many 'tigers' there were prior to Europeans arriving in 1788 in 'Australia'. What is known is that these animals once roamed not just the island of Tasmania but across the mainland of Australia and probably numbered somewhere in the low tens of thousands. Due predominantly to their perceived threat to people and livestock, successive governments of the late nineteenth and early twentieth centuries issued bounties to anyone who could produce a dead tiger. By 1900, around 2000 such bounties had been paid in Tasmania alone. The tiger is believed to have been driven into extinction on the mainland around 3000 years ago. On July 10, 1936, the Tasmanian Government passed legislation to protect 'its' Tasmanian Tigers. However, less than two months later, the last known tiger died in captivity at the Hobart Zoo.

At this point, it is important to ask: What's in a name? In the above example, it would seem necessary to say that the name 'tiger' brought with it nothing less than the urge toward the decimation of a species. And it did so largely because the term 'tiger' took the form of an overcoded signifier – a word capable of projecting (however erroneously) a very particular series of imaginings based around such terms as 'ferocity', 'danger', and 'unpredictability'. In some cultures, though, such as parts of India and Siberia, the tiger signified (and continues to signify) everything majestic and noble. This, of course, was not the case in Australia where it was ascribed demonic characteristics (savage, cunning, ruthless). Ironically, the scientific name given the Tasmanian 'Tiger' was *Didelphis cynocephalus*, which means, literally, 'marsupial with a *dog*-like head'. Being a marsupial, this 'tiger' had

a pouch and suckled its young. Although portrayed in folklore and newspapers as preying 'mercilessly' on sheep and other livestock, it is now believed to have spent most of its time eating other small marsupials and birds and even insects when food was particularly scarce. But even this is conjecture since, due to its 'early' extinction, scant little is known about the social habits and life cycle(s) of the thylacine. In short, the capacity to inquire and become acquainted with this animal's various flows (of movement), speeds (of maturation) and intensities (of play, hunting, aggression), was irrevocably interrupted by the will to locate and destroy it. This is not to say that the fate of the thylacine would have been better if it had been spoken of as a kind of dog or a marsupial rather than as a member of the giant cat family. But it is to contend that its fate would have been *different* – perhaps even preferable to the present state of affairs.

The purpose of this brief recounting is to suggest that naming is far from being a neutral or simple process. Instead, naming matters. Names levy effects. They either preclude or leave open particular kinds of potentials, capacities and juxtapositions of bodies. Within sociological and criminological circles, this is something that has been known for some time (see Becker, 1963; Goffman, 1963; Lemert, 1967). But in the main such work has confined itself to an examination of the effects which flow from the application of juridical categories (criminal, delinquent) or from the social categories which signify some kind of marginal existence (deviant, queer, abnormal). Whilst in no way wishing to downplay the importance of such work, I want to suggest that an analysis of such labels generates a fairly limited understanding of the factors which contribute to 'social harm'. On a first count, labels (names, categories – call them whatever) need themselves to be put into critical relief – they need, in other words, to be given a genealogy (a body capable of displaying the struggles and costs that belie their usage in 'everyday speech'). Secondly, I think there are a whole raft of processes which contribute *en masse* to social, and in particular, ecological harm (the two most often infusing the other) (see Guattari, 2000). Such processes remain under-theorised by labelling theorists as well as criminological and socio-legal theory more generally. Accordingly, one of the key purposes of this book is to offer a micropolitical account of the evolution of such taken-for-granted concepts as 'Nature', 'sustainability', and 'environmental harm'. For what law prescribes as permissible in respect of Nature, and *ipso facto*, what it deems to be ecologically criminal, is intimately linked to how such terms have been spoken of, imagined, and otherwise deployed over time. To believe other than this is to turn away from the ethical, and at times violent, dimensions that go along with speaking and writing the world.

It is *the process, impact, and ethics of naming Nature* that is the subject of this book. In more specific terms, this book is centred around a study of the categories and thresholds used over time to map and transform a particular area of what can loosely be termed 'forested terrain'. And it is a study of the socio-ecological costs arising from such thresholds and transformations. Although written from a criminological and socio-legal perspective, this is not, however, a study specifically about 'crime' nor indeed about 'environmental crime'. It is instead about the way

such terms as 'harm', 'sustainability', 'ecological significance', 'value', and 'right', have been coded, decoded, and recoded by various means, at various times, with particular results. Further, this is not a study about 'justice' – at least, not in the transcendental sense of the term. But it is most certainly about the way law marks the earth. More particularly, it is about the composition of the various knowledges law calls upon to justify its 'justness', its 'rightness', and its 'comprehensivity' when it permits, for instance, the conversion of a 10,000 year old ecosystem into scantling for houses or paper for copying machines. In simple terms, this is a book about the modes of envisaging and enunciating a particular geopolitical space over time and the violences which make such visions and enunciations possible. As shall become clear, such violence has little if anything to do with traditional weapons such as guns, fists, or knives. Instead, it is *a violence borne by way of the slow and largely inaudible march of the categories and thresholds associated with using and abusing Nature*. This, therefore, is a work intended to (further) challenge orthodox framings of the relationships spanning crime, law, and environment.

