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What is Criminology About?

Philosophical Reflections



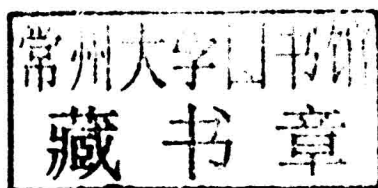
Edited by Don Crewe and Ronnie Lippens

ROUTLEDGE

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First published 2015
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

and by Routledge
711 Third Avenue, New York, NY 10017

a GlassHouse Book

Routledge is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

A catalog record has been requested for this book

ISBN: 978-1-138-02540-0 (hbk)

ISBN: 978-1-315-77508-1 (ebk)

Typeset in Garamond by
Servis Filmsetting Ltd, Stockport, Cheshire



Printed and bound by CPI Group (UK) Ltd, Croydon, CR0 4YY

What is Criminology About?

Since its inception, criminology has had trouble answering the question of what it is about. But although many consider the answer to this question to be self-evident, this book pursues the provocative possibility that criminology does not know what the object of its study is; it merely knows what it is called. Aiming to foster dissent among those who claim to know what criminology is about – and those who do not – writers from different schools of thought come together in this collection to answer the question ‘What is criminology about?’. Building on a resurgence of interest in the nature of the object of criminology, their responses aim to deepen, and to expand, the current debate. This book will, then, be of considerable interest to contemporary proponents and students of criminology and law.

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Contents

<i>Contributors</i>	vii
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Introduction	1
RONNIE LIPPENS AND DON CREWE	

PART I Elements

1	What is criminology about? Reflections on the image of the line	13
	RONNIE LIPPENS	
2	To criminology and beyond! A polemic	31
	DON CREWE	
3	Criminology as 'chaosmic' art: a jazz perspective	47
	CLAUDIUS MESSNER	
4	The quantum holographic turn. "Normal science" versus quantized, holographic, affirmative nomadology	66
	DRAGAN MILOVANOVIC	
5	Criminology: What is it about?	84
	RAFFAELE DE GIORGI AND LUCIANO NUZZO	

PART II Themes

6	Individuals and groups of individuals breaking laws	105
	ANTHONY AMATRUDO	

7	What is criminology about? The study of harm, special liberty and pseudo-pacification in late-capitalism's libidinal economy	122
	STEVE HALL	
8	Sartre on edgework	141
	JAMES HARDIE-BICK	
9	Criminology and 'criminalisable' legal persons	159
	GEORGE PAVLICH	
10	The pursuit of a general theory of crime and the indeterminacy of human experience	178
	DAVID POLIZZI	
11	Critical realism, overdetermination and social censure	195
	COLIN SUMNER	
	<i>Index</i>	210

Introduction

Ronnie Lippens and Don Crewe

Introductory words

Since its inception, criminology has had trouble answering the question of what it is about. One of the key reasons for this is that it has been taken by so many that the answer to this question is self-evident. Hence many take it that this question is redundant because the answer is obvious. However, as is so often the case with *doxa*, this apparent self-evidence or obviousness is nothing of the sort but is, indeed, evidence of a certain *lack* of understanding: it is pure mystification. Criminology, one could argue, possesses two extremes in this respect, i.e. those who know absolutely what criminology is about, and those who have no knowledge whatsoever of what it is about. The aim of this collection is to challenge both of these positions. It attempts to foster dissent among those who know what criminology is about *and* those who do not. It is hoped that the contributions in this collection will bring the former to know less and the latter (perhaps) to know a little more. The aim, in other words, is to sow doubt where there is certainty yet on the other hand offering more than purely nihilistic relativism.

