

Encyclopedia of Law & Society: American and Global Perspectives

Critical Criminology

Contributors: Dragan Milovanovic

Editors: David S. Clark

Book Title: Encyclopedia of Law & Society: American and Global Perspectives

Chapter Title: "Critical Criminology"

Pub. Date: 2007

Access Date: December 08, 2014

Publishing Company: Sage Publications, Inc.

City: Thousand Oaks

Print ISBN: 9780761923879

Online ISBN: 9781412952637

DOI: <http://dx.doi.org/10.4135/9781412952637.n149>

Print pages: 346-349

©2007 SAGE Publications, Inc. All Rights Reserved.

This PDF has been generated from SAGE knowledge. Please note that the pagination of the online version will vary from the pagination of the print book.

<http://dx.doi.org/10.4135/9781412952637.n149>

During the 1960s, a critical criminological paradigm emerged to challenge the traditional, more conservative framework known as the “consensus paradigm.” Some referred to it initially as the “Marxist” or “conflict paradigm,” but that designation evolved up to the present. Currently, criminologists typically refer to the field as “radical” or “critical” criminology. The more traditional, consensus paradigm emphasized order, homeostasis, and linear logic, accepted the legalistic definition of crime and official crime statistics, and focused on the working classes as crime prone with the nonproblematic nature of who offenders were. On the other side, radical or critical criminology problematized the definition of crime, nature of law, notions of causation, desirability of order, and who the offenders were (that is, now more extensively including the state, corporate actors, and white-collar crime).

Historical Development

During the 1960s, the emerging criminological perspectives were usually oriented to one of two theoretical approaches. First, there were those based on Marxist principles, especially of the instrumental Marxist variety. An early form was that of Willem Bonger, reaching its epitome with Richard Quinney's *Critique of Legal Order* (1974). Second, conflict theories relied on the work of Max Weber (1864–1920), Georg Simmel (1858–1918), Lewis Coser, Ralf Dahrendorf, George Vold, and Austin Turk. The Marxist-oriented versions were more likely to have an assumption that society was divided into two major groups, the bourgeoisie and the proletariat, and that it was driven by dialectical materialism. The conflict version was more likely to have a plurality of groups (class, race, gender, and so on); these theorists saw conflict as ubiquitous, a normal occurrence in society. In both forms, however, these critical criminologists gained power and came to dominate the creation of law, definitions of crime, and the development of particular conceptions of the “criminal,” as well as notions of a particular desirable social order.

During the 1970s, there were several groundbreaking works: Richard Quinney's *The Social Reality of Crime* (1970), Herman and Julia Schwendinger's “Defenders of Order or Guardians of Human Rights?” (1970), and Ian Taylor, Paul Walton, and Jock Young's *The New Criminology* (1973). These writings dramatically changed the contours of

oppositional perspectives to the consensus paradigm and even created intense internal discussions within critical criminology of issues on crime. By 1980, the instrumental Marxist perspective began to decline. The rediscovery of Evgeny Pashukanis's (1891–1937) “commodity exchange theory of law” led to a more structuralist variety of Marxist criminology. Unlike instrumental Marxism's more rigid reliance on economic factors, even in the “last instance,” structuralists were concerned with “relative autonomy,” the somewhat independent effects of several spheres (economic, ideological, juridical, and political) often having their effects in combination (“articulation of instances”). The structuralist variety of Marxism came to dominate for those who self-identified as “Marxists” throughout the 1980s up to the twenty-first century.

The leading figure in the development of oppositional forms of criminological thought could be Richard Quinney. He galvanized critical thought with each transition in his own thinking. In 1970, he wrote *The Social Reality of Crime* (integrating the labeling [p. 346 ↓] theory of the 1960s with elements of conflict theory). In 1974, he wrote the *Critique of Legal Order* (an instrumental Marxist perspective). In 1977, he presented a more structuralist Marxist perspective in *Class, State, and Crime*, which he rewrote in 1980 as a second edition even integrating spiritual concepts (a materialist critique and a spiritual reawakening). From the 1980s to the present, Quinney has developed the peacemaking perspective, heavily relying on spiritual and pacifist writings, personal experiences of struggles, and how to overcome them.

