

THE CRITICAL CRIMINOLOGY COMPANION



Editors
Thalia Anthony
Chris Cunneen

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Contributors

Thalia Anthony is a Lecturer at the University of Sydney Faculty of Law. Her research focuses on the relationships between colonisation, Indigenous people and law. Currently she is working with Northern Territory Indigenous communities on compensation for stolen wages. Thalia has devised university courses in Crime and Society and organised the Australasian Teaching Critical Criminology Conference 2007. Her publications include research on the application of criminal law to Indigenous communities and colonial legal history.

Chris Cunneen is NewSouth Global Chair in Criminology at the University of New South Wales. Previously, he was Director of the Institute of Criminology. Chris has worked with a number of Australian Royal Commissions and Inquiries. He has published widely in the area of juvenile justice, policing, and Indigenous issues including the following books: *Juvenile Justice, Youth and Crime in Australia* (2007), *Indigenous People and the Law in Australia* (1995) and *Conflict, Politics and Crime* (2001).

The editors would like to thank the University of Sydney Faculty of Law for its financial assistance and Sarah Gavaghan for her outstanding research and editorial work.

Dorothea Anthony is completing her research thesis in psychology examining the relationship between social consciousness and social personality as well as studying for a Master of Law and Legal Practice at UTS Sydney. She has a Bachelor of Arts, a Diploma of Science (Psychology) and was awarded the University of Sydney Wentworth Medal. Dorothea has lectured on Criminology and Psychology at Macquarie University and the University of Sydney. Her academic interests include psychosocial studies and the philosophy of psychology and law.

Harry Blagg is Director of Studies at the Crime Research Centre at the University of Western Australia. He has worked on projects including monitoring the recommendations of the Royal Commission into Aboriginal Deaths in Custody, policing Indigenous youth, and family violence. Harry has published widely on these issues as well as critiques of restorative justice as it impacts on Indigenous people. From 2001 to 2005 he was Research Director on the West Australian Law Reform Commission's project, *Aboriginal Customary Laws*.

David Brown is a Professor in the Law Faculty at the University of New South Wales where he has been teaching since 1974 in the area of criminal law, criminal justice and criminology. He is co-author of *Rethinking Law and Order* (1998); *The*

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Prison Struggle (1981); and the leading text *Criminal Laws* in four editions (1990 to 2006). David was a co-editor of *The Judgments of Justice Lionel Murphy* (1986); *Death in the Hands of the State* (1988); *Prisoners as Citizens* (2002); and *The New Punitiveness* (2005).

Mark Brown is a Senior Lecturer in Criminology at Melbourne University. His primary teaching and research interests lie in the areas of penalty, corrections and colonial penal history. Mark has written extensively on the subject of dangerousness and legislative measures to deal with serious offenders. He has co-edited with John Pratt *Dangerous Offenders: Punishment and Social Order* (2000) and is a co-editor of *The New Punitiveness: Current Trends, Theories, Perspectives* (2005).

Bree Carlton is a Lecturer in Criminology at Monash University. Her interests include histories of punishment, high-security and supermax prisons, and the impact of criminal justice institutions and state practices on individuals and communities. Her book, *Imprisoning Resistance: Life and Death in an Australian Supermax*, was published in 2007.

Kerry Carrington is Professor of Sociology at the University of New England, co-editor of the *Journal of Sociology*, and Editorial Board member of *Public Space: the Journal of Law and Social Justice*. She is the co-author of *Policing the Rural Crisis* (2006); author of *Offending Girls: Sex Youth & Justice* (1993); *Who Killed Leigh Leigh* (1998); and co-editor of *Critical Criminology* (2002); *Travesty! Miscarriages of Justice* (1991) and *Cultures of Crime and Violence* (1995).

Janet Chan is Professor of Social Science and Policy at the University of New South Wales. Her research interests include criminal justice policy and practice, sociology of organisation and occupation, and social organisation of creativity. Janet is internationally recognised for her contributions to policing research, especially her books on police culture and socialisation: *Changing Police Culture* (1997) and *Fair Cop* (with Devery and Doran 2003), and other publications on police reform, police accountability, police use of information technology and the legal regulation of police discretion.