The case of Goolengook

Since late 1996, a dedicated group of persons (sometimes called protesters, other times called 'ferals', 'greenies', 'dole bludgers', and the like) have agitated against the logging activities carried out in Goolengook forest block located in far eastern Victoria, Australia. During such time, there have been verbal and physical confrontations, hundreds of arrests, dozens of court hearings (including one at Supreme Court level), and numerous attempts by authorities to divide the body of Goolengook up in a manner deemed fair and equitable to all parties. At the time of writing, protesters are taking up position in and around coupes scheduled for logging in 2005. Whether arrests will occur is difficult to say. What is certain, though, is that the forest in this part of the world will be further depleted of processes and relationships little understood by governments, scientists, foresters and even by protesters and environmental groups.

Ostensibly, there are many ways to write about this conflict. Typically, however, this has involved talking about Goolengook and other such forest conflicts in terms of greenies versus loggers, or greenies versus government, or, on occasion, loggers versus government. Like most David and Goliath narratives, such accounts make for interesting reading. But stories based on dichotomies such as those just mentioned do not, arguably, sufficiently articulate the nuances contributing to forest conflict as *event* – that is, as something which is both a discursive invention (i.e. an object of our policies, laws, imaginings) *and* a body consistently eluding efforts to frame, categorise, think, speak – in short, *represent*, 'its' aspects.

In an attempt to write forest conflict as event (as a site of intensities permanently oscillating between a becoming-the-same and a becoming-other), this book applies the ideas of French poststructuralist writers Gilles Deleuze and Felix Guattari to what is now the longest running forest conflict to occur in Australia since European

settlement/occupation. As will become clear, the conflict at Goolengook is about something much more than 'forests' – Australian or otherwise. Indeed the struggles taking place in and over this area raise critically important questions concerning who we are (subjectivity), what we can do (power), what we can know (epistemology), and who we might become (desire). Moreover, it raises questions as to the ontological consistency and ecological utility of terms like 'we', 'society', 'global', 'Nature', 'environment', 'forest block', 'old-growth', 'truth', 'harm', 'right', 'crime' and so forth. A primary aim of this book, therefore, is to demonstrate how a geopolitical terrain has been *textually configured* over time (by law, by management plans, by mining leases, by Indigenous knowledges, and other) in order to subsequently show how, why and for whom it 'works', as well as how, why and for whom it recurs as a problematic site.

Writing a micropolitical account of forest conflict will involve three interrelated tasks. In the first instance, it will mean *tracing* the various texts (or abstract machines) which have heralded the imposition of particular modes of environmental regulation. In the second, it will mean *articulating* how various of Deleuze and Guattaris' concepts impact the dichotomies underpinning such regulatory policies. And in the third, a micropolitics of environmental (forest) conflict will involve *mapping* the kinds of assemblages and abstract machines capable of creating new configurations of bodies and ecologies – a configuration which might allow a becoming-the-same (becoming-anti-ecological) to find the space to become-other (to become-subsistent).

Telling the story

The book is assembled in the following way. Chapter 1 offers an overview of modernist accounts of environmental damage/conflict. I demonstrate that each of the five main ecological schools of thought underpinning contemporary environmental regulatory mechanisms are unable to account for the highly complex relationships pertaining between language, power, knowledge and various identities/social roles. More specifically, I argue that modern accounts of environmental damage proceed in monolithic fashion (the irresponsible consumer monolith under liberal ecology, the capitalist monolith under ecomarxism, the patriarchal monolith under ecofeminism, the hierarchical monolith under deep ecology, and the domination monolith under social ecology) and that this produces a hypostatised rendering of the 'causes' and 'effects' of ecological ruin. Here, a range of problems (concerning chiefly language, subjectivity, and the textual production of damaged or 'pristine' terrains) are shown to disappear below the grid of intelligibility made possible by modernist ecologist thought.

Chapter 2 explicates the way in which environmental issues have been constructed and theorised within criminology to date. Three broad crimino-ecophilosophical approaches are identified (spanning the five ecological schools discussed in Chapter 1) and the shortcomings associated with each are discussed. Critically, I show how 'green' criminology has largely neglected to address the micropolitical forces which

contribute *en masse* to environmental problems (and, indeed, to what is framed as ecological damage). These micropolitical forces (identified later in the book as 'Modalities of Nature') have to do with the way Nature is *envisioned*, the *speed* at which Nature is transformed, the *categories* or lexicon used to 'build' Nature, and the *proximities* (or relations between bodies) which stem from the preceding modalities. I suggest that in order for criminology to know something of environmental conflict and regulation it must first understand the limits embedded within its own discourse concerning a) what counts as a criminological problem, and b) what might be done about such issues. The chapter concludes by calling for a theoretical approach capable of addressing these issues and the impact these have on the legal and extra-legal limits of environmental damage.