It is, of course, always possible, upon hearing the question, 'What is criminology about?', to reach for what has by now become the standard reply, which is, roughly, as follows. Criminology is the systematic analysis of, and reflection upon: (a) the ways in which a particular set of behaviours or indeed groups come to be defined as 'criminal', and made punishable by law; (b) the reasons why particular individuals or groups of individuals at times break these laws; (c) the ways in which they thus commit 'crime', as well as the nature, spread, distribution and impact of such crimes; and (d) the reasons and justifications for a whole variety of possible ways, both formal and informal, of dealing with criminal offenders, or indeed with 'crime' as such more generally. Undergraduate students in criminology or criminal justice will, in their freshman year, have stumbled across a similar reply to the above question in one or more of their textbooks. Of course there have been debates, within what could be called the criminological community, to tweak elements in this more or less standard definition (by now at least) of what it is

that criminology is about. For example, is criminology really about 'crime' as such? Is it, in other words, really about law and law breaking, or, rather, about 'deviance' from or 'transgression' of the 'norm' or 'discipline'? Or is it about 'harm' and 'redress'? Or 'revolt' and 'control'? And so on. The tweaks and turns that the criminological community has been able to generate in this context are quite numerous, and, again, undergraduate criminology students are now routinely introduced to most of them almost from the day they first set foot on a university campus.

We could leave it at that and move on to the order of the day, only to discover that the original question will not go away. What is criminology actually about? Is it really about law and criminal offence? But is there any difference between law and crime to begin with, or between law and offence, or between law and violence, and so on? Does that difference – if there is any difference here at all – take the form of a sharp boundary? Where is the line that sharply divides the norm from its deviance? Is not transgression, at least to some extent, also discipline? Is not revolt also control? And is not control also revolt? And what is law, actually? What is transgression? What is violence? What is harm? What is redress? These questions are not just about mere semantics, they point towards the need to make an effort to think more thoroughly about the object of criminology. In other words, criminology could do with a more thorough engagement with philosophy. Indeed, philosophers have written about such questions. Just to give one well-known illustration here: the deconstructionist philosopher Jacques Derrida (1992), for example, has made a very serious attempt to think of law as violence.

Engaging with philosophy, however, is easier said than done. Where to begin? The field of philosophy is, simply put, vast. It comprises a variety of areas (e.g. ontology, epistemology, ethics and aesthetics), perspectives (from Anglo-American analytical philosophy to continental deconstruction and post-structuralism, from phenomenology and existentialist philosophy to pragmatism, and a tremendous lot in between and beyond), concepts (from Plato's *Ideas* to Wittgenstein's *meaning as use*, from Gramsci's *hegemony* to Sartre's *life project*, from Marx's *alienation* to Deleuze and Guattari's *body without organs*, and so on) and authors (from Hegel to Lacan, from Kierkegaard to Lefort, from Nietzsche to Sloterdijk, from Marx to Badiou, from Husserl to Heidegger, from Spinoza to Bergson, and so on). For reasons that shall be clear soon enough, it is neither feasible nor necessary to give a systematic overview here, let alone an exhaustive one, of the field of philosophy. It would simply be impossible to do so in a short editorial introduction to a collection that includes 'philosophical reflections' on criminology's object (or lack thereof).

Let us, for our purposes, again stress the need for criminologists to engage more directly and thoroughly with philosophy. Such an engagement is necessary, we believe, if one wishes to make an attempt to think through the issue of what it is that criminology is about. It should be said, however, that most criminologists are not strangers to philosophical reflection. One

could do the test: pick up any criminology textbook and the chances are that somewhere in the book you will find its author engaging with a philosophical concept, idea, author or perspective. However, very few criminologists do so in a more or less sustained or systematic fashion. There are of course exceptions. One of the more recent attempts to engage with philosophy more systematically is to be found in the collection of essays (2006) edited by Bruce Arrigo and Christopher Williams, who asked a number of fellow criminologists to think about the ontological, epistemological, ethical and aesthetic dimensions of crime and criminology. Others have made sustained attempts to explore particular philosophical perspectives with an eye on mobilizing them to particular topics or issues in criminology and criminal justice. In his book *Justice Fragmented* (1996), George Pavlich explored post-structuralist and postmodern philosophy in order to rethink the complexities, in a very late twentieth century, of what has become known as restorative justice, for example. More recently, we find criminological explorations of philosophy in collections edited by Don Crewe and Ronnie Lippens (2009), and by Lippens and James Hardie-Bick (2011), whose contributors focused on phenomenology and existentialist philosophy. More recently still, Steve Hall (2013) has engaged quite substantially with the work of a number of recent continental philosophers and philosophical perspectives to produce a refreshingly novel and penetrating analysis of the violent, *pseudo-pacifying* condition of late, very late capitalism.

