

## ***cultural criminology: an invitation***

ONE

Investigating a brutal beating in the spring of 2006, police in Arlington, Texas, turn up something odd: the beating has been videotaped. In fact, the whole assault has been staged for the camera by a group of local teenagers producing a series of amateur 'fight videos' and selling them from MySpace.com websites. 'These are not necessarily people who don't like each other', says James Hawthorne, a local deputy police chief. 'It's just for the video.' Police leaders and the local media describe the teenagers as 'a loosely organized ... gang known as PAC, or "Playas After Cash"' – but in its day-to-day activities, the gang seems to operate more like a video director and his first unit crew. During that savage beating, gang 'ringleader' Michael G Jackson can be heard directing the action, and as the beating ends, another participant takes time to turn to the camera and shout the title of the video. Jackson subsequently edits footage of DJs from a popular local radio station into his fight videos, sets the videos to a hip hop soundtrack, and links his webpage to other fight video sites. Even James Hawthorne has to admit that, as disturbed as he is by the fight video, it is 'a nicely produced piece of work' (Agee, 2006a: 1A, 17A; Ayala and Agee, 2006: 1A).

A few months later in an up-market central London street, eight people are arrested for attempting to deface a government building. The arrestees aren't young graffiti writers, though, but political protesters – and their medium isn't Krylon paint but projected light. The eight are part of an organized protest against violent repression, vote tampering, and the suppression of free speech in the Mexican state of Oaxaca; their crime is an attempt to project the final footage of American *Indymedia* reporter Brad Will on to the façade of the Mexican Embassy. In Mexico, municipal officials and police loyal to Oaxaca's corrupt governor have recently murdered Brad Will and two other participants

in a demonstration organized by striking teachers and sympathetic activists. Demonstrators' demands include shoes, uniforms and breakfasts for school-children, and better pay and medical services for teachers.<sup>1</sup>

Each of these incidents embodies fundamental issues for cultural criminology. Whether the brutally hyper-masculine world of for-profit fight videos, or the contested representational dynamics of political exploitation and globalized protest, both illustrate one of cultural criminology's founding concepts: that *cultural dynamics carry within them the meaning of crime*. Given this, cultural criminology explores the many ways in which cultural forces interweave with the practice of crime and crime control in contemporary society. It emphasizes the centrality of meaning, representation, and power in the contested construction of crime – whether crime is constructed as videotaped entertainment or political protest, as ephemeral event or subcultural subversion, as social danger or state-sanctioned violence. From our view, the subject matter of any useful and critical criminology must necessarily move beyond narrow notions of crime and criminal justice to incorporate symbolic displays of transgression and control, feelings and emotions that emerge within criminal events, and public and political campaigns designed to define (and delimit) both crime and its consequences. This wider focus, we argue, allows for a new sort of criminology – a *cultural criminology* – more attuned to prevailing conditions, and so more capable of conceptualizing and confronting contemporary crime and crime control. This cultural criminology seeks both to understand crime as an expressive human activity, and to critique the perceived wisdom surrounding the contemporary politics of crime and criminal justice.

### **thinking about culture and crime**

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Cultural criminology understands 'culture' to be the stuff of collective meaning and collective identity; within it and by way of it, the government claims authority, the consumer considers brands of bread – and 'the criminal', as both person and perception, comes alive. Culture suggests the search for meaning, and the meaning of the search itself; it reveals the capacity of people, acting together over time, to animate even the lowliest of objects – the pauper's shopping cart, the police officer's truncheon, the gang member's bandana – with importance and implication.

For us, human culture – the symbolic environment occupied by individuals and groups – is not simply a product of social class, ethnicity, or occupation; it cannot be reduced to a residue of social structure. Yet culture doesn't take shape without these structures, either; both the cultural hegemony of the powerful and the subcultures of acquiescence and resistance of those marginalized are scarcely independent of social class and other forms of patterned inequality. Cultural forces, then, are those threads of collective meaning that wind in and around the everyday troubles of social actors, animating the situations and

circumstances in which their troubles play out. For all the parties to crime and criminal justice – perpetrators, police officers, victims, parole violators, news reporters – *the negotiation of cultural meaning intertwines with the immediacy of criminal experience.*

As early work on ‘the pains of imprisonment’ demonstrated, for example, the social conditions and cultural dynamics of imprisonment form a dialectical relationship, with each shaping and reshaping the other. While all inmates experience certain pains of imprisonment, the precise extent and nature of these pains emerge from various cultures of class, gender, age, and ethnicity – the lived meanings of their social lives – that inmates bring with them to the prison. And yet these particular pains, given meaning in the context of pre-existing experiences and collective expectations, in turn shape the inmate cultures, the shared ways of life, that arise as inmates attempt to surmount the privations of prison life (Young, 1999). Facing common troubles, confronting shared circumstances, prison inmates and prison guards – and equally so street muggers and corporate embezzlers – draw on shared understandings and invent new ones, and so invest their troubles and their solutions with human agency.<sup>2</sup>

This shifting relationship between cultural negotiation and individual experience affirms another of cultural criminology’s principal assumptions: that crime and deviance constitute more than the simple enactment of a static group culture. Here we take issue with the tradition of cultural conflict theory, as originated with the work of Thorsten Sellin (1938) and highlighted in the well-known subcultural formulation of Walter Miller (1958), where crime largely constitutes the enactment of lower working-class values. Such a reductionist position – Sellin’s original formulation suggested that vengeance and vendetta among Sicilian immigrants led to inevitable conflict with wider American values – has clear echoes today in the supposition, for example, that multiculturalism generates ineluctable cultural collisions, most particularly those between Muslim and Western values. Yet as we will argue, and as cultural criminologists like Frank Bovenkerk, Dina Siegel and Damian Zaitch (2003; Bovenkerk and Yesilgoz, 2004) have well demonstrated, cultures – ethnic and otherwise – exist as neither static entities nor collective essences. Rather, cultural dynamics remain in motion; collective cultures offer a heterogeneous *mélange* of symbolic meanings that blend and blur, cross boundaries real and imagined, conflict and coalesce, and hybridize with changing circumstances. To imagine, then, that an ethnic culture maintains some ahistorical and context-free proclivity to crime (or conformity) is no cultural criminology; it’s a dangerous essentialism, stereotypical in its notion of cultural stasis and detrimental to understanding the fluid dynamics connecting culture and crime.

In *Culture as Praxis*, Zygmunt Bauman (1999: xvi–xvii) catches something of this cultural complexity. There he distinguishes two discourses about culture, longstanding and seemingly diametrically opposed. The first conceptualizes ‘culture as the activity of the free roaming spirit, the site of creativity, invention, self-critique and self-transcendence’, suggesting ‘the courage to break

well-drawn horizons, to step beyond closely-guarded boundaries'. The second sees culture as 'a tool of routinization and continuity – a handmaiden of social order', a culture that stands for 'regularity and pattern – with freedom cast under the rubric of "norm-breaking" and "deviation"'.

Culture of the first sort fits most easily into the tradition of subcultural theory as developed by Albert Cohen (1955) and others. Here culture suggests the collective vitality of subversive social praxis, the creative construction of transgression and resistance, an outsider group's ability to symbolically stand the social order on its head. Culture of the second sort is more the province of orthodox social anthropology, of Parsonian functionalism and of post-Parsonian cultural sociology. Here, culture is the stuff of collective cohesion, the Durkheimian glue of social order and preservative of predictability, the *soi-distant* support of social structure. And if for this first cultural discourse transgression signals meaningful creativity, for the second transgression signifies the very opposite: an absence of culture, an anomic failure of socialization into collective meaning. Yet the two discourses are not irreconcilable; both suggest an ongoing and contested negotiation of meaning and identity. Of course, the notion of culture as existing somehow outside human agency, as a functional and organic prop of social structure, is preposterous. But the collective *belief* in tradition, the emotional embracing of stasis and conformity, the ideological mobilization of rigid stereotype and fundamental value – and against this, the *disbelief* among others in the social order itself, and so a willingness to risk inventing collective alternatives – now *that* is indeed a significant subject matter, and one embraced by cultural criminology.

