THE CRITICAL CRIMINOLOGY COMPANION
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Contributors

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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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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. Theoreti-
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.
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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.

References