However, there have been very few works that deployed sustained philosophical reflection in an attempt to rethink the issue of just what it is that criminology is about. One of the pioneers, however, is Colin Sumner who, in a series of path-breaking works (e.g. 1979, 1994), and using neo-Marxist perspectives, offered a new outline of criminology's object: criminology, argues Sumner, is about social *censure*. Dragan Milovanovic and Stuart Henry (1996) delved into a variety of postmodern perspectives (as well as in complexity theories and structuration theory) in a bid to rethink criminology's object as proliferating constitutive cycles of harm. And, lastly, Don Crewe has very recently (2013) explored a wide variety of philosophical sources, which led him to read criminology's object as *constrained will*.

The contributions

It is at this point, however, that the collection wishes to contribute. Each of the contributors has engaged with philosophy in their previous criminological work. Some of them, as we have seen, have done so quite extensively. For the purpose of this collection, all were asked to reflect upon the question, 'What is criminology about?', and to make an attempt to answer it. They were of course left completely free to decide for themselves how to approach the task and where, in philosophy, to search for inspiration. Any other editorial strategy would have made little sense. The field of philosophy

is, simply, too vast, and it is constantly on the move, constantly exceeding and spilling over what went before. It is impossible to systematize it. This collection's question is never going to be answered definitively, but the exercise as such is worth doing. Indeed, the effort may lead us to acquire a deeper insight into the *how* and the *why* of the often paradoxical shakiness of criminology's foundations.

Some of the contributors chose to focus largely on what could be called 'elements' of thought, while others made attempts to connect such 'elements' to more concrete problems and issues. In the first group are Don Crewe's chapter on the alien, Ronnie Lippens' on the image of the line, Claudius Messner's on the senses and aesthetics, Dragan Milovanovic's on quantum holography, and Luciano Nuzzo and Raffaele De Giorgi's on the circularity of 'objectivity'. In the second, more connected group (so to speak), are Anthony Amatrudo's chapter on intentionality and criminal groups, Steve Hall's on the libidinal economy and the pseudo-pacification process, James Hardie-Bick's on transcendence and edgework, George Pavlich's on the 'logos of crimen', David Polizzi's on objectivism and integrative criminology, and Colin Sumner's on over-determination and censure. We could, of course, also have chosen to group the contributions according to the philosophical inspiration of their authors (e.g. Marxist, phenomenological and existentialist, Lacanian, post-structuralist and postmodern, Luhmannian systems theory, or analytical philosophy), but that would have been an undertaking of significant arbitrariness since most authors tend to be quite prolific and sometimes even eclectic in their engagement with philosophy.

That said, let us repeat that all contributors were asked to think of an answer to the very simple question, 'What is criminology about?'. They were left completely free in their attempts to produce such an answer. No restrictions were imposed nor directions given (apart, of course, from the suggestion that the answers to the question should demonstrate an engagement with philosophy, or with philosophical writings). One could, then, do worse than allow the contributions to speak for themselves. We group the contributions into two parts. It should go without saying that there is no strict boundary between the parts. However, as said, some contributors chose to answer the question by exploring one or a few basic ideas or notions which one would not necessarily find within the usual 'criminological' discourse. These we have included in Part I: Elements. Others preferred to start from themes that many criminologists would be familiar with, but which they (i.e. the contributors to this collection) then proceeded to critically explore by means of philosophical reflection. Their contributions are to be found in Part II: Themes.

Part I: Elements

In his chapter, Ronnie Lippens argues that criminology, in a way, is about lines, i.e. the lines between 'legal' and 'illegal', or, more broadly, between

'in' and 'out'. Criminology, then, is about the imagination of lines or, as De Giorgi and Nuzzo (see below) would probably say, about differentiations. In this chapter, two philosophical perspectives on the imagination of the line are explored and contrasted. On the one hand, we have what could be called vitalist philosophy in its Spinozist and neo-Spinozist forms, and on the other hand, phenomenology and existentialism. In the former, the image of the line is the result of bodily affectations, originating in and stretching back into infinite and vacuum-less duration. In the latter, the image of the line is a constituted object made in the void of indeterminacy. But both agree on this: that the image is a line, and that the line is, if not image, then imagination.