A cultural criminology that foregrounds human agency and human creativity, then, does not ignore those cultural dynamics that sometimes involve their renunciation. People, as David Matza (1969) famously pointed out, have always the capacity to transcend even the most dire of circumstances – but they also have the capacity for acting 'as if' they were cultural puppets unable to transcend the social order at all. If, in Dwight Conquergood's (1991) wonderful phrase, we are to view culture as a verb rather than as a noun, as an unsettled process rather than a *fait accompli*, then we must remember that this verb can take both the passive and the active tense. Culture suggests a sort of shared public performance, a process of public negotiation – but that performance can be one of acquiescence or rebellion, that negotiation one of violent conflict or considered capitulation.

In this sense cultural criminology, by the very nature of its subject matter, occupies a privileged vantage point on the everyday workings of social life. Its twin focus on culture and crime – put differently, on meaning and transgression – positions it at precisely those points where norms are imposed and threatened, laws enacted and broken, rules negotiated and renegotiated. Such a subject matter inevitably exposes the ongoing tension between cultural maintenance, cultural disorder, and cultural regeneration – and so from the view of cultural criminology, the everyday actions of criminals, police officers, and judges offer not just

insights into criminal justice, but important glimpses into the very process by which social life is constructed and reconstructed. As we will see, this subject matter in turn reveals the complex, contested dynamic between cultures of control (control agencies' downwards symbolic constructions) and cultures of deviance (rule breakers' upwards counter-constructions).

### **cultural criminology old and new**

Talk of culture, subculture and power evokes the rich tradition of subcultural theorization within criminology –and certainly cultural criminology draws deeply on subcultural research, from the early work of the Chicago School to the classic delinquency studies of the British Birmingham School. Likewise, cultural criminology is greatly influenced by the interactionist tradition in criminology and the sociology of deviance, as embodied most dramatically in labelling theory, and as taken up in the 1960s at the London School of Economics. Labelling theories, and the broader symbolic interactionist framework, highlight the conflicts of meaning that consistently animate crime and deviance; they demonstrate that the reality of crime and transgression exists as a project under construction, a project emerging from ongoing negotiations of authority and reputation. In fact, these and other intellectual traditions are essential to the development of cultural criminology – and the following chapter will explore how cultural criminology represents perhaps their culmination and reinvention.

Yet, in addressing the question of 'whether cultural criminology really does represent a new intellectual endeavour rather than a logical elaboration of previous work on deviant subcultures' (O'Brien, 2005: 600), we would firmly answer for the former. Cultural criminology actively seeks to dissolve conventional understandings and accepted boundaries, whether they confine specific criminological theories or the institutionalized discipline of criminology itself. From our view, for instance, existing subcultural and interactionist perspectives only gather real explanatory traction when integrated with historical and contemporary criminologies of power and inequality (e.g. Taylor et al., 1973, 1975). Likewise, cultural criminology is especially indebted to theories of crime founded in the phenomenology of transgression (e.g. Katz, 1988; Lyng, 1990; Van Hoorebeeck, 1997) – yet here as well, our goal is to develop these approaches by situating them within a critical sociology of contemporary society (Ferrell, 1992; O'Malley and Mugford, 1994; Hayward, 2004: 152–7).

And cultural criminology consciously moves beyond these orientations in sociology and criminology; as later chapters will show, it incorporates perspectives from urban studies, media studies, existential philosophy, cultural and human geography, postmodern critical theory, anthropology, social movements theory – even from the historical praxis of earlier political agitators like the Wobblies and the Situationists. As much as cultural criminology seeks to ground itself in the best of existing criminology and sociology, it seeks also to reinvigorate the study

of crime by integrating a host of alternative perspectives. Our intention is to continue turning the intellectual kaleidoscope, looking for new ways to see crime and the social response to it.

This strategy of reinvigoration is as much historical as theoretical; if we are to engage critically with the present crisis in crime and crime control, intellectual revivification is essential. Many of the perspectives just noted were forged from existing orientations during the political fires of the 1960s and 1970s, or in other cases out of the early twentieth-century blast furnace of industrial capitalism and the emerging nation state. Developing what was to become labelling theory, for example, Becker (1963: 181) disavowed his work being anything more than the existing 'interactionist theory of deviance' – and yet his revitalized interactionist theory resonated with the uncertainties and inequalities of the 1960s, rattled the foundations of 'scientific' criminology, and softened up criminology for still other radical remakings. So it is with cultural criminology today. We're not at the moment organizing the 1912 Lawrence cotton mills with the Wobblies, or plastering Paris 1968 with Situationist slogans; we're working to make sense of contemporary conditions, to trace the emergence of these conditions out of those old fires and furnaces, and to confront a new world of crime and control defined by the manufactured image, the constant movement of meaning, and the systematic exclusion of marginal populations and progressive possibilities. To do so, we're pleased to incorporate existing models of criminological critique – but we're just as willing to reassemble these and other intellectual orientations into a new *mélange* of critique that can penetrate the well-guarded façades of administrative criminology, the shadowy crimes of global capitalism, and the everyday realities of criminality today.

Crucial to cultural criminology, then, is a critical understanding of current times, which, for want of a better term, we'll call *late modernity*. Chapter 3 will provide a fuller sense of late modernity, and of cultural criminology's response to it. For now, we'll simply note that cultural criminology seeks to develop notions of culture and crime that can confront what is perhaps late modernity's defining trait: a world always in flux, awash in marginality and exclusion, but also in the ambiguous potential for creativity, transcendence, transgression, and recuperation. As suggested earlier, human culture has long remained in motion – yet this motion today seems all the more apparent, and all the more meaningful. In late modernity the insistent emphasis on expressivity and personal development, and the emergence of forces undermining the old constants of work, family and community, together place a premium on cultural change and personal reinvention. Couple this with a pluralism of values spawned by mass immigration and global conflict, and with the plethora of cultural referents carried by the globalized media, and uncertainty is heightened. Likewise, as regards criminality, the reference points which give rise to relative deprivation and discontent, the vocabularies of motive and techniques of neutralization deployed in the justification of crime, the very *modus operandi* of the criminal act itself, all emerge today as manifold, plural, and increasingly global.

And precisely the same is true of crime as public spectacle: experiences of victimization, justifications for punitiveness, and modes of policing all circulate widely and ambiguously, available for mediated consumption or political contestation.

Under such conditions, culture operates less as an entity or environment than as an uncertain dynamic by which groups large and small construct, question, and contest the collective experience of everyday life. Certainly, the meaningful moorings of social action still circulate within the political economy of daily life, and in the context of material setting and need – and yet, loosened in time and space, they circulate in such a way as to confound, increasingly, the economic and the symbolic, the event and the image, the heroic and the despicable. If the labelling theorists of a half-century ago glimpsed something of the slippery process by which deviant identity is negotiated, how much more slippery is that process now, in a world that cuts and mixes racial profiling for poor suspects, pre-paid image consultants for wealthy defendants, and televised crime personas for general consumption? If the subcultural theorists of the 1950s and 1960s understood something of group marginalization and its cultural consequences, what are we to understand of such consequences today, when globalized marginalization intermingles with crime and creativity, when national authorities unknowingly export gang cultures as they deport alleged gang members, when criminal subcultures are packaged as mainstream entertainment?