Chapter 3 is centred around the concept of *machinic thought* and its significance for thinking through the sources of environmental conflict and new forms of environmental regulation. Here, a way of thinking-acting is advanced that regards as futile all programmes aimed at the final resolution of the struggle between humans and Nature, science and opinion, or, in Nietzsche's terms, good and evil. The chapter therefore introduces the notion of difference (or the acategorical) and shows how and why such a concept is critical to ecological matters. Chiefly, I argue that modern modes of environmental regulation are built around systems of representation which do violence to the production of difference – the difference immanent to persons, rivers, deserts, forests, invertebrates – in short, the difference immanent to life itself. It is in this context that the work of Nietzsche (who, with the possible exception of Thales, can be regarded as the philosopher of flows/becoming-immanent par excellence) is surveyed. In particular, Nietzsche's work on rhetoric and culture is used to open up the isomorphic relationship between words and things such that questions which ask 'What is Nature?' or 'What is environmental harm?' become, at least temporarily, unanswerable – perhaps even (given a genealogical standpoint) non-sensical.

The chapter then moves to a substantive discussion of the work of Deleuze and Guattari – two writers who have contributed significantly to the creation of a lexicon capable of subverting the binaries (humans/Nature, cause/effect, harm/benign conduct, crime/order, law/disorder) characteristic of modern thought. Several of their key concepts are clearly explicated and their relevance to environmental matters made plain. Particular emphasis is placed on their notion of a *plane of consistency* since it is this concept which allows such terms as 'Nature', 'environment', 'wilderness' – all those 'things' which form the traditional objects of ecological struggles and crimino-ecophilosophical discourse – to be placed to one side. This strategy fits with one of the central aims of the book – namely, to move away from categorical accounts of environmental damage (where all things are known ahead of time) in order that Nature might be conceived as something problematic, as something fleeting, as something which eludes efforts to quantify, capture or code. Overall, then, the chapter is designed to convey the basic premises and strengths of poststructuralist thought with respect to problems of Nature/Naturing.

The fourth chapter briefly contextualises the key site for analysis (that is Goolengook forest block) and clarifies the methodology and terminology engaged to bring this site into (and out of) relief throughout the remainder of the book. This is a critically important chapter as it sets out the technique used to 'free' particular sites of environmental contestation from the political, legal, scientific and popular renderings that traditionally constrain the shape of environmental discourse. I show how and why disputed terrains are best conceived as *events* and that each event needs to be written in terms of its multiplicities in place of its prescribed functions. In keeping with Deleuze's reading of Spinoza, the question of what each disputed area *is* or is not (essence) is replaced by the question of what each terrain can or cannot *do* (affect) subsequent to the production of different texts (historic, legal, scientific, corporate). When matched with those given in Chapter 3, the concepts outlined in this chapter (machine, assemblage, fold) facilitate the production of a *chirographic machine*. In essence, the function of this machine will be to produce an archive of naming and envisioning capable of dislodging orthodox renderings of Nature and its so-called 'proper' relationship to Man over time. This machine – this meticulous documenting of major and minor texts with respect to a 'single' terrain – assists the emergence of the *becoming-other* of Goolengook as event.

The production of the chirographic machine occurs over the course of Chapters 5, 6 and 7 which collectively serve to relay something of the impact of two centuries of (European) textual incorporation of the site in question. Chapter 5 shows – to a particular chronological moment – the ways in which various texts named, categorised, and ascribed different 'values' to this space. It portrays, in other words, the texts which contributed to Goolengook 'becoming-known' (to Europeans) (beginning with archaeological evidence of Aboriginal occupation around the time of the last ice age and concluding with the geodetic survey documents which heralded the arrival of roads and industrialisation).

Chapter 6 cites and deconstructs the texts that helped to configure Goolengook as exhibiting one – and only one – kind of quality. That is, it demonstrates the changes in the mode of envisioning, transforming, and speaking Nature which contributed to Goolengook 'becoming-forest'. It begins with the *Forests Act* 1907, moves to an examination of the impact of technological advances (chainsaw, footed track, articulated vehicle), international events (World War II, housing construction boom), as well as 'natural disasters' (the Great Fire of 1939), and concludes with a discussion of the instruments which allowed south eastern Victoria to be converted into a series of forest blocks (thus signifying the privileging of industrial processes over geological speeds and rhythms).

Chapter 7 details the texts which have subsequently conferred upon Goolengook a multitude of possible qualities, values and uses. Here, I examine the different methodologies and epistemological assumptions embedded in these textual encodings and their subsequent role(s) in producing Goolengook as a site of conflict (as 'becoming-contested'). The chapter begins with a text which constructs portions of Goolengook as a place of unremarked potential and concludes with a reference to this site a place subject to police raids.

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