Like Lippens, Don Crewe argues that that criminology is about its categories and the lines that divide them. The process of categorization, of division, is a process which in criminology by and large rests on the subject-of-modernity. This produces a criminology of a particularly unpleasant flavour, one that appropriates the subjectivity of others and re-forms it to its own ends. This is the *energeia* or force of criminology, its isness. In his chapter, Crewe examines this isness beginning from the foundation of the subject-of-modernity. He claims that 'what is' is an unsatisfactory state of affairs and examines a possibility that we might characterize as the *dynamis* of criminology, or 'what might be', beginning from what we might loosely call the phenomenological subject as expressed in Levinas. Crewe concludes that truly to do justice we must step *beyond* the tyranny of criminology.

Claudius Messner asks himself whether we can imagine aesthetic experiences and procedures as a fruitful ground for understanding criminology's 'aboutness'. He then proceeds to answer this question by contrasting the predominant scientific sense of criminology with an aesthetic sense. First, he argues that the modernist figuration of what he calls 'ordinary crime discourse' (i.e. the discourse about law, crime and punishment in which it is assumed that these elements are all part of a separate sphere of life – the sphere of rule, regulation and control) embodies a disregard for the aesthetic dimensions of law and justice, and creates certain pitfalls that cause criminology's perennial identity crisis and irresponsiveness. Messner then proceeds to draw upon reflections on art and aesthetics, exploring jazz as the contrapuntal form of today's world music, and as an 'aesthetics of imperfection'. As a model of what is called 'chaosmic' ethics, jazz is presented by Messner as a pioneering practice for the development of a different *sense* of criminology.

Dragan Milovanovic argues that doing criminology within a Newtonian-based ontology needs to be re-assessed. He suggests an alternative ontology, one based on quantum holographic theory as a basis for formulating questions, hypotheses and directions of inquiry. Accordingly, he suggests, after a quantized re-formulation of Delanda's Deleuzian-inspired comparison of, on the one hand, the more dominant contemporary 'axiomatic approach', with, on the other hand, a 'problematic approach', that an alternative rooted in the latter can be derived more in tune with inspirational scholarly investigations

taking place in quantum holographic theory. In his chapter, Milovanovic develops some of the more salient concepts in this alternative ontology.

In their jointly written and highly reflective chapter, which shares some ground with Lippens' chapter, Raffaele De Giorgi and Luciano Nuzzo reflect on the fact that they were asked to address a question. There is nothing strange about that. The history of thought is the history of questions. Or of answers, depending on the observer: Socrates, Plato, the scholastics, up until Heidegger or Derrida, they have all formulated answers (or questions). De Giorgi and Nuzzo aim to answer the question whilst averting the temptation of asking and answering, of giving reasons and justifications, and avoiding the lure of ideology and explanation and the characteristically medieval temptation to doubt the question being posed. They also seek to avoid the characteristically modern temptation of looking for alternative theories and bases, because this would mean succumbing to the same circularity as that of whoever formulated the question. They argue that: (a) the question, 'Criminology: what is it about?' is already an answer, in the sense that it implies a theoretical perspective that justifies both the question as an answer as well as any other type of answer (with the exception, perhaps, of the one which both authors give); and (b) the question which has been asked is closely analogous with other questions, all of which have only one plausible answer. For example, the plausible answer to the question, 'Language: what is it about?' is, 'language'. As with the question, 'Law: what is it about?', the answer is, 'law'. Criminology is concerned with language and law and the analogy is, therefore, a useful one.

Part II: Themes

In his chapter on gangs and organized crime, Anthony Amatrudo, inspired by analytical philosophy, argues that collective action is necessarily a product of individual agency. This requires though that each agent is both free to choose the action they perform, that the agency of others is respected, and that all hold a belief of common knowledge (so long as agents believe that this common knowledge condition is met, then it is). Building on work by authors such as Michael Bratman, Amatrudo provides a rationale that can be used to distinguish genuine collective action from other forms and that, if applied to gangs or forms of what is often called 'organized' crime, may lead to a fairer assessment – fairer at least than in assessments that presuppose the existence of a 'plural subject' – of issues of individual responsibility.