Garry Coventry is the Coordinator of Criminology Programs at James Cook University and was appointed in 2005 as the University's first criminologist to develop a unique program focused on tropical Australia. His career over 30 years includes positions in various universities and research institutes in Australia and the United States. Garry has been an active researcher in a broad range of criminology areas including crime prevention, innovative criminal justice system programs, social justice and the prison.

Mark Findlay is a Professor in the Faculty of Law at the University of Sydney and the Deputy Director of the Institute of Criminology. Mark is Chair in International Criminal Justice at the University of Leeds. He has worked as a research consultant for international agencies, governments and private consortia. Mark's books include

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The Globalisation of Crime (2000), *Problems for the Criminal Law* (2001), *Introducing Policing* (2003) and *Transforming International Criminal Justice* (2005). *Governing through Globalised Crime* is due for release in early 2008.

Michael Grewcock recently completed a PhD at the University of New South Wales, where he also teaches criminology and criminal law. Prior to commencing his PhD, he worked as a solicitor and researcher in London for 13 years, including for three years as the legal policy officer for the Howard League for Penal Reform.

Scott Guy is a Lecturer in Law at Griffith University. He completed his PhD in the area of legal theory/constitutional law at the University of Queensland Law School. He has published articles in the area of legal theory in such journals as the *Federal Law Review*, *Current Issues in Criminal Justice*, *Australian Journal of Family Law* and the *Bond Law Review*.

Mark Halsey is a Senior Lecturer at the School of Law, Flinders University of South Australia. From 2005 to 2007 he taught criminology at the University of Melbourne. Since 2004, Mark has examined pathways into crime, experiences of confinement, and the challenges of release from the perspectives of young men in custody. Key themes and issues arising from this research can be found in *Journal of Criminal Law and Criminology*, *Probation Journal*, *Punishment and Society*, and *Imaginary Penalties* (forthcoming, edited by Pat Carlen).

Barbara Ann Hocking is Associate Professor in the Faculty of Law at the Queensland University of Technology. Barbara is also Honorary Research Assistant at the Riawunna Centre, University of Tasmania. Before joining QUT, she worked as a researcher with the Australian Law Reform Commission, the University of Sydney Faculty of Law, the Queensland Law Society and the Queensland Teachers' Union. Most recently, Barbara worked as an academic at Griffith University from 1989 to 1994. Barbara's publications include *Liability for Negligent Words* (1999).

Russell Hogg teaches in the School of Law at the University of New England. He is co-author with David Brown of *Rethinking Law and Order* (1998) and co-author with Kerry Carrington of *Policing the Rural Crisis* (2006). Russell's recent work is on terrorism and Australia's anti-terror laws.

Gail Mason is Associate Professor in the Faculty of Law at the University of Sydney. Prior to this she was a lecturer in Gender Studies. She is the author of *The Spectacle of Violence: Homophobia, Gender and Knowledge* (2002) and has published widely in *Social and Legal Studies*, *British Journal of Criminology* and *Hypatia*. Gail's current research centres on the contribution of emotion or affect to the constitution of 'hate crime' as a concept and legal category.

Jude McCulloch is an Associate Professor in Criminology at Monash University. She has researched on police shootings, crime and the media, women and policing, family violence, policing dissent, paramilitary policing, counter-terrorism, globali-

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sation and the 'war on terror'. Jude published *Blue Army: Paramilitary Policing in Australia* (2001). Jude is currently investigating Community Policing and Culturally Diverse Communities as part of an Australian Research Council Linkage grant with the Victoria Police. She is also examining measures relating to the suppression of financing terrorism.

Pat O'Malley is Professorial Research Fellow in Law at the University of Sydney. His work over the last 10 years has focused on risk and neo-liberalism, especially as these affect criminal justice. His recent publications include *Risk, Uncertainty and Government* (2004) and an edited collection with Kelly Hannah Moffat on *Gendered Risks* (2007). His latest book, *The Currency of Justice* – due for release late 2008, examines the use of fines and monetary damages as regulatory techniques in consumer societies.

Darren Palmer is a Senior Lecturer and Convenor of Criminology at Deakin University. He is a member of the editorial committees *Crime Prevention and Community Safety* and *Police Practice and Research*. Darren has previously taught criminology at La Trobe University. His research interests centre on techniques of governing policing practice. Darren's current research is focused on police governance and crime and policing with a particular emphasis on rural and regional Victoria.