All of which returns us to those American fighters, those Mexican strikers and British street protesters, their violent images and their political conflicts circling the globe by way of do-it-yourself videos, video projections, websites, news coverage, and alternative media. In the next section we look further at fights and fight videos, and at the larger late modern meaning of symbolic violence. In the chapter's final section we return to politics and political conflict. There we'll make clear that we seek to revitalize political critique in criminology, to create a contemporary criminology – a cultural criminology – that can confront systems of control and relations of power as they operate today. There we'll hope to make clear another of cultural criminology's foundational understandings: that to explore cultural dynamics is to explore the dynamics of power – and to build the basis for a cultural *critique* of power as well.

### **meaning in motion: bloody knuckles**

Amidst the cultural motion of late modernity, here's one movement you might not think of as cultural at all: the quick, snapping trajectory of arm, elbow and fist as a punch is thrown. That movement seems more a matter of bone and muscle than culture and meaning – and if that punch strikes somebody in the mouth, there are the bloody knuckles that are pulled back in the next motion. And if that somebody calls the cops? Perhaps the punch-thrower ends up in jail, staring down at those bloody knuckles to avoid staring at the other people in the holding cell. And eventually, they all get bailed out or they don't, they go to trial or they don't, they get convicted or they don't, they

move back to their home or on to prison. Nothing much cultural about it, not much meaning to interrogate – just the everyday rhythms of skin and blood and criminal justice.

Well, yeah, except who was that somebody who got hit in the mouth, anyway? A boyfriend? A girlfriend? A police officer? An opponent standing toe-to-toe with another in the ring? Each incident will provoke a different reaction – and this must be because it *means* something different to strike your partner than it does to strike an officer of the state or a boxing opponent.

Oh yeah, and when did it happen? Was it the 1940s, for example, or now? See, we want to argue that this is part of the meaning, too, because sad as it is to say, in the 1940s a man could all too often hit a woman in the mouth and it meant ... well, not much. 'Domestic violence' hadn't yet been invented as a legal and cultural (there's that word again) category – that is, it hadn't been widely defined, acknowledged, and condemned as a specific type of criminal behaviour. It took the radical women's movement and decades of political activism to get that accomplished (see Dobash and Dobash, 1992; Mooney, 2000; Radford et al., 2000). Today the process continues, with mandatory arrest laws for domestic violence, restraining orders, and other legal innovations. So before that, back in the day, as long as a woman could hide the swollen lip and the man could hide the bloody knuckles, sometimes the violence didn't mean much at all – at least not publicly, at least not in the way it might and should.

And here's something else to think about: sometimes people in 1940 claimed – hell, sometimes men today still claim – that a swollen lip and bloody knuckles mean 'I love you'. A sadly warped rationalization, it goes something like this: 'Hey, I know I shouldn't hit you, but you know how it is, I just get so jealous, I just love you so much I don't ever want to lose you.' Notice here the power of the social and cultural context – of patriarchy and gender objectification and possessiveness – to operate as a sort of depraved magic, a magic so twisted that it can transform interpersonal violence into symbolic affection. And clearly, as long as this pernicious logic continues to circulate, so will women's victimization. So again: maybe it's not so much the bloody knuckles and the swollen lips as whose lips and knuckles they are, and who gets to decide what they mean.

If that's the case, then it seems that physical violence may start and stop, but that its meaning continues to circulate. It also seems that most violence, maybe all interpersonal violence, involves drama, presentation, and performance – especially gendered performance (Butler, 1999; Miller, J., 2001) – as much as it does blood and knuckles. So, if we hope to confront the *politics* of violence – that is, to understand how violence works as a form of power and domination, to empathize with the victimization that violence produces, and to reduce its physical and emotional harm – we must engage with the *cultures* of violence. Even this most direct of crimes – flesh on flesh, bloody knuckles and busted lips – is not direct at all. It's a symbolic exchange as much as a physical one, an

exchange encased in immediate situations and in larger circumstances, an exchange whose meaning is negotiated before and after the blood is spilt.

Sometimes such violence is even performed for public consumption, and so comes to circulate as entertainment. A televised pay-per-view title fight, for example, can be thought of as a *series* of performances and entertainments: before the fight, with the press conferences, television commercials, and staged hostilities of the weigh-in; during the fight itself, with the ring rituals of fighter introductions, ringside celebrities, and technical knockouts; and after the fight, with the press coverage, the slow-motion replays of punches and pain, the interviews with the winner and the loser. If a boxing commission inquiry happens to follow, or if a 'moral entrepreneur' (Becker, 1963) decides later to launch a crusade against pugilistic brutality, another series of performances may unfold – and another series of meanings. Now the fight's entertainment will be reconsidered as a fraud, or a fix, or as evidence of what used to be called 'man's inhumanity to man'. Now other press conferences will be staged, other moments from the fight rebroadcast in slow motion, and all of it designed to go another round in staging the fight and its implications.

Even without a television contract or a boxing commission inquiry, the same sort of performative spiral often comes into play. Remember our opening story about the Texas fight video? Well, after the fight video had been discovered, after Deputy Chief Hawthorne had admitted that the video was nicely produced, he added something else. The participants in the video seemed to be fighting 'for 15 minutes of fame', Hawthorne said, offering a police assessment that echoed, of all people, 1960s underground artist Andy Warhol, and Warhol's dark vision of mediated spirals spinning so quickly that eventually 'everyone will be famous for fifteen minutes'. Yet the spirals of fame, infamy, and misfortune in this case hardly ended after fifteen minutes. In response to the fight videos and publicity surrounding them, local politicians set up a commission on youth violence, and investigated the involvement of the radio station in the videos. Legal authorities indicted four of the participants on serious felony charges: aggravated assault and engaging in organized crime. While the grandmother of the beating victim urged Jackson to spend some of his video profits on her grandson's hospital bills, Jackson's MySpace.com page filled up with 'Free Mike Jack' posts from supporters. And at his website, fight videos were still for sale, still making a profit. Only now the price had gone up, and now local police had notified the IRS of possible tax law violations in relation to the sales.<sup>3</sup>

When police officials paraphrase Andy Warhol, when in the midst of administering a vicious beating a participant addresses the camera, when footage of that and other fights is edited into entertainment, the meaning of violence is indeed being made in motion, and physical violence has become inextricably intertwined with mediated representation. The immediate, vicious physicality of violence – the beating victim suffered a brain hemorrhage and a fractured vertebra – now elongates and echoes through video footage, legal charges, and public perception. As it does, the linear sequencing of cause and effect circles

back on itself, such that Jackson's fight video comes to be seen as crime, as evidence of crime, as a catalyst for later crime, even as the imitative product of existing mediated crime. And when, still later, the national media picked up the story, the fight videos and their meanings, their causes and effects, were once again set in motion.

In August 2006, national newspaper *USA Today* featured a story on the Texas fight videos – but now with more spirals of mediated meaning. Beginning with bloody knuckles – an alliterative description of ‘bare knuckle brawlers brutally punching each other’ – the *USA Today* article moved to an image of Brad Pitt from the 1999 film *Fight Club* (Dir. David Fincher) and the claim that fighters in Texas and elsewhere ‘follow [the] advice’ offered in the film, then alluded to the film *A Clockwork Orange* (Dir. Stanley Kubrick, 1971). It noted the use of instant messaging and cellphone cameras in staging the videotaped fights, adding that one Texas fight video depicted teens watching an earlier fight video. The article even resurrected Warhol with a quote from a university professor: ‘This does seem a phenomenon of the *Mortal Kombat*, violent video game generation. [It] offers a chance to bring those fantasies of violence and danger to life – and maybe have your 15 minutes of fame in an underground video.’ Most significantly, *USA Today* recast the fight videos themselves as products of ‘teen fight clubs’ and a ‘disturbing extreme sport’, and claimed that these extreme sport/fight clubs have now ‘popped up across the nation’ (McCarthy, 2006: 1, 2). Already confounded with mediated representation and entertainment, the violence as presented in the *USA Today* article now became another sort of entertainment – an ‘extreme sport’ – and emerged as evidence of organized youth subcultures. As a writer from the *Columbia Journalism Review* noted in response to the *USA Today* feature, this mediated violence had now been ‘repackaged’ as a ‘national trend’ (Gillette, 2006) – or as criminologist Stan Cohen (2002) might say, re-presented as a purported reason for ‘moral panic’.