Critical criminology gained further legitimacy and institutionalization at the annual meeting of the American Society of Criminology (ASC) in Chicago in 1988. The president of the ASC was to be, for the first time, a prominent Marxist, William Chambliss. Susan Caringella-MacDonald and Bob Bohm organized a radical caucus. Out of this, a newsletter, the *Critical Criminologist*, and, shortly thereafter, the *Journal of Human Justice* (now, *Critical Criminology*) were developed by Dragan Milovanovic and Brian MacClean. Finally, sympathetic criminologists established the Division on Critical Criminology within the ASC.

The late 1980s bore witness to a number of emerging perspectives within critical criminological thought. All critical criminologists needed to come to terms with Marxist analysis: some use more, some fewer of Marx's concepts. Nevertheless, most critical criminologists are more eclectic and borrow from the core group of theories in their

research and policy formulation. The most prominent perspectives include the following: *Critical feminism*. There are at least six perspectives under this label, ranging from Marxism to postmodernism. They are united in arguing that one must look to society to understand the historical construction of gender roles and how these roles are the bases of particular forms of crime and, in turn, the target of patriarchal forms of violence and repression. They are differentiated by the specific emphasis on the historical nature of these created roles, notions of causation, terminology, socialization processes, and the possibilities of change. Key theorists include Meda Chesney-Lind, Martin Schwartz, Rita Simon, Freda Adler, Carol Smart, Catharine MacKinnon, Claire Renzetti, Alison Young, and Adrian Howe.

Anarchism. Anarchists argue that crime is caused by structures of power and domination. By eliminating hierarchy, society will substantially diminish crime. They advocate cooperation, mutual aid, and a needs-based principle of justice instead of excessive competition and pursuit of power. Key theorists include Peter Kropotkin, Mikhail Bakunin, Larry Tifft, Dennis Sullivan, Jeff Ferrell, Bruce DiCristina, and Hal Pepinsky.

Left realism. These criminologists argue that one must get serious with crime and cannot romanticize it as some kind of revolutionary act. To understand crime, look at the relationships among the victim, offender, criminal justice agencies, and the public (the “square of crime”). Key theorists include Jock Young, Ian Taylor, Roger Matthews, John Lea, Brian MacLean, Martin Schwartz, and Walter DeKeseredy.

Peacemaking. Drawing inspiration from Mahatma Gandhi, Martin Luther King Jr., and Nelson Mandela, as well as the teachings of Buddhism, Christianity, Judaism, Islam, Taoism, and indigenous ways of life, peacemakers want to replace the “war on crime” with making peace. They promote ways of de-escalating violence, including state violence, which is often legitimized as penal sanction. Key theorists include Richard Quinney and Hal Pepinsky.

Postmodernism. Postmodernists argue that many assumptions from the Enlightenment period need reexamination. They place a premium on nonlinear developments; orderly (dis)order; singularities; disproportional effects; the unexpected, spontaneous, ironic, and surprise; attractors, dissipative structures, and far-from-equilibrium conditions;

and the interconnections between language and the subject. Various threads include chaos theory, Lacanian psychoanalytic semiotics, and catastrophe theory. Key theorists include Bruce Arrigo, Dragan Milovanovic, T. R. Young, Drucilla Cornell, Judith Butler, and Michel Foucault (1926–1984).

Constitutive criminology. These scholars argue that one can understand crime and “reality” as coproduced processes. Crime is an integral part of society and researchers should not study it in isolation. We both willingly construct institutions and are constructed by these very institutions. Crime must be redefined in [p. 347 ↓] terms of harms of repression or reduction that take place in hierarchically organized society. Key theorists include Stuart Henry, Dragan Milovanovic, Gregg Barak, John Brigham, and Alan Hunt.

Abolitionism. This approach has its roots in Europe. Practitioners argue for the reduction of violence inflicted by the state and the diminishment of social control apparatuses in favor of more humanistic alternatives, such as restorative justice and peacemaking. Abolitionism is simultaneously a social movement, a political strategy, and a criminological perspective. Key theorists include Barbara Hudson, Rene van Swaaningen, Nils Christie, Thomas Mathiesen, and Herman Bianchi.

Edgework. These theorists argue that many crimes are not materialistically motivated, but are motivated by high-risk activities that produce adrenaline rush experiences. Their focus has been on the “invitational edge” and the sensual experiences aroused in its negotiation. Key theorists include David Matza, Steve Lyng, Jack Katz, Jeff Ferrell, Pat O'Malley, Steve Mugford, and Dragan Milovanovic.