Sharon Pickering is Associate Professor at Monash University and teaches in Criminology. She teaches and researches in the field of refugee law and policy, criminology and human rights. Sharon's books include *Global Issues, Women and Justice* (2004) and *Refugees and State Crime* (2005). Her book *Counter-terrorism Policing* is due for release in 2008.

Scott Poynting is Professor in Sociology at Manchester Metropolitan University. His research interests include the sociology of ethnicity; immigration and racism; racialisation and criminalisation; the sociology of youth, and the intersections of ethnicity, masculinity, and social class. Scott is co-author of *Bin Laden in the Suburbs: Criminalising the Arab Other* (2004) and *Kebabs, Kids, Cops and Crime: Youth, Ethnicity and Crime* (2000); and co-editor of *Outrageous! Moral Panics in Australia* (2007).

John Pratt is Professor of Criminology at the Institute of Criminology, Victoria University of Wellington. He has taught and lectured at universities in the United Kingdom, continental Europe, North America and Australia. John has undertaken extensive research on the history and sociology of punishment in modern society. His four books include *Punishment and Civilization* (2002) and *Penal Populism* (2007). He has co-edited three, including *The New Punitiveness* (2005) and has published more than 100 journal articles and book chapters.

Elizabeth Stanley is a Senior Lecturer at Victoria University in Wellington. She was previously a lecturer in Critical Criminology at the Centre for Studies in Crime

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and Social Justice in the UK. Elizabeth's research interests are in state crime, human rights, transitional justice and social justice. She has undertaken studies on rights and detention in New Zealand and the UK, and her work in South Africa, Chile and Timor-Leste has focused on truth commissions and court processes.

Julie Stubbs is Professor of Criminology in the Faculty of Law, University of Sydney. Her research focuses on violence against women and her publications address domestic violence law reforms, intimate homicide, battered woman syndrome, a critical appraisal of restorative justice, post-separation violence and child contact, sexual assault, and cross-cultural issues in the legal system. Julie has served on several inter-departmental committees concerning violence against women and an international expert panel on domestic violence.

Stephen Tomsen is Professor of Criminology at the University of Western Sydney. His research fields include hate crime, masculinities and crime, policing and public order, and access to legal services. Stephen's recent publications include *Violence, Sexuality and Prejudice* (2008), *Crime, Criminal Justice and Masculinities* (2008), *Lawyers in Conflict* (2006) and *Hatred, Murder and Male Honour* (2002). He is currently conducting an Australian Research Council-funded study of the policing and regulation of night-time economies.

Robert van Krieken is Associate Professor of Sociology at the University of Sydney, where he recently helped establish a program in Socio-Legal Studies. His areas of research include the stolen generations, cultural genocide, liberalism, legal reasoning and family law. Robert is author of *Children and the State* (1992) and *Norbert Elias* (1998), and the lead author of *Sociology: Themes and Perspectives* (2005).

Rob White is Professor of Sociology in the School of Sociology & Social Work at the University of Tasmania. He has written extensively in the areas of youth studies and criminology, and among his publications are books such as *Crime & Criminology* (2005), *Youth & Society* (2004), *Controversies in Environmental Sociology* (2004), and *Juvenile Justice: Youth and Crime in Australia* (2007). Rob's book, *Crimes Against Nature: Environmental Criminology & Ecological Justice*, is due for release in 2008.

Alison Young is Professor of Criminology in the School of Political Science, Criminology and Sociology at the University of Melbourne. She is the author of *Judging the Image* (2005), *Imagining Crime* (1996) and *Femininity in Dissent* (1990), in addition to numerous articles on the intersections of law, crime and culture. Alison is currently completing a book, *Crime Scenes*, on spectatorship, cinema and violence, and is carrying out an Australian Research Council-funded study of street art.

INTRODUCTION

Thalia Anthony and Chris Cunneen

The idea behind this collection of chapters developed over many years, and has several purposes. First, we wanted to put together a book that represented a range of critical voices in Australian and New Zealand criminology. There are several books available that specifically address criminology in the local ANZ context, but they struck us as being somewhat pedestrian in their outlook, and did not represent what we thought were some of the more exciting, and politically engaged intellectuals. With a few exceptions, the authors in this collection will not be found in other Australian criminology collections. In part it was the absence in mainstream texts of some of the most theoretically sophisticated and politically committed criminologists that drove this collection. So this book is partly about showcasing the intellectual breadth and depth of critical and radical criminology. To our mind, the writers represented here are broadly representative of critical work in Australian and New Zealand criminology. Many of the contributors to this book are internationally renowned scholars and widely published in their particular areas of interest.