Interestingly, the *USA Today* article also took pains to claim that these fights and fight videos – or maybe fight clubs, or extreme sports – were not the products of power and inequality, citing one legal authority who claimed that ‘it’s not a race issue, it’s not a class issue’, and another who emphasized that the problem ‘crosses all socioeconomic bounds’ (McCarthy, 2006: 2). Maybe so – but we suspect that, in one form or another, power and inequality do in fact underwrite the fight videos. The videos certainly portray the sort of pervasive leisure-time violence that Simon Winlow and Steve Hall (2006) have documented among young people increasingly excluded from meaningful work or education. They offer direct evidence of media technology’s seepage into the practice of everyday life, such that kids can now stage, for good or bad, elaborate images of their own lives. Most troubling, they suggest the in-the-streets interplay between a mean-spirited contemporary culture of marketed aggression and an ongoing sense of manliness defined by machismo, violence, and domination. Hunter S Thompson (1971: 46) once said of a tawdry Las Vegas casino that it was ‘what the whole ... world would be doing on Saturday night

if the Nazis had won the war'. Yeah, that and brutalizing each other on videotape, selling it for a profit, and satching it for entertainment.

### **violence, power, and war**

Other sorts of violence show us something about power and inequality as well. As already seen, domestic violence explodes not only out of angry situations, but from longstanding patterns of interpersonal abuse and gendered expectation. As we'll discuss in later chapters, various contemporary forms of violence as entertainment – 'bum fights', extreme fighting, war footage – each invoke particular social class preferences and political economies of profit, offering different sorts of flesh for different sorts of fantasies. As we'll also see, knuckles bruised and bloodied in pitched battles between striking factory workers and strike-breaking deputy sheriffs suggest something of the structural violence inherent in class inequality; so do the knuckles of young women bloodied amidst the frantic work, the global assembly-line madness, of a maquiladora or Malaysian toy factory. As Mark Hamm (1995) has documented, young neo-Nazi skinheads, jacked up on beer and white power music and mob courage, write their own twisted account of racism as they beat down an immigrant on a city street, or bloody their knuckles while attacking a gay man outside a suburban club.

Significantly for a cultural criminology of violence, episodes like these don't simply represent existing inequalities, or exemplify arrangements of power; they *reproduce* power and inequality, encoding it in the circuitry of everyday life. Such acts are *performances* of power and domination, offered up to various audiences as symbolic accomplishments. A half-century ago, Harold Garfinkel (1956: 420) suggested that there existed a particular sort of 'communicative work ... whereby the public identity of an actor is transformed into something looked on as lower in the local scheme of social types', and he referred to this type of activity as a 'degradation ceremony'. Violence often carries this sort of communicative power; the pain that it inflicts is both physical and symbolic, a pain of public degradation and denunciation as much as physical domination. And in this sense, once again, it is often the *meaning* of the violence that matters most to perpetrator and victim alike. A wide and disturbing range of violent events – neo-Nazi attacks, fraternity hazing traditions, gang beat-downs, terrorist bombings and abduction videos, public hangings, sexual assaults, war crimes – can be understood in this way, as forms of ritualized violence designed to degrade the identities of their victims, to impose on them a set of unwanted meanings that linger long after the physical pain fades. To understand violence as 'communicative work', then, is not to minimize its physical harm or to downgrade its seriousness, but to recognize that its harms are both physical and symbolic, and to confront its terrible consequences in all their cultural complexity.

So violence can operate as image or ceremony, can carry with it identity and inequality, can impose meaning or have meaning imposed upon it – and in the contemporary world of global communication, violence can ebb and flow

along long fault lines of war, terror, and ideology. Among the more memorable images from the US war in Iraq, for example, are those photographs of prisoner abuse that emerged from Abu Ghraib prison. You know the ones: the hooded figure standing on a box with wires running from his hands, the pile of men with Lyndie England leering and pointing down at them, the prisoner on the leash held by England. You know, and we know, because those photographs have been so widely circulated as to become part of our shared cultural stockpile of image and understanding. But before we go any further, a question: Did a US soldier at Abu Ghraib ever sodomize a prisoner, murder a prisoner, hit a prisoner and pull back bloody knuckles? These things may or may not have happened, but if we've seen no photographic evidence of them, then they won't seem – can't seem – as real or as meaningful to us as those acts that were photographed. And so the suspicion arises: Was the 'problem' at Abu Ghraib the abuse, or the photographs of the abuse? And if those photographs of abuse had not been taken, would Abu Ghraib exist as a contested international symbol, a public issue, a crime scene – or would a crime not converted into an image be, for many, no crime at all (Hamm, 2007)?

Those photos that *were* taken have certainly remained in motion since they were first staged, spinning off all manner of effects and implications along the way. To begin with, the photos didn't just capture acts of aggressive violence; they operated, as Garfinkel would argue, as a system of ritualized degradation in the prison and beyond, exposing and exacerbating the embarrassment of the prisoners, recording it for the amusement of the soldiers, and eventually disseminating it to the world. For the prisoners and the soldiers alike, the abuse was as much photographic as experiential, more a staged performance for the camera than a moment of random violence. The responses of those outraged by the photos in turn mixed event, emotion, and image: on the walls of Sadr City, Iraq, a painting of the hooded figure, but now wired to the Statue of Liberty for all to see; and in the backrooms of Iraqi insurgent safe houses, staged abuses and beheadings, meant mostly for later broadcast on television and the internet (Ferrell et al., 2005: 9).

And yet for the soldiers back on the opposite side, for those US soldiers who took the Abu Ghraib photographs, a not-so-different sensibility about the image: a sense that cell phone cameras, digital photographs emailed instantaneously home, self-made movies mixing video footage and music downloads, all seem normal enough, whether shot in Boston or Baghdad, whether focused on college graduation, street fights, or prisoner degradation. Here we see even the sort of 'genocidal tourism' that cultural criminologist Wayne Morrison (2004a) has documented – where World War II German Police Reservists took postcard-like photographs of their atrocities – reinvented in an age of instant messaging and endless image reproduction. And like Michael G Jackson and other fight video makers, we now see soldiers and insurgents who produce their own images of violence, find their own audiences for those images, and interweave image with physical conflict itself.

Violence, it seems, is never only violence. It emerges from inequities both political and perceptual, and accomplishes the symbolic domination of identity and interpretation as much as the physical domination of individuals and groups. Put in rapid motion, circulating in a contemporary world of fight videos and newscasts, images of violence double back on themselves, emerging as crime or evidence of crime, confirming or questioning existing arrangements. From the view of cultural criminology, there is a *politics* to every bloody knuckle – to knuckles bloodied amidst domestic violence or ethnic hatred, to knuckles bloodied for war or profit or entertainment, to knuckles bloodied in newspaper photos and internet clips. As the meaning of violence continues to coagulate around issues of identity and inequality, the need for a *cultural* criminology of violence, and in response a cultural criminology of social justice, continues too.