Steve Hall argues how in the post-war era the radical wing of western criminology mutated into 'controlology', the study and critique of social reaction to acts regarded as deviant by a normative mainstream. This post-war liberal paradigm is now reaching the point of exhaustion. In the post-political era, it is no longer possible to accept the radical principle of redefining criminal acts as some form of misguided or 'imaginary' proto-political resistance. However,

nor is it possible to follow the conservative and classical liberal mainstream and regard criminality as an individualised aberration in our current way of life. Thus we must return to the questions of aetiology and motivation. The renewal of criminological thought requires the return of critical theory in a substantially updated form to re-examine the relationship between harm and crime. Drawing upon conceptual resources provided by Slavoj Žižek, Adrian Johnston and others, this chapter introduces the new criminological terms *special liberty* and *pseudo-pacification* contextualised in the currently developing meta-philosophical position of *transcendental materialism*.

James Hardie-Bick writes about 'edgework'. Criminologists have found Lyng's (1990) concept of 'edgework' to be particularly useful for exploring how individuals negotiate the boundaries that separate life and death. In his chapter, Hardie-Bick explores Lyng's arguments by comparing 'edgework' to Csikszentmihalyi's (1975) research on 'flow'. He argues that Csikszentmihalyi's research should also be seen as offering important insights in relation to the pleasures of voluntary risk-taking. Using the philosophy of Sartre to examine some of the unacknowledged similarities between 'edgework' and 'flow', the overall aim of this chapter is to show the relevance of both perspectives and to widen the current focus of criminological research on high-risk behaviour.

In his chapter, George Pavlich explores how criminology, especially in administrative guises, is often regarded as a derivative discipline in the sense that it relies on criminal law to define key precepts, such as crime and criminals. Without disputing that claim, this chapter considers a counter-view that criminology has in turn helped to shape the historical cultures wherein criminal law defines which persons are legitimate targets for its gaze and force. The focus on legal persons is deliberate, for it alludes to a singular politics of recognition by which criminal law defines its object, and hence jurisdiction. In this regard, criminology has foundational attachments to criminal law, as indicated by, for example, the legacy of four influential images of 'criminalizable' persons deemed suitable for criminal law's interventions: unequal colonial creatures, rational beings of classical standpoints, the criminal types of positivist making, and the biometrically calibrated criminals of biopolitical horizons. The chapter analyses the different effects of such criminological visions on criminal law's jurisdiction and responses to crime, before exploring some key implications of the criminology-criminal law nexus when framing 'criminalizable' persons in historical context.

David Polizzi's chapter focuses on the desire, in some corners of the criminological community, to develop a general theory of crime. Since its inception, criminology has been driven to discover the underlying objective factors or causes linked to criminality. Fundamental to this project has been the hope of constructing a general theory of crime and criminal behaviour, but success toward this end has been elusive. However, rather than question the philosophical foundation of these failed Cartesian processes, greater focus has

been given to quantitative innovation and insight, which has rendered much of the same results. The conclusion should be obvious: an objective approach to criminology will neither deliver a general theory of crime nor tell us what we need to know about crime construction. Crime and criminal behaviour, as a subjective and indeterminate enterprise, must be viewed from a theoretical frame of reference that is able to take up the subtle and nuanced realities of human existence. Kauffman's theoretical biology, Heidegger's philosophy of the phenomenology of human being/being and Agamben's re-formulation of Foucault's concept of the apparatus provide the appropriate vantage point for this discussion.

In his chapter, Colin Sumner makes a plea for critical realism in criminology. Crime, like so many other surface phenomena, cannot be taken at face value. Critical realism allows criminologists to pierce through the crust of the surface in order to explore the over-determined and over-determining complex of multi-layered conditions and dynamics that, often inextricably tangled but always moving, constantly generate censure and division on the surface of life. Inspired by the work of Roy Bhaskar, and writing within a broadly Marxist perspective, Sumner avoids the pitfalls of both extreme relativism and crude positivism. In its attempt to explore what lies behind surfaces, critical realism is both realist (it assumes that such explorations may ultimately lead to approximations of the generative processes that underpin censure) but also philosophical (it refuses to take the surface of life at face value).

Acknowledgement

The editors would like to express their thanks to the contributors to this book for their abstracts.

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