Secondly, we wanted a book that could be used to teach criminology, particularly as an introduction to the themes, ideas and concerns that engage and motivate critical intellectuals and activists in their daily work. In this sense the book is about providing a space for something which is more than simply descriptive or administrative criminology. We wanted to say something that is important to us as engaged intellectuals, rather than simply rehearse a number of standard themes that typically represent the 'introduction to criminology'.

We do not attempt a single definition of critical criminology. Critical criminology seeks to locate and understand the reasons for crime within wider structural and institutional contexts. These contexts may be conceived of in various forms including socio-economic, class-based, cultural, racialised or gendered. Critical criminology stresses the co-production of crime and crime control, neither of which can be divorced from the wider contexts within which they are situated. We do not privilege one context over another.

Yet we believe that this book remains true to a broad notion of critical criminology which seeks to 'advance a progressive agenda favouring disprivileged peoples' (Schwartz & Freidrichs 1994: 221). It draws attention to possibilities for developing progressive alternatives to the institutional mechanisms and social experiences of crime (Simons 2004: 299; Muncie 2003: 151). Accordingly, this book does not provide one perspective on what is 'critical criminology'. It is based on multifaceted standpoints for understanding crime and crime control. Theoretically

cally it interprets criminology from a range of positions that expose the dominant crime discourse and interests it represents. In our view this is criminology – politicised explorations of the role of crime and crime control in society.

Sitting next to this book on the bookshop shelf will be a collection of different criminology texts. Those books will provide the questions and answers as to what criminology is, does and should do. This book – as a collection of radical discourses – is not simply what criminology isn't, doesn't and shouldn't do. Rather, it seeks to delve into debates about the positivist questions criminology poses and provide them with a context, critique and alternative policy position. And it attempts to do this from theoretically informed positions.

We do not take for granted the 'crime problem' or present a 'what works' approach to crime policy. We question why certain groups are defined as criminals, terrorists or outsiders; why police need more coercive power; why military intervention and torture become targeted at internal civilian communities; who decides crime policy and what assumptions they hold. The concern with 'policy' is within the overriding aim of critical criminology to deconstruct the privileged meanings and discourses which frame the reality of crime and control and to draw attention to the possibility for (more) inclusive and liberating interpretations (Pavlich 2000: 331). For us the central questions should not be 'what works' but 'what liberates', 'what diminishes oppression', what 'maximises human potential', and 'what respects human dignity'.

In order to address these issues, you may find that by the end of this book you know more about so-called 'orthodox criminological issues' because you have the tools for understanding them, rather than taking their apparently neutral assumptions about crime, the criminal and crime problem for granted. Part I considers the theories and methodologies that underpin traditional criminologies within various critical frameworks. In Chapter One, Julie Stubbs unpacks the process of doing critical criminology theory and research. She emphasises the challenge to positivism, engagement with social context and broader sociological theory and politicisation of research. Stubbs introduces a number of criminologies that endeavour to produce critical criminologies, including feminist, postmodern and poststructural approaches.

In engaging critical research, Alison Young in Chapter Two looks at the relationship of crime to culture. Young explores the cultural fascination with crime as depicted in the media and popular culture. Rob White in Chapter Three interrogates the relationship between class and criminality. The 'classist' nature of crime policy and orthodox criminology are examined with a view to rejuvenating class analysis in critical criminologies. In regarding traditional psychological understandings of criminality, Thalia Anthony and Dorothea Anthony in Chapter Four point to the Frankfurt School's psychoanalytic alternative. The School treats criminality as a product of state impulses to criminalise, rather than individual wrong. Continuing the focus on state policy, Chapter Five by Pat O'Malley addresses the role of risk. The malleable constructions of risk are posited for political ends. Chapter Six by Robert van Krieken rounds out the theory by raising alternative approaches to explaining shifts in criminal justice systems of 'late' or 'post' modern societies.