### **the politics of cultural criminology**

If ever we could afford the fiction of an ‘objective’ criminology – a criminology devoid of moral passion and political meaning – we certainly cannot now, not when every bloody knuckle leaves marks of mediated meaning and political consequence. The day-to-day inequalities of criminal justice, the sour drift towards institutionalized meanness and legal retribution, the ongoing abrogation of human rights in the name of ‘counter-terrorism’ and ‘free trade’ – all carry criminology with them, willingly or not. Building upon existing inequalities of ethnicity, gender, age, and social class, such injustices reinforce these inequalities and harden the hopelessness they produce. Increasingly crafted as media spectacles, consistently masked as information or entertainment, the inequitable dynamics of law and social control remain essential to the maintenance of political power, and so operate to prop up the system that produces them.

In such a world there’s no neat choice between political involvement and criminological analysis – only implications to be traced and questions to be asked. Does our scholarship help maintain a fraudulently ‘objective’ criminology that distances itself from institutionalized abuses of power, and so allows them to continue? Does criminological research, often dependent on the good will and grant money of governmental agencies, follow the agendas set by these agencies, and so grant them in return the sheen of intellectual legitimacy? By writing and talking mostly to each other, do criminologists absent themselves from public debate, and so cede that debate to politicians and pundits? Or can engaged, oppositional criminological scholarship perhaps help move us towards a more just world? To put it bluntly: What is to be done about domestic violence and hate crime, about fight videos and prison torture – and about the distorted images and understandings that perpetuate these practices as they circulate through the capillaries of popular culture?

Part of the answer we’ve already suggested: critical engagement with the flow of meaning that constructs late modern crime, in the hope of turning this fluidity

towards social justice. In a world where, as Stephanie Kane (2003: 293) says, 'ideological formations of crime are packaged, stamped with corporate logos, and sent forth into the planetary message stream like advertising', our job must be to divert the stream, to substitute hard insights for advertised images. Later chapters will discuss this strategy of cultural engagement in greater depth, but here we turn to an issue that underlies it: the relationship of crime, culture, and contemporary political economy.

### **capitalism and culture**

For us, that issue is clear: unchecked global capitalism must be confronted as the deep dynamic from which spring many of the ugliest examples of contemporary criminality. Tracing a particularly expansionist trajectory these days, late modern capitalism continues to contaminate one community after another, shaping social life into a series of predatory encounters and saturating everyday existence with criminogenic expectations of material convenience. All along this global trajectory, collectivities are converted into markets, people into consumers, and experiences and emotions into products. So steady is this seepage of consumer capitalism into social life, so pervasive are its crimes – both corporate and interpersonal – that they now seem to pervade most every situation.

That said, it's certainly not our contention that capitalism forms the essential bedrock of all social life, or of all crime. Other wellsprings of crime and inequality run deep as well; late capitalism is but a shifting part of the sour quagmire of patriarchy, racism, militarism, and institutionalized inhumanity in which we're currently caught. To reify 'capitalism', to assign it a sort of foundational timelessness, is to grant it a status it doesn't deserve. Whatever its contemporary power, capitalism constitutes a trajectory, not an accomplishment, and there are other trajectories at play today as well, some moving with consumer capitalism, others moving against and beyond it. Still, as the currently ascendant form of economic exploitation, capitalism certainly merits the critical attention of cultural criminology.

And yet, even as we focus on this particular form of contemporary domination and inequality, we are drawn away from a simple materialist framework, and towards a cultural analysis of capitalism and its crimes. For capitalism is essentially a *cultural* enterprise these days; its economics are decisively cultural in nature. Perhaps more to the point for criminology, contemporary capitalism is a system of domination whose economic and political viability, its crimes and its controls, rest precisely on its cultural accomplishments. Late capitalism markets lifestyles, employing an advertising machinery that sells need, affect and affiliation as much as the material products themselves. It runs on service economies, economies that package privilege and manufacture experiences of imagined indulgence. Even the material fodder for all this – the cheap appliances and seasonal fashions – emerges from a global gulag of factories kept well hidden behind ideologies of free trade and economic opportunity. This is

a capitalism founded not on Fordism, but on the manipulation of meaning and the seduction of the image; it is a cultural capitalism. Saturating destabilized working-class neighbourhoods, swirling along with mobile populations cut loose from career or community, it is particularly contagious; it offers the seductions of the market where not much else remains.

As much as the Malaysian factory floor, then, *this* is the stuff of late capitalism, and so the contested turf of late modernity. If we're to do our jobs as criminologists – if we're to understand crime, crime control, and political conflict in this context – it seems we must conceptualize late capitalism in these terms. To describe the fluid, expansive, and culturally charged dynamics of contemporary capitalism is not to deny its power but to define it; it is to consider current conditions in such a way that they can be critically confronted. From the Frankfurt School to Fredric Jameson (1991) and beyond, the notion of 'late capitalism' references many meanings, including for some a fondly anticipated demise – but among these meanings is surely this sense of a capitalism quite thoroughly transformed into a cultural operation, a capitalism unexplainable outside its own representational dynamics (Harvey, 1990; Hayward, 2004).

The social classes of capitalism have likewise long meant more than mere economic or productive position – and under the conditions of late capitalism this is ever more the case. Within late capitalism, social class is experienced, indeed constituted, as much by affective affiliation, leisure aesthetics, and collective consumption as by income or employment. The cultural theorists and 'new criminologists' of the 1970s first began to theorize this class culture, and likewise began to trace its connection to patterns of crime and criminalization. As they revealed, and as we have continued to document (Hayward, 2001, 2004; Young, 2003), predatory crime within and between classes so constituted often emerges out of *perceptions* of relative deprivation, other times from a twisted allegiance to consumer goods considered essential for class identity or class mobility (Featherstone, 1991; Lury, 1996; Miles, 1998). And yet, even when so acquired, a class identity of this sort remains a fragile one, its inherent instability spawning still other crimes of outrage, transgression, or predation. If crime is connected to social class, as it surely is, the connective tissue today is largely the cultural fil[re, consumption, and shared perception.

### **crime, culture, and resistance**

In the same way that cultural criminology attempts to conceptualize the dynamics of class, crime, and social control within the cultural fluidity of contemporary capitalism, it also attempts to understand the connections between crime, activism, and political resistance under these circumstances. Some critics argue that cultural criminology in fact remains *too* ready to understand these insurgent possibilities, confounding crime and resistance while celebrating little moments of illicit transgression. For such critics, cultural criminology's focus on everyday resistance to late capitalism presents a double danger, minimizing the

real harm done by everyday crime while missing the importance of large-scale, organized political change. Martin O'Brien, for example, suggests that 'cultural criminology might be best advised to downgrade the study of deviant species and focus more attention on the generically political character of criminalization' (2005: 610; see Howe, 2003; Ruggiero, 2005). Steve Hall and Simon Winlow (2007: 83–4) likewise critique cultural criminology's alleged tendency to find 'authentic resistance' in every transgressive event or criminal subculture, and dismiss out of hand forms of cultural resistance like 'subversive symbol inversion' and 'creative recoding' that cultural criminologists supposedly enjoy finding among outlaws and outsiders.

In response, we would note that cultural criminology doesn't simply focus on efflorescences of resistance and transgression; it also explores boredom, repetition, everyday acquiescence, and other mundane dimensions of society and criminality (e.g. Ferrell, 2004a; Yar, 2005). Cultural criminology's attention to meaning and micro-detail ensures that it is equally at home explaining the monotonous routines of DVD piracy, or the dulling trade in counterfeit 'grey' automotive components, as it is the *sub rosa* worlds of gang members or graffiti artists. As cultural criminologists, we seek to understand all components of crime: the criminal actor, formal and informal control agencies, victims, and others. In this book's later chapters, for example, we develop cultural criminology's existing focus on the state (e.g. Wender, 2001; Hamm, 2004). For cultural criminology, attention to human agency means paying attention to crime and crime control, to emotion and rationality, to resistance and submission.

Then again, it's probably the case that we and other cultural criminologists do take special pleasure in moments of subversive resistance; as Jean Genet once admitted to an interviewer, 'obviously, I am drawn to peoples in revolt ... because I myself have the need to call the whole of society into question' (in Soueif, 2003: 25). But maybe it's also the case that illicit cultural practices like 'subversive symbol inversion' and 'creative recoding' *do* now constitute significant opposition to capitalism's suffocations – and have in the past as well. Long before capitalism's late modern liquidity, back in the period of nuts-and-bolts industrial capitalism, one group most clearly and courageously engaged in organized, in-your-face confrontation with capitalism's predatory economics: those Wobblies we mentioned earlier, more formally known as the Industrial Workers of the World (IWW). Indeed, the Wobblies were known for their ability to organize itinerant and marginal workers, for their dedication to direct economic action – and for their facility at subversive symbol inversion and creative recoding. In fact, it was just this sort of symbolic sleight of hand that allowed this ragtag group of low-wage outsiders and peripatetic outlaws to organize, fight – and often win – against the robber barons and deputy sheriffs of industrial capitalism.

Looking to create a culture of union solidarity, the Wobblies converted well-known church hymns into rousing union anthems. Facing legal injunctions against advocating sabotage or organizing, they posted 'silent agitators' (union organizing stickers), published notices that spelled out 'sabotage' in code, and

issued communiqués that surely seemed to support the legal authorities – since these communiqués provided such detailed instructions to IWW members regarding what forms of sabotage they should (not) employ. Like other progressive groups of the time, the Wobblies were animated by – in many ways *organized by* – shared symbols, subversive recodings, and semiotic inversions of the existing order.

So if we can find illicit symbolic subversion and cultural recoding sparking ‘authentic resistance’ even in an early capitalist period characterized by material production and circumscribed communication, what might we find under the current conditions of late capitalism, with its environments of swirling symbolism and pervasive communication? To start, we might find the women’s movements or gay/lesbian movements or anti-war movements of the past few decades, staging illegal public spectacles, confronting mediated representations of women and men and war, and recruiting members through channels of alternative communication. We might spot activists on New York City’s Lower East Side, recalling the Wobblies as they organize opposition to the Giuliani administration’s criminalization of informal public notices by distributing informal public notices saying, ‘Warning! Do Not Read This Poster’ (Patterson, 2006). With the historian John Bushnell (1990), we might even find a parallel dynamic outside the bounds of Western capitalism, noting how the emergence of street graffiti in the Soviet Union exposed the totalizing lies of the Soviet authorities, and ultimately helped organize successful resistance to them.

And if you’re a cultural criminologist, you might pay particular attention to the ways in which new terms of legal and political engagement emerge from the fluid cultural dynamics of late capitalism. To summarize some of our recent studies in crime and resistance: when gentrification and ‘urban redevelopment’ drive late capitalist urban economies, when urban public spaces are increasingly converted to privatized consumption zones, graffiti comes under particular attack by legal and economic authorities as an aesthetic threat to cities’ economic vitality. In such a context legal authorities aggressively criminalize graffiti, corporate media campaigns construct graffiti writers as violent vandals – and graffiti writers themselves become more organized and politicized in response. When consumer culture and privatized transportation conspire to shape cities into little more than car parks connected by motorways, bicycle and pedestrian activists create collective alternatives and stage illegal public interruptions. When late capitalist consumer culture spawns profligate waste, trash scroungers together learn to glean survival and dignity from the discards of the privileged, and activists organize programmes to convert consumer ‘trash’ into food for homeless folks, clothes for illegal immigrants, and housing for the impoverished. When the same concentrated corporate media that stigmatizes graffiti writers and trash pickers closes down other possibilities of local culture and street activism, a micro-radio movement emerges – and is aggressively policed by local and national authorities for its failure to abide by regulatory standards designed to privilege concentrated corporate media (Ferrell, 1996, 2001/2, 2006).

In all of these cases easy dichotomies don't hold. These aren't matters of culture or economy, of crime or politics; they're cases in which activists of all sorts employ subversive politics strategies – that is, various forms of organized cultural resistance – to counter a capitalist economy itself defined by cultural dynamics of mediated representation, marketing strategy, and lifestyle consumption. Likewise, these cases don't embody simple dynamics of law and economy, or law and culture; they exemplify a confounding of economy, culture, and law that spawns new forms of illegality and new campaigns of enforcement. Similarly, these cases neither prove nor disprove themselves as 'authentic' resistance or successful political change – but they do reveal culturally organized opposition to a capitalist culture busily inventing new forms of containment and control.

Most significantly, the cultural criminological analysis of these and other cases neither accounts for them as purely subjective moments of cultural innovation, nor reduces them to objective byproducts of structural inequality. Among the more curious claims offered by cultural criminology's critics is the contention that cultural criminology has abandoned structural analysis and 'criminological macro-theories of causality' in favour of 'subjectivist-culturalism' (Hall and Winlow, 2007: 83, 86). In reality, since its earliest days, cultural criminology has sought to overcome this very dichotomization of structure and agency, of the objective and the subjective, by locating structural dynamics within lived experience. This is precisely the point of Stephen Lyng's (1990) 'edgework' concept, embodying both Marx and Mead in an attempt to account for the interplay between structural context and illicit sensuality. Likewise, Jack Katz's (1988) 'seductions of crime' are meant as provocative engagements with, and correctives to, 'criminological macro-theories of causality'. As Katz argues, a criminology lost within the abstractions of conventional structural analysis tends to forget the interpersonal drama of its subject matter – or paraphrasing Howard Becker (1963: 190), tends to turn crime into an abstraction and then study the abstraction – and so must be reminded of crime's fearsome foreground. Clearly, cultural criminology hasn't chosen 'subjectivist-culturalism' over structural analysis; it has chosen instead a style of analysis that can focus structure and subject in the same frame (Ferrell, 1992; Hayward, 2004; Young, 2003). Perhaps some of our colleagues only recognize structural analysis when encased in multi-syllabic syntax or statistical tabulation. But structural analysis can be rooted in moments of transgression as well; it can show that 'structure' remains a metaphor for patterns of power and regularities of meaning produced in back alleys as surely as corporate boardrooms.

### **commodifying resistance? romanticizing resistance?**

Engaging in this way with the politics of crime, resistance, and late capitalism requires yet another turn as well, this one towards a central irony of contemporary life: the vast potential of capitalism to co-opt illicit resistance into the very system it is meant to oppose, and so to transform experiential opposition into commodified acquiescence. This homogenizing tendency constitutes an

essential late capitalistic dynamic, and the most insidious of consumer capitalism's control mechanisms. The ability to reconstitute resistance as commodity, and so to sell the illusion of freedom and diversity, is powerful magic indeed. Because of this, a number of cultural criminological studies have explored this dynamic in some detail. Meticulously tracing the history of outlaw biker style, Stephen Lyng and Mitchell Bracey (1995) have demonstrated that early criminal justice attempts to criminalize biker style only amplified its illicit meanings, while later corporate schemes to incorporate biker style into mass production and marketing effectively evacuated its subversive potential. More recently, we have outlined the ways in which consumption overtakes experiences of resistance – indeed, most all experiences – within the consumerist swirl of the late capitalist city (Hayward, 2004). Likewise, Heitor Alvelos (2004, 2005) has carefully documented the appropriation of street graffiti by multinational corporations and their advertisers. And he's right, of course; as the illicit visual marker of urban hipness, graffiti is now incorporated into everything from corporate theme parks and Broadway musicals to clothing lines, automobile adverts, and video games. When it comes to the politics of illicit resistance, death by diffusion – dare we say, impotence by incorporation – remains always a real possibility.