The Skeletal Structure

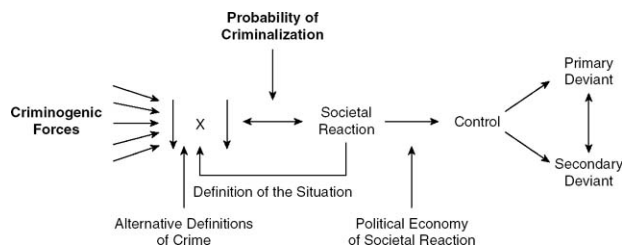
Figure 1 provides the skeletal structure of contemporary critical or radical criminological theorizing. It suggests the core framework from which spring all brands of critical or radical criminology. “X” represents the problematic nature of an act that is objectionable to some audience. Rather than predefine it, we call it “problematic behavior.” It is bracketed. We suspend its definition until there is a societal reaction. An interaction takes place between some audience (citizens, police, or other agents of social control)

and the person who engaged in the problematic behavior. A definition of the situation emerges from this interaction. Crime is an emergent event. This interaction is structured in terms of the probability of criminalization.

Clayton Hartjen argues that two variables, perceptions of harm and differentials in individual power, account for who is more likely to be labeled a criminal. A person who engages in problematic behavior, and whom people perceive as a threat and who has less power, is most likely to be labeled a criminal. Control represents the person's processing within the criminal justice, juvenile justice, or mental health system. Each control system has operative labels with attendant discourses (discursive subject positions), which become the basis of adaptation. Secondary deviants represent those caught up in the process. They begin to change their self-identification and worldviews consistent with the label offered and subtly reinforced within the various systems. They often go on to further crime (that is, deviance amplification). Primary deviants are those who go through the [p. 348 ↓] various control apparatuses and do not redefine themselves or their worldviews in the direction of the deviant label.

Figure 1 The Skeletal Structure of Critical Criminology

Source: Author.



The political economy of societal reaction represents the political and economic forces that mold criminal conceptions, images, or stereotypes of the “dangerous classes” and diffuse these images throughout society by way of various means of communication. People in society internalize these images. Accordingly, those engaged in problematic behavior, who appear similar to these images, are at higher risk of being criminalized. In this sense, the relationship of socioeconomic status and the official crime reports

identify whom the police and others are *most likely* to label a criminal, not those who actually engage in harmful acts.

The search for alternative definitions of crime, such as the humanistic and the constitutive definitions collected by Mark Lanier and Stuart Henry in 2001, represents critical criminologists' mistrust of the stateformulated legalistic definition of crime. Critical scholars examine both the crimes of the powerful and crimes of the powerless. Criminogenic forces represent various determinants that contribute to the variety of problematic behaviors that may take place. In short, this skeletal structure is at the center of thinking by radical and critical criminologists. They build on this basic model with more substance and apply it in their various critical investigations. Critical criminology is continuously differentiating. Emerging perspectives include integrative theorizing and cultural criminology. Globalization and multiculturalism in the emerging world community, too, will challenge theorizing. And several recently established perspectives in critical legal studies still await fuller development for their impact on criminology, such as critical race, Latino(a), and queer studies.

DraganMilovanovic

<http://dx.doi.org/10.4135/9781412952637.n149>

See also

- [American Society of Criminology](#)
- [Constitutive Criminology](#)
- [Crime, Theories of the Definition of](#)
- [Critical Feminist Theory](#)
- [Critical Race Theory](#)
- [Edgework](#)
- [Foucault, Michel](#)
- [Marxism](#)
- [Pashukanis, Evgeny B.](#)
- [Postmodernism](#)
- [Restorative Justice](#)
- [Weber, Max](#)
- [White-Collar Crime, Criminology of](#)

Further Readings

Hartjen, Clayton A. (1978). *Crime and Criminalization* , 2d ed. New York: Praeger.

Henry, Stuart, ed. , and Mark Lanier, eds. (2001). *What Is Crime?* Boulder, CO: Rowman and Littlefield.

Lanier, Mark, and StuartHenry. (2004). *Essential Criminology* . Boulder, CO: Westview Press.

Lyng, Steven, Ed. (2004). *Edgework* . New York: Routledge.

MacLean, Brian, ed. , and Dragan Milovanovic, eds. (1997). *Thinking Critically about Crime* . Vancouver, Canada: Collective Press.

Milovanovic, Dragan. (2003). *Critical Criminology at the Edge* . Monsey, NY: Criminal Justice Press.