Part II covers a range of issues that present critical theory in action. Kerry Carrington's Chapter Seven surveys and critiques the trends in feminist criminologies. The issue of masculinity and crime is unpacked by Stephen Tomsen in Chapter Eight, with a view to exposing essentialist understandings of male offending

INTRODUCTION

in orthodox criminology. Critical theory in action is most vividly portrayed in Mark Halsey's critique of 'the chase' in Chapter Nine. Halsey reveals the experience of the chase for the offender and police in the paradigm of masculine cultures. Just as revealing is Scott Poynting's critique of the popular connection between crime and ethnic minorities in Chapter 10. Poynting suggests that critical criminologists must not only refute this connection in their research, but also probe the ideologies that produce this mythic connection. The final chapter in this Part, Chapter 11, is by Harry Blagg, who confronts the damaging disjuncture between the criminal justice system and Aboriginal law. He points to the importance of self-determination, especially through the recognition of customary law, to address the disjuncture.

Part III takes for granted that there are no inherent definitions of crime. To enrich and broaden understandings of crime, this Part embraces alternative notions of offending, offences and offenders. To begin, Michael Grewcock conceptualises the state as a criminal actor in Chapter 12. Elizabeth Stanley illuminates processes of torture and terror as criminal acts in Chapter 13. The criminalisation of individuals who are defined by international law as refugees and asylum seekers is examined in Chapter 14 by Sharon Pickering. She classes these people as the new and undeserving criminals. Gail Mason then looks at attacks by dominant social groups on marginal ones, known as 'hate crime'. In Chapter 15 she claims that 'hate crime' needs to be defined with caution to avoid enforcing and legislating difference. The approach by Barbara Hocking and Scott Guy in Chapter 16 supports more regulation of criminality in terms of corporate offenders. They critique the under-criminalisation of violence and manslaughter in the workplace.

Part IV is dedicated to various aspects of crime control. The chapters in this Part consider the official responses, particularly in terms of policing and imprisonment. Jude McCulloch raises in Chapter 17 the modes and manifestations of police power, including through selective policing, discriminatory law enforcement and police abuse of power. She points to the legalising of these modes with counter-terrorism policing, and the need for a popular response. In Chapter 18, Janet Chan considers the notion of police culture and argues that it should not be engaged too simplistically. The complexities of police culture need to be accounted for if policy responses are properly directed.

Turning to the prison system, David Brown in Chapter 19 conveys the denial of citizenship rights to prisoners. However, he provides a glimmer of light with the recent High Court decision that limited the curtailment of prisoner rights. Prisoners themselves express resistance to the denial of their rights, as Bree Carlton's Chapter 20 brings to life. Her study of Jika Jika High-Security Unit in Victoria reveals the intense prisoner responses to highly coercive institutions. Chapter 21 by Mark Brown examines the punitive regimes that have developed in late modernity within the lens of Hannah Arendt's critique of the fascist state. These themes are further developed by John Pratt in Chapter 22. Pratt discusses the role of penal populism in law and order policy developments.

Part V looks to future directions in critical criminology. Law and order is examined by Russell Hogg in Chapter 23 in terms of resistance and contestation. Hogg conceives the age of law and order as also characterised by accountability and democratic forces, as well as the emergence of a human rights framework. Chris Cunneen in Chapter 24 elucidates restorative justice in terms of its capacity to overcome limitations in the criminal justice system. However, he also raises the limi-

ted potential of restorative justice where it becomes wedded to dominant institutions. Garry Coventry and Darren Palmer consider in Chapter 25 how to constitute a rural critical criminology. They emphasise the need to depart from rural criminology's parochial roots, and shift towards a contextual understanding of remote communities, with regard to punitive policy, marginalisation of Indigenous people and globalisation.

Finally, in Chapter 26, Mark Findlay examines the international criminal justice scene and the convergence of globalised crime and governance. The consequences are 'a reduction in civil liberties, a denial of plurality, and a marginalisation of civil society'. The consequences implore a resurgence of critical criminology.

The chapters in this collection provide up-to-date debates and policy alternatives to punitive and authoritarian regimes. However, the political clout of critical criminology only gathers momentum in its reflexive process, ongoing critique and active engagement.

Thalia Anthony
Chris Cunneen
Sydney
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