And yet again, a dichotomized distinction between authentically illicit political resistance and commodified market posturing does little to explain these cases, or the fluidity of this larger capitalist dynamic. From one view, of course, this dynamic would suggest that there can be no authentic resistance in any case, since everything – revolutionary tract, subversive moment, labour history – is now automatically and inescapably remade as commodity, re-presented as image, and so destroyed. A more useful view, we think, is to see this dynamic as one of complexity and contradiction. As seductive as it is, the late capitalistic process of incorporation is not totalizing; it is instead an ongoing battleground of meaning, more a matter of policing the crisis than of definitively overcoming it. Sometimes the safest of corporate products becomes, in the hands of activists or artists or criminals, a dangerous subversion; stolen away, remade, it is all the more dangerous for its ready familiarity, a Trojan horse sent back into the midst of the everyday. Other times the most dangerously illegal of subversions becomes, in the hands of corporate marketers, the safest of selling schemes, a sure bet precisely because of its illicit appeal. Mostly, though, these processes intertwine, sprouting further ironies and contradictions, winding their way in and out of little cracks in the system, often bearing the fruits of both 'crime' and 'commodity'.

A new generation of progressive activists born to these circumstances seems well aware of them, by the way – and because of this, well aware that the point is ultimately not the thing itself, not the act or the image or the style, but the activism that surrounds and survives it. So, anti-globalization activists, militant hackers, urban environmentalists and others project images on to an embassy, throw adulterated representations back at the system that disseminates them, organize ironic critiques, recode official proclamations, and remain ready to

destroy whatever of their subversions might become commodities. Even within late capitalism's formidable machinery of incorporation, the exhaustion of meaning is never complete, the illicit subversion never quite conquered. The husk appropriated, the seed sprouts again.

Our hope for cultural criminology – that it can contribute to this sort of activism, operating as a counter-discourse on crime and criminal justice, shorting out the circuitry of official meaning – is founded in just this sensibility. We don't imagine that cultural criminology can easily overturn the accumulated ideologies of law and crime, but we do imagine that these accumulations are never fully accomplished, and so remain available for ongoing subversion. In fact, the logic of resistance suggests that it is the very viability of crime control as a contemporary political strategy, the very visibility of crime dramas and crime news in the media, that makes such subversion possible, and possibly significant. In a world where political campaigns run loud and long on claims of controlling crime, where crime circulates endlessly as image and entertainment, we're offered a symbolic climate ready-made for a culturally attuned criminology – and so we must find ways to confound those campaigns, to turn that circulation to better ends. And as those in power work to manage this slippery world, to recuperate that meaning for themselves, we must remain ready to keep the meaning moving in the direction of progressive transformation.

This hope for social and cultural change, this sense that even the sprawling recuperations of late capitalism can be resisted, rests on a politics that runs deeper still. Certainly, the 'cultural' in cultural criminology denotes in one sense a particular analytic focus: an approach that addresses class and crime as lived experience, a model that highlights meaning and representation in the construction of transgression, and a strategy designed to untangle the symbolic entrapments laid by late capitalism and law. But the 'cultural' in cultural criminology denotes something else, too: the conviction that it is shared human agency and symbolic action that shape the world. Looking up at corporate misconduct or corporate crime, looking down to those victimized or in revolt, looking sideways at ourselves, cultural criminologists see that people certainly don't make history just as they please, but that together, they do indeed make it.

For this reason cultural criminologists *inter alia* employ the tools of interactionist and cultural analysis. From our view, notions of 'interaction' or 'intersubjectivity' don't exclude the sweep of social structure or the real exercise of power; rather, they help explain how structures of social life are maintained and made meaningful, and how power is exercised, portrayed, and resisted. To inhabit the 'social constructionist ghetto', as Hall and Winlow (2007: 89) have accused us of doing, is in this way to offer a radical critique of authorities' truth claims about crime and justice, and to unravel the reifications through which progressive alternatives are made unimaginable. That ghetto, we might add, also keeps the neighbouring enclave of macro-structural analysis honest and open; without it, such enclaves tend to close their gates to the ambiguous possibilities of process, agency, and self-reflection. And so an irony that appeals especially

to 'ghetto' residents like ourselves: the categories by which serious scholars deny 'culture' and 'interaction' as essential components in the construction of human misconduct are themselves cultural constructions, shaped from collective interaction and encoded with collective meaning.

And further into the politics of cultural criminology, and into some controversial territory indeed. Cultural criminology is sometimes accused of 'romanticism', of a tendency to embrace marginalized groups and to find among them an indefatigable dignity in the face of domination. As regards that critique, we would begin by saying ... yes. A sense of human possibility, not to mention a rudimentary grasp of recent world history, would indeed suggest that human agency is never completely contained or defined by dominant social forces, legal, capitalist, or otherwise. The Warsaw ghetto, the Soviet gulag, the American slave plantation – not even the horrors of their systematic brutality was enough to fully exhaust the human dignity and cultural innovation of those trapped within their walls. If, as someone once suggested, law is the mailed fist of the ruling class, then those hammered down by that fist, those criminalized and marginalized and made out-laws, carry with them at least the seeds of progressive opposition, offering at a minimum a broken mirror in which to reflect and critique power and its consequences. Marginalization and criminalization certainly produce internecine predation, but they also produce, sometimes in the same tangled circumstances, moments in which outsiders collectively twist and shout against their own sorry situations. From the Delta blues to Russian prison poetry, from the Paris Commune to anti-globalization street theatre, there is often a certain romance to illicit cultural resistance.

Or is there? In common usage, 'romanticization' suggests a sort of sympathetic divergence from reality; for some of our critics, it suggests that we create overly sympathetic portraits of criminals and other outsiders, glorifying their bad behaviour, imagining their resistance, and minimizing their harm to others. Yet embedded in this criticism is a bedrock question for cultural criminologists: What is the 'reality' of crime, and who determines it? After all, a charge of romanticizing a criminalized or marginalized group implies a solid baseline, a true reality, against which this romanticization can be measured. But what might that be, and how would we know it? As we'll see in later chapters, police reports and official crime statistics certainly won't do, what with their propensity for forcing complex actions into simplistic bureaucratic categories. Mediated representations, fraught with inflation and scandal, hardly help. And so another irony: given the ongoing demonization of criminals and dramatization of crime in the interest of prison construction, political containment, and media production values, it seems likely that what accumulates as 'true' about crime is mostly fiction, and that 'romanticism' may mostly mark cultural criminologists' diversion from this fiction as they go about investigating the complexities of transgression.

When critics chide cultural criminologists for romanticizing crime and resistance, then, they risk reproducing by default the manufactured misunderstandings that

should in fact be the object of criminology's critical gaze. The same danger arises when they critique cultural criminology's alleged focus on 'little delinquents' and 'petty misdemeanors' (Hall and Winlow, 2007: 83, 89), on 'graffiti writing or riding a motorcycle' (O'Brien, 2005: 610), rather than on larger crimes of greater political import. As we'll show in Chapter 4, criminal acts are never quite so obviously little or large, never inherently inconsequential or important; they're made to be what they are, invested with meaning and consequence, by perpetrators, victims, lawyers, news reporters, and judges, all operating amidst existing arrangements of power. Delinquents and death-row inmates, petty misdemeanours and high crimes all emerge from a process so fraught with injustice that it regularly confounds life and death, guilt and innocence – and so, again, this process must be the *subject matter* of criminology, not an a priori foundation for it. When urban gentrification is underway, little criminals like homeless folks and graffiti writers get larger, at least in the eyes of the authorities. When the Patriot Act passes, petty misdemeanours are reconstructed by some as terrorism and treason. With enough political influence, the high crimes of corporations can be made inconsequential, if not invisible. The key isn't to accept criminal acts for what they are, but to interrogate them for what they become.

Moreover, this sort of cultural criminological interrogation hardly necessitates that we look only at crimes made little, or only affirmatively at crime in general. Mark Hamm's (1997, 2002) extensive research on the culture of right-wing terrorism, Phillip Jenkins' (1999) analysis of anti-abortion violence and its 'unconstruction' as terrorism, Chris Cunneen and Julie Stubbs' (2004) research into the domestic murder of immigrant women moved about the world as commodities, our own work on pervasive automotive death and the ideologies that mask it (Ferrell, 2004b) – the lens used to investigate such crimes is critical and cultural, sometimes even condemnatory, but certainly not affirmative. In fact, it would seem that these and similar studies within cultural criminology address quite clearly any charge of ignoring 'serious' crimes of political harm and predation.

Still, we'll admit to a lingering fondness for those 'little delinquents' and 'petty misdemeanors' – since, we've found, they sometimes become powerful forces for political change. History, if nothing else, should tell us that.

## notes

- 1 It is important to acknowledge the cultural complexity surrounding the Oaxaca teachers' strike. While there were and are legitimate demands in the realm of education, and sections of the movement were genuinely popular, the movement subsequently was co-opted by other regional groups in their power struggle against the Governor's hegemonic PRI party.
- 2 It is important here to briefly note our perspective on the social or criminological subject. Our central axion is the creative nature of human action. Men and

women create culture, give meaning to their own particular cultural perspective, albeit in a moral and material world not of their own making. None of this rules out the mechanistic mores of habit and here we follow Matza (1969) – the ability to act ‘as if’ determined and the leap of bad faith that this entails. Human behaviour is shaped by the actors themselves. It is not merely the unfolding of preordained essences which have been encoded in some DNA sequence, or in the psychoanalytical drama of phallus and breast set in some conjectured encounter early in the family or the steady casual dominance of broken home or childhood poverty stretching through the actor’s life. Rather, mortal careers are contingent on the present, and the past appears to hold sway only when there has been a continuity of experience or a process of self-fulfillment where powerful actors reinforce notions of a fixed self and powerless subjects come to believe these narratives. Motives are cultural products not essences revealed. In a hyper plural society there is a multitude of vocabularies of motives available; and these are picked not willy nilly but in relationship to the perceived problems of the individual, whilst the self has a unitary quality as a centre of the human construction of meaning, albeit in a world riven by a plurality of meanings. To postulate that human beings are narrative creators who constantly rewrite and reshape their personal narratives does not imply a lack of unity of the self but the very opposite. A common human predicament is that of ontological insecurity where groups or whole sectors of the population feel that their social status is threatened and their identity disembedded. Such a situation, as we will see in Chapter 3 is particularly prevalent in late modernity. One solution to this is the process of ‘othering’ where actors actively embrace narratives about themselves and others which deny human creativity and prioritize the preordained and the fated. Othering is the projection of essentialist attributes on another and, by means of this, oneself in order to justify privileges and deference and to stem feelings of ontological insecurity. It promises fixed lines of orientation in a late modern world of hyper pluralism and disembeddedness; it guarantees structures of superiority and inferiority. It is a guard against the vertigo of late modernity (Young 2007). It utilizes binaries of supposed essential differences whether based on gender, or nation or race or religion or class, etc. A particularly potent source of such differences centres on crime and deviance: thus the ‘normal’ is contrasted with the ‘deviant’ and the law-abiding with the criminal (very frequently linked to class and race etc). Virtue is contrasted with vice, their vice corroborates our virtue. Such an act of othering allows vice to be seen as a lack of culture and very frequently forms the basis of a determinism which is presumed to propel the deviant actor. This, as we will see later, is often the basis of much orthodox positivist criminology. Layered onto this are psychodynamic processes which add intensity and passion to this process of othering. Chief of these are the sense of moral indignation where those cast as Others are castigated for cheating at the rules of reward and evading the sacrifices which the virtuous citizens perceive as the nature of responsibility and duty (e.g., living on the dole, having housing freely provided, being single dependent mothers etc). This is particularly exacerbated where such deviants are seen as directly causing problems for the virtuous (e.g., immigrants, the underclass). Such psychodynamics does not involve the enactment of determinants set up in a psychoanalytical past (e.g., Gadd and Jefferson 2008) but are the result of current problems and pressures occurring in particular parts of the social structure (e.g., the impact of downsizing, chronic job insecurity, deskilling etc), of mistaken beliefs about their causes and process of bad faith and self-mystification. It is a psychosocial criminology which is existentially based and grounded in the present structural problems of late modernity.

- 3 Agee, 2006a: 1A; Agee, 2006b: 8B; Ayala and Agee, 2006: 1A, 23A; Jones, 2006a: 5B; Jones, 2006b: 10B; Mitchell, 2006: 23A.

## A selection of films and documentaries illustrative of some of the themes and ideas in this chapter

### **THE WIRE** (series, 5 parts), Creator: David Simon

Perhaps the greatest TV crime series ever, *The Wire* unfolds over five series like a filmic textbook on cultural criminology: the micro-street practices of drug sellers, post-industrial urban decay, the strengths and weaknesses of contemporary police work, transnational people smuggling, corruption in the prison and criminal justice system, the manipulation of crime statistics, money laundering, and the failing US education system – the list of criminologically-related themes is endless. The first series takes a few episodes to warmup, but stick with it and you will be rewarded as *The Wire's* expansive narrative gathers pace and focus.

### **THE CORPORATION**, 2003, Dirs Jenifer Abbott and Mark Achbar

An insightful and entertaining documentary, *The Corporation* charts the rise to prominence of the primary institution of capitalism – the public limited company. Taking its status as a legal 'person' to the logical conclusion, the film puts the corporation on the psychiatrist's couch to ask 'What kind of person is it?' The answers are disturbing and highlight the problems associated with unchecked capitalism. The film also includes over 40 interviews with critics and corporate insiders, including Noam Chomsky, Naomi Klein, Milton Friedman, Howard Zinn, and Michael Moore. See the film's excellent website [www.thecorporation.com](http://www.thecorporation.com) for some great links, information on how to study and teach the themes raised by the movie, and a number of case studies and strategies for change.

### **THE POLITICS OF NIGHTMARES** (2004) (3 parts), Dir. Adam Curtis

A controversial but compelling three-part BBC series that draws some unlikely parallels between the US neo-conservative political elite and the architects of radical Jihadist Islam. Curtis's ultimate thesis is that, in a post-Cold War world, fear and paranoia about terrorism and extremism are major tools of Western governments.

### **KAMP KATRINA**, 2007, Dirs David Redmon and Ashley Sabin

An achingly poignant documentary about the trials and tribulations of a group of New Orleans residents who, left homeless by Hurricane Katrina, attempt to rebuild their lives in a small tent village set up by a well-intentioned neighbour. This is no alternative utopia, though, and very soon the frailties of humanity become all too apparent. See also Spike Lee's hard-hitting 2006 documentary *When the Levees Broke*, which focuses not just on the human suffering wrought by Katrina, but importantly the ineptitude of the US Federal government before and after the disaster. Lee's film poses serious questions about whose lives count in Bush's America.

### **DOGVILLE**, 2003, Dir. Lars von Trier

A minimalist parable about a young woman on the run from gangsters, *Dogville* is a treatise on small-town values and perceptions of criminality. It is a story that also has much to say about both 'community justice' and ultimately revenge, as each of the fifteen villagers of Dogville are faced with a moral test after they agree to give shelter to the young woman.