

# THE Critical Criminologist

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## Uniting Class, Race and Criticism Through the Study of Environmental Justice

Michael J. Lynch  
University of South Florida

and

Paul B. Stretesky  
Rochester Institute of Technology

The call for increased attention to race-specific theory and explanation within critical criminology has been widely articulated over the past several years (e.g., MacLean and Milovanovic 1990; Schwartz and Milovanovic 1996; Lynch and Patterson 1991, 1996). More recently, Pavlich (1997) challenged critical criminologists to revive the role of criticism by refocusing attention on broader questions of grounded action that establish social justice (see Arrigo 1999). In Pavlich's (1997:1) view, grounded action necessitates that specific attention be given to the "plight of the oppressed." In this article, we look at the issue of environmental justice to illustrate how critical criminologists can unite race-inclusive theory and criticism. We focus on environmental justice for four reasons. First, it addresses the plight of the oppressed as suggested in Pavlich's recent remarks. Second, environmental justice centers on *two* forms of systematic oppression: race and class. Third, criticism is a central feature of environmental justice studies, and both race and class criticism serve as the basis for understanding and acting against environmental injustice. Finally, the issue of environmental justice often is presented in the literature as either a race *or* a class-based analytic perspective. As we argue below, a unified race-class view is necessary for developing a more complete understanding of and response to environmental injustice.

We begin our discussion by addressing the importance of class. This discussion highlights our preference for grafting race onto a class-anchored perspective (see Lynch 1996). Still, we respect alternative viewpoints and fully recognize that selecting either class or race as the origin for an analysis is a personal preference.

### *The Declining Significance of Class and Marx*

Over the past decade, several criminologists have argued that critical criminology needs to be more inclusive of theories and issues that deal with race and gender (e.g., Daly 1994; Schwartz and Milovanovic 1996; Messerschmidt 1986, 1993,

1997). This argument, when combined with the historical shift to both critical/Frankfurt and post-modern approaches, has led to a declining interest in class analysis and Marxian interpretation among critical criminologists. And while it is important for us to emphasize that the movement away from *class-only* analysis has produced positive contributions, such as increased attention to matters concerning race and gender, and the discovery of new explanatory perspectives and problems for analysis, it is also the case that a simultaneous decline in critical class-based analysis has occurred. This neglect has resulted in the underdevelopment of class-based analyses and a more general loss of a unified direction within critical criminology. It is important, then, that we recognize that the diversification of a critical criminology has occurred primarily at the expense of class-based analysis.

The decline of Marxian class-based analysis is a problem that extends well beyond the disciplines of criminology and criminal justice into a number of other social-science disciplines. However, in the case of criminology and criminal justice, the decline of a class-based analysis is a highly significant trend, especially since class is a defining characteristic of both crime and justice (Reiman 1998). In short, we agree with James O'Connor (1998:1) who recently observed:

[J]ust at the moment [in history] when world economy simulates the model . . . Marx developed in *Capital*, Marxism is dismissed as totally flawed, a failed enterprise . . . All the identity politics and politics of place in the world cannot conceal the fact that global labor is being battered by an unprecedented attack on living standards.

With respect to Pavlich's (1997) conclusions concerning the decline of criticism in critical criminology, we note that Marx's class model is inherently oriented toward criticism--especially forms of criticism that are action-based (praxis-oriented). Also noteworthy to our argument is the emphasis on criticism and action evident in current global environmental movements aimed at achieving environmental justice (e.g., the Green Environmental and the Red-Green movements; see generally, O'Connor 1998:225-340; within criminology see, Lynch 1990; Frank and Lynch 1992, Chapter 6, on "Green Criminology"). Many of these movements have a working class basis, and target working class issues such as non-toxic workplace environments, green production techniques and environmental injustice in working

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## From the Editors...

This issue of *The Critical Criminologist* celebrates a significant milestone in critical criminology. It comes at a time when mainstream criminology, symbolized by the ASC, celebrates its 50th year. Yet our significant presence in this organization demonstrates that critical criminological scholarship is alive and vibrant, evidenced by its 10th year as an ASC division. Along with contributions from the Division of Women and Crime and the Division of People of Color and Crime, is our unending attention to focus on class, race and gender as major structural dimensions constituting crime. On the eve of the millenium our important contribution to criminological scholarship is becoming increasingly visible. The winner of this year's Thorsten Sellin and Sheldon and Eleanor Glueck Award is one of the founding critical criminologists, Jock Young, who also received acclaim this year as the most cited critical criminologist in the world in a survey of critical criminological scholarship published in the *Journal of Criminal Justice Education* (see Paul's summary of the article in this issue). Among the ASC Fellows to be inducted this year are Margaret Zahn and John Braithwaite, both friends of critical criminological thinking, if not always of critical criminologists!

For their own continued contribution our 250+ division members deserve congratulations; we have accomplished much. In spite of some rough times, we've survived. As this editorial collective begins its second year and volume 9 of what has become much more than a newsletter goes to press, we are pleased to say, that we have seen a major turn around. We are subscribed to by more than one European bibliographic service, have maintained a strong if changing membership, and continue to provide our members with more for less, though this has created somewhat of a fiscal crisis. The financial hemorrhaging this has caused will hopefully be corrected at the upcoming DC meetings as the "\$10 dues" fee is discussed--the dues have

remained at \$5.00 for the journal and this newsletter, which given a 3% average inflation over the period, means we are actually paying the equivalent of \$3.50 a year at 1988 prices!!!. Part of our response to this fiscal crisis can be seen in our invitation for you to make a tax deductible "donation" (See the flyer on how in this issue).

We have also seen a turnaround from the time when CC editors hustled for articles, to our present state of abundance where articles arrive without our prompting, and do so in a continuing dialogue with those we published in previous volumes. We thank you for that and for all those who have encouraged others to think of the newsletter as an outlet for nascent ideas. We already have articles in for the next issue. Keep it going!

In this issue, we continue the critical tradition of confronting crimes of the powerful from a class/race perspective through Michael Lynch and Paul Stretesky's response to George Pavlich's challenge to reinvigorate the critical. They invite us not to conflate class with race but to see each as mutually constitutive in the framing of the environmental victimization caused by powerful corporations. Powerful corporations are also the main criminal actor in the article by Ronald Burns who takes up Matt Robinson's invitation for criminologists to push the criminological envelope into the area of "non-crimes." Burns focuses on the continued and systematic history of harms perpetuated by the automobile industry and, in the tradition of critical theorists Schwendinger and Schwendinger, Michalowski, Tiftt, Henry and Milovanovic, urges us to broaden our definition of crime to the power-harm nexus. Finally, Bernard Headley, a founding editor of this newsletter, takes us to Russia and the Ukraine in his report on their transformational process and the resignation that most ordinary Russians feel toward the general impoverishment of their society relative to its Soviet past. His article is a sobering reminder of the crudity of capitalism's capacity to polarize through inequality under the guise of "freedom." Clearly the struggle continues. See you on the streets of D.C.

The next edition of the newsletter will be out in March of 1999. We welcome articles, poetry and letters. Please send a hard copy and diskette version, no longer than 2,500 words (to offer room for many voices) and specify the software/word processing software being used. We ask that references be in the (Author Date: Page) format with minimal use of endnotes. Conversations or less formal non-referenced articles are also acceptable, but we expect that they will still represent polished final manuscripts that have been subjected to spell check and proofreading.

Stuart Henry can now be reached at the Department of Sociology Huegli Hall, Valparaiso University, Valparaiso, IN 46383. Phone 219/464 6998 or e-mail Stuart.Henry@valpo.edu

Gregg Barak, Jennifer Hatten & Paul Leighton can be reached at the Department of Sociology, Anthropology and Criminology Eastern Michigan University, Ypsilanti, MI 48197 Phone 734/487 0012

<SOC\_Leighton@online.emich.edu>

The Critical Criminology Homepage is maintained by Jim Thomas. It contains more information about the division along with links to a wide variety of data, current statistics, legal resources, political writings, teaching and mentoring information, and the Division's parent organization — The American Society of Criminology.  
<http://sun.soci.niu.edu/~critcrim/>

Division membership is available through Sarah Hall at the American Society of Criminology: 1314 Kinnear Rd., Suite 214 Columbus, OH 43212. Subscription to the newsletter is \$10 yearly, available from Stuart Henry, who also handles information about back issues.

Short announcements can be sent by e-mail to

# Division News

## Division Business Meeting at ASC

The Critical Criminology Division will have its business meeting at ASC on Friday Nov 13 from 3:00-5:00 PM in Atrium 1 (Adjacent to the Exhibit Hall). The agenda includes:

1. Approve old minutes
2. Reports
  - a.) treasurer
  - b.) publications-books, journal, newsletter
  - c.) awards
  - d.) elections-nominations
  - e.) asc program
3. New Business
  - a.) Dues
  - b.) Social Functions
  - c.) Critical Criminology Journal
  - d.) Other
4. Announcements

## CRITICAL CRIMINOLOGY AWARDS

The Division's Awards Committee has honored Richard Quinney with the Major Achievement Award and Jeff Ferrell will receive the Critical Criminologist of the Year Award. The graduate student paper rankings are:

- 1st Place: Eric Silver, Actuarial Risk Assessment and Social Science: A Cautionary Note  
 2nd Place: Chris Mullins, The Ghost Dance: A Case Study of State Crime  
 3rd Place: Kevin Whiteacre, The Criminalization of LSD  
 4th Place: Phillip Chon Ho Shon, The Sacred and the Profane  
 5th Place: Lois Presser, The Cultural Logic of Prison and the Triumph of Recidivism.

Awards will be formally presented at the Division's Social at the ASC Conference.

## Peacemaking Conference

The biennial National Conference on Peacemaking and Conflict Resolution (NCPCR) will take place in Phoenix, Arizona, on May 28 - June 1, 1999. NCPCR is the USA's largest regular (every two years) gathering of people who are dedicated, either professionally or otherwise, to peacemaking and the creation of alternative solutions to disputes and conflicts. The theme of this conference will be 'Liberation - Healing - Community'. If you are interested in helping to form or contribute to these portions of the Conference agenda, please contact John Wilmerding at [jvw@together.net](mailto:jvw@together.net) or National Conference on Peacemaking and Conflict Resolution, Institute for Conflict Analysis and Resolution George Mason University, 4400 University Drive, Fairfax, Virginia 22030

## Berkeley Criminology Reunion

There will be a reunion of everyone associated with the Berkeley School of Criminology, University of California during its history. All former students, faculty, visiting scholars and staff are warmly invited. It will be held during the Western Society of Criminology meetings in Oakland February 25-28, 1999. There will be a panel on the school and a separate social event. Plans are being formulated, and suggestions and especially contact names are welcome. If you are interested in possibly attending, please get on the list by telephoning Paul Takagi at 510-339-2209 or 510-339-8312. Or you can email Barry Krisberg at [bkrisberg@aol.com](mailto:bkrisberg@aol.com) or Dorie Klein at [doriek@publichealth.org](mailto:doriek@publichealth.org)

## Schwendingers at South Florida

The Department of Criminology at the University of South Florida is very pleased to announce that Julia and Herman Schwendinger have accepted five year Visiting Professorships beginning in the Fall of 1998. In addition to completing their research agenda, the Schwendingers will have the opportunity to teach and serve on Doctoral Committees within the Department. The members of the faculty are excited by their arrival, and extend them a warm welcome.

## Religiously-based Restorative Justice List-serve

An automated email discussion list for "religiously-based restorative justice" issues has been established by Fresno Pacific University, home of the Restorative Justice Project. To subscribe to the group send e-mail to [listserv@fresno.edu](mailto:listserv@fresno.edu) with the following text as the body of the message: <subscribe restore>.

The moderator assumes that discussion of the issues will take place with appropriate compassion and grace. Persons from all faith traditions are welcome.

## Van Gogh at ASC Conference

While the ASC is in Washington, DC, the National Gallery of Art will house an extensive collection of Van Gogh paintings. D.C. is one of two U.S. stops before the paintings return to their home in Amsterdam at the Van Gogh museum, which is currently undergoing renovation. Admission is free (your tax dollars at work) but requires a same day pass. Information posted at the National Gallery's Website — which also offers a virtual tour — indicates that passes "may be obtained on a first-come, first-served basis during public hours at the West Building pass desk, located in the Rotunda on the main floor. There is a limit of six passes per person. For information, call (202) 737-4215. For the Telecommunications for the Deaf (TDD), call (202) 842-6176, Monday-Friday, 9-5. The National Gallery, located on the National Mall at Fourth Street and Constitution Avenue, N.W., is open Monday-Saturday, 10-5, and Sunday, 11-6." For more info, see <http://www.nga.gov>

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class neighborhoods (O'Connor 1998). What makes these expressions/actions "green" are commitments to environmental awareness and environmental health and to the struggle to attain these things.

The idea of environmental justice as "green" has been largely misunderstood or ignored within criminology (e.g., South 1998; Groombridge 1998).<sup>1</sup> The point is that the working class is attempting to solve environmental issues that confront them with injustice "practically and collectively, in the course of real social and ecological struggle" (O'Connor 1998:256). The working class focus and origin of these environmental movements appear to have an obvious connection to concerns raised by certain segments of the critical criminological community such as left-realists, feminists and peacemaking criminologists (Arrigo 1999).

However, while the working class is actively involved in the struggle for environmental justice, it would be inaccurate to depict this movement as being strictly class-based. Most certainly, the struggle for environmental justice has a basis in

environmental justice.

#### *Uniting Race and Class*

Race and class constitute important structural determinants of crime and crime control (Lynch 1996). There is a difference between conceptualizing race and class as structures rather than identities--though the two issues intersect (Messerschmidt 1993, 1997). As structures, race and class can be interpreted as institutionally supported hierarchies, relationships, or institutional networks of differentiation associated with a specific form of power and social, economic and political organization. In the U.S., for example, race and class are institutionalized features of social, political and economic organization that affect the lives of people who occupy, or are enmeshed within, various positions in both the race and class hierarchy. In this view, race *and* class *locations* are interpreted as affecting the quality and quantity of choices that people can access, and therefore have a great impact on channeling behavior. Among these choices are the opportunity to commit various types

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race relations and in the kinds of criticism and praxis that race-based environmental movements entail.

#### *Race, Class and Criminal Justice*

Though the victims of manufactured environmental hazards share a great deal in common, there has typically been a division among those involved in the environmental justice movement (and the research it generates) along race and class lines. Researchers, for instance, have typically taken an "either/or" stance toward environmental justice, arguing in favor of either a class-based *or* a race-based interpretation of the distribution and exposure to hazardous waste.<sup>2</sup> In addition, environmental justice activists have adopted a similar position on race and class, arguing one is more important than the other. For instance, in an argument entitled "Beyond the Race vs. Class Trap," leading environmental justice researcher and activist, Robert Bullard (1993:21) argues for a *race only* model on the grounds that "[r]ace has been found to be an independence factor, not reducible to class, in predicting the distribution of [environmental hazards]." While we agree with Bullard's observations about race and class in general, we disagree with his specific conclusions: namely that the consistent findings concerning race constitute a reason to concentrate on race to the exclusion of class. Indeed, there are environmental justice studies that demonstrate class effects independent of race effects (e.g., Bowen et al. 1995; Yandle and Burton 1996). It seems, then, that while race is not reducible to class, neither are class effects reducible to race. Instead, both issues must be addressed and unified in criminal justice and criminological studies of

of crime (from ordinary street crime to corporate crime), the motivation to engage in crime, and the chance of criminal victimization (Groves and Frank 1986). Extending our argument to the issue of environmental justice, we propose that the chance of victimization that occurs through exposure to environmental hazards (as well as opportunities and motivations for engaging in chemical crime) are differently distributed along race and class lines. To support our claim, we provide three examples of the nature of race and class effects relative to the exposure to environmental hazards.

#### *Example 1: Integrated Pest Management*

In recent years, a theory called "integrated pest management" (IPM) has emerged to address the issue of the costs and benefits of controlling insect populations. Much of the technical literature on the issue of pesticide use is geared toward examining mortality relative to the use of pesticides on pests.<sup>3</sup> In other words, the central issue involves the effectiveness of pesticides on pests as measured by pest morbidity and mortality (e.g., Higley and Peterson 1996:28-30; Pedigo 1996: 46, 50, 55; Green 1976: 97-105; McEwen and Stepenson 1979:20-27). When the effects of pesticide use on human health appear in IPM literature, the focus is on the benefits of pest suppression for human health (e.g., the link between controlling mosquitoes and the spread of diseases such as malaria). Humans have undoubtedly benefited from pest control, and disease rates associated with pests have declined dramatically over this

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century. Still, largely omitted from IPM cost-benefit discussions are the costs of pesticides on human health, and the effectiveness of non-chemical or alternative pest controls. Rather ironically, then, because IPM models of pesticide use are pest-based cost-benefit calculations (i.e., the rate of pest mortality is related to effectiveness controlling for economic costs), these models have excluded human health costs (e.g., increases in cancer rates, illness rates, or human morbidity) from their calculations.<sup>4</sup> There is, however, ample evidence available to determine the impact of these chemicals on human health. For example, case studies of specific populations such as migrant workers have demonstrated the increased risk that minority and marginalized workers and their families experience from pesticide exposure, overuse and misuse (see Moses 1993). Minority workers have attempted to raise people's consciousness of these issues and fight such injustices. Unfortunately, efforts at raising consciousness by calling attention to the plight of oppressed minority migrant workers have been effectively defeated by corporate counterattacks that emphasize the increased consumer costs associated with alternative production technologies or increased safety for migrant laborers.

#### *Example 2: Contamination of Drinking Water Supplies*

Hidden class and race effects are also structured into the pesticide contamination of U.S. drinking water supplies. For example, the Environmental Protection Agency (EPA) found 59 pesticides and breakdown products known to cause cancer or disease in humans or animals in a random sample of 1,350 U.S. drinking water sources (U.S. EPA 1991). The consumption of water from these sources in sufficient quantities increases the risk of injury and illness. However, race and class have additional and clear effects on people's ability as consumers to treat drinking water or utilize alternative (bottled) water sources. For instance, the EPA's *Health Advisory Summaries* note that there are methods available for treating pesticide-polluted water. At the level of individual consumers -- which is the only current response to exposure to carcinogens in drinking water supplies in the U.S. -- water treatment alternatives include reverse osmosis, activated carbon absorption, digging deeper wells, and consumption of bottled water. The cheapest long-term solutions -- carbon absorption or reverse osmosis filtration -- requires initial investments of between \$100-300 dollars in filtration equipment, and an additional \$30-60 dollars every six months in up-keep. Such a large initial expense may prove prohibitive to the poor. Furthermore, there is a high correlation between lower class and minority status in the United States (see Carnoy 1994). Thus, minorities will be disproportionately impacted by their economic inability to respond to water-related health concerns and contamination. This example, then, raises questions about the distribution of victimization by race *and* class, as well as the issue of praxis and responsibility for the production of clean water supplies. Corporations are largely responsible for the chemicals in our water supply and yet have declared that clean water is the government's problem, which, in turn, has done little to guarantee the safety of water supplies.

#### *Example 3: The Siting of Waste-to-Energy Facilities*

The siting of hazardous waste facilities is an obvious example of how race and class interact. For example, consider

the following (unbelievable) reasoning offered in the position papers funded by the state of California concerning strategies for the placement waste-to-energy facilities:

All socioeconomic groupings tend to resent the nearby siting of major facilities, but the middle and upper socioeconomic strata possess better resources to effectuate their opposition. [So a] great deal of time, resources, and planning could be saved and political problems avoided, if officials and companies look for lower socioeconomic neighborhoods that are also in a heavy industrial area with little, if any, commercial activity. [Thus,] middle and higher socioeconomic strata neighborhoods should not fall within the one-mile and five-mile radius of the proposed site (Cerrell Associated, 1984: 43, 117).

Cerrell's statements are typical of the kinds of recommendations that ultimately result in lower class environmental victimization. The above passage also demonstrates how state policy can systematically and disproportionately expose minorities to environmental hazards. Because minorities are poor, they are more likely than whites to be located in areas that have been targeted as suitable waste-to-energy sites (Stretesky and Hogan 1998). Since the above siting policy will result in the unequal distribution of environmental hazards across diverse populations, race-based theory and explanation can intersect with critical analysis to facilitate a broader understanding of racial discrimination. Simply put, environmental justice must be understood as a product of classism AND racism.

#### *Conclusion: Fighting Economic and Racial Oppression*

The victimization of minorities and lower class persons through environmental injustice has a structural component deeply embedded within the U.S. economic system and its system of class and race relationships. Oppression and domination constitute the shared experience of lower class and minority persons victimized by environmental injustice. On the one hand, the shared nature of these experiences indicates that the lower class and minorities should pool their resources in their struggle for safe environments at work and at home. On the other hand, race and class location also generate distinctive effects, and make unified race-class movements appear somewhat counter to either race or class interests. For example, lower class minorities experience the dual effect of race and class. Their response to environmental injustice will be inadequate unless it is framed relative to both class and racially structured patterns of economic access and environmental victimization. Likewise, lower class whites living in predominantly minority neighborhoods may find it necessary to join minority groups to combat the particular forms of environmental victimization they experience.

In short, there is no one, single appropriate solution to environmental injustice. Recognizing how race and class intersect, however, is important to our ability to reinterpret environmental victimization, and the kinds of criticism that generates active responses to the forms of power that produce these victimization patterns. We hope this article contributes to the development of this issue within criminology.

The author can be reached at pbsgcj@rit.edu

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### Endnotes

1. These arguments accept or fail to entertain the difference between the corporate movement designed to capture the symbolism and meaning associated with the term "green," and actual political movements emanating from people associated with specific positions linking ecological damage, harm and crime to imbalances in power, and class and racial inequality (see Karliner 1996; Pell 1990; Postrel 1990; Walijassper 1990). In the broadest perspective, this view involves politicized interpretations that expose class and race exploitation that occurs across cultures and states (O'Connor 1998). The term "green" is not normally applied to more simplistic examinations of environmental harm and damage, except by those attempting to

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# Non-Crimes in the Automobile Industry

Ronald Burns

Texas Christian University

The United States' economy largely influences countries around the world. It is distinguished from all other Western industrial societies by size, history, and ideological emphasis. In assuming such a role, the corporations that widely affect the U.S. economy have created a "corporate," or "organizational culture" which contains what could be argued to be both negative and positive characteristics. For example, while the culture may contain the necessary "tools" for motivating workers (which may ultimately lead to profit maximization and a stronger economy), it may also encourage sacrificing societal responsibilities for the sake of profit maximization. Thus, it logically follows that corporate culture in the U.S., consisting of what could be

considered either positive or negative behaviors, has global impact both within and outside of the corporate world. While corporations have displayed

numerous acts of social responsibility (e.g., donations to charity, assisting needy students, etc.), it is the negative behaviors that arguably should be of greater societal concern.

In response to an article recently published in *The Critical Criminologist* which focused upon the tobacco industry being involved in "The Greatest Crime in World History" (Robinson 1998:20), I would like to share with the

**W**e are not a charitable institution - we are trying to make a profit for our stockholders"

readers a portion of my research endeavors into the automobile industry and its accompanying involvement in what Robinson (1998) referred to as "non-crimes," or those acts which fall outside of the legal definition of crime, yet are harmful to society. Along the way, readers will be provided with historical, as well as current accounts of "non-crimes" committed in the automobile industry, all of which will be discussed in the context of the social harms committed by the various automakers. In addition to hopefully grasping a better understanding of the social harms being committed within this particular industry, readers are encouraged to recognize research in this and similar areas as part of criminology's expansion into non-criminal, yet harmful behaviors.

While sparing the reader discussions of the highly publicized social harms resultant from Ford's Pinto and GM's Corvair (for focused discussions on these issues, readers are referred to Cullen, et al. 1987; and Nader 1965, respectively), automobile companies have committed "non-crimes" basically



since the advent of the automobile. For example, records of GM's involvement in acts of corporate violence date back as far as 1929 when, absent federal regulation requiring many safety precautions, the president of Dupont tried to persuade GM President Sloan to use safety glass in Chevrolets, as Ford was currently doing. President Sloan noted that the addition of safety glass was too costly and would increase the price of GM automobiles, thus reducing sales. In a reply to Dupont, Sloan noted he would "rather spend the same amount of money in improving our car in other ways because I think, from the standpoint of selfish business, it would be a very much better

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defuse the political nature and unique meaning more typically associated with the idea of being green.

2. We fully recognize that we are open for criticism on the grounds that our discussion omits gender from consideration. The literature on gender and Eco-feminism in particular is noteworthy in itself (see Shiva and Moser 1988). Integration of gender into our view is, however, beyond the limited scope of the present analysis.

3. The term pesticide is a generic scientific term that includes a family of related chemicals (e.g., herbicides, rodenticides) used to control pests (insects, vermin, birds), weeds, mites, nematodes, spiders, and fungi.

4. Researchers in this area omit human health issues from cost-benefits calculations on the grounds that the worth of human life has yet to be determined (see, Higley and Pedigo 1996).

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investment” (Mintz and Cohen 1973:79). He added, “You can say, perhaps, that I am selfish, but business is selfish. We are not a charitable institution - we are trying to make a profit for our stockholders” (p. 79). Clinard and Yeager (1980) noted a similar occurrence in which GM once attempted to influence the National Highway Traffic Safety Administration (NHTSA) not to adopt a standard for mandatory installation of shoulder harnesses by presenting a misleading film and data regarding the hazards of these devices.

Similarly, Clinard and Yeager (1980) noted that corporations within the automobile industry have been the subjects of criticism for their lack of ethics, violations of law, and general disregard for the safety of consumers. They note that among the areas of concern within the automotive industry are hidden costs, deceptive advertising, unreliable and secret warranties, unfair dealer relations, violations of safety standards, and using its powerful influence to receive large grants for highway construction while opposing the use of public funds for improving public transportation (Clinard & Yeager 1980). In the early 1970s, Vanderwicken (1972) concurred, noting that the automobile industry was coming under attack for the manufacturing of unsafe products, creating air pollution, congestion in the cities, ugliness in the countryside, polluting waterways and air, and for employing too few and for promoting too few minorities into its management ranks.

While we would like to think that situations such as those described above no longer occur in our society, it appears that such is not the case. For example, Chrysler was recently accused of producing and selling 4.5 million faulty minivans, an allegation that Chrysler vehemently denied. The allegations noted that when particular models of Chrysler minivans produced between 1984 and 1994 were involved in collisions, the tailgate could pop open and eject rear seat passengers. According to NHTSA, there were 207 alleged instances of rear tailgate openings, including 134 ejections, 98 injuries and 37 fatalities (Burch 1995). The cost of repairing these automobiles was estimated at around \$115 million (Burch 1995).

Chrysler insisted their minivans were safe, presenting data suggesting that its minivans had a better overall safety record than many other vehicles, including other minivans (Burch 1995). Yet, an N H T S A investigation into the situation found that the minivans were more prone to fail. Similar to the Ford Pinto situation, Chrysler was faced with a dilemma; to continue killing and injuring consumers or recall the product at a cost of about \$115 million.

Under pressure from the NHTSA, minivan owners, and numerous consumer advocate groups, Chrysler agreed to replace the van latches (without admitting that the latches were defective) at no cost to the owners. Chrysler was prepared to fight the

government investigation but declined due to customer response, later suggesting that the move was calculated to salvage the company’s image for safety-consciousness, rather than to fix an actual safety defect (Everett and Muller 1995).

No penalties were assessed against Chrysler. Additionally, the company pushed for, and received from regulators a promise that the repaired minivans would not be counted in a national registry of recalled vehicles (Bennet 1995). In other words, Chrysler offered to replace the latches without the word “recall” attached, in hopes of supporting its assertion that the minivans did not have a safety defect and preventing the action from being used against the company in about 18 pending product liability lawsuits, which could have possibly involved payments of hundreds of millions of dollars. An admission of guilt would have had substantial financial effects on the corporation.

A similar situation recently occurred involving GM, and roughly 10 million of its 1973-87 model full-sized pickup trucks. The vehicles, with fuel tanks mounted outside the frame rails, were involved in a number of accidents which resulted in at least 150 fatalities (“U.S. Finds GM” 1994). Department of Transportation Secretary Frederico Pena, as well as several others, noted that the crashes might have been survivable if GM used a different design (“U.S. Finds GM” 1994), and that there was evidence that GM was aware - possibly as early as the mid-1970s but certainly by the 1980s - that the side-saddle design made these trucks more vulnerable and that fatalities from side-impact fires were occurring. GM steadfastly denied the charges, arguing that the trucks met all safety standards in effect at the time, and were no more dangerous than some vehicles that were presently on the road.

Lawyers eventually filed a lawsuit alleging that GM suppressed data by concealing documents and repeatedly falsified reports and crash test results that demonstrated that the pickups were a deadly fire hazard (“GM Faces New” 1994). Additionally, the lawsuit alleged that GM had its product liability insurer acquire trucks that had been in fiery crashes to “hide” them from victims, and that GM ignored its engineers, internal studies and industry standards in deciding to install the gas tanks outside the frame rails, adding that “safety and engineering principles did not play a part” (“GM Faces New” 1994). Yet, GM maintained that its trucks were safe, calling such charges “baseless.”

Based upon the overwhelming evidence suggesting that the trucks were a risk, in April 1993 NHTSA asked GM to voluntarily recall and fix the estimated 4.7 million trucks

still on the road. GM adamantly refused to recall the trucks, maintaining that the fuel systems did not have a safety-related defect, although GM chief counsel Harry Pearce noted that a recall was possible if GM’s public image and market share were hurt by the negative publicity (“GM Will Refuse” 1993).

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On December 2, 1994 Secretary Pena announced a legal settlement with GM that permitted the estimated 4.7 million pickup trucks he had called potentially lethal to stay on the road without any modification. In exchange for dodging a recall, GM would contribute \$51.3 million to various safety programs ("Government Drops GM" 1994). The decision was deemed a clear victory for GM, which escaped not only fighting a potentially embarrassing and costly court battle, but paying an estimated \$1 billion to recall and fix the trucks. The government's finding of a safety defect could have been used to bolster about 50 lawsuits brought by victims' families against

taken after a faulty product's distribution does very little for those who have been injured or killed through the negligence, ignorance, and/or greediness of the corporation. One must also consider the faulty marketed products that escape being recalled, which may have undetected, long-term effects.

Governmental regulation of the automotive industry generally began with the 1966 National Traffic and Motor Vehicle Safety Act, which (among other things) included a law requiring manufacturers to call back and correct, free of charge, any piece of automotive equipment with a built-in defect that might affect operating safety. Since its passage, manufacturers have been forced to publicly recall over 200 million vehicles in

**V**ehicle-related factors are annually responsible for \$7 to 28 billion economic losses, 2,000 - 8,000 deaths, and 150,000 - 600,000 injuries — significant numbers for an industry traditionally absent from the criminological literature.

GM. Critics noted that for GM, the world's largest auto maker with \$138.2 billion in sales the previous year, the \$51 million it agreed to pay amounted to loose change (Bennet 1994).

While these examples demonstrate automotive corporations' involvement in "non-crimes," automakers' attempts to recognize public concern for automobile safety have also proven harmful to the public. For example, recent consumer demand for safer vehicles has led to innovative developments such as antilock brake systems and air bags. As a response to consumer demand, automakers have quickly included these features in many of their newer vehicles. While automakers have widely publicized their quick response to consumer concern, these devices have not entirely served their purpose. In fact, there have been numerous social harms related to their use, as evidenced by the greater number of personal-injury claims filed by owners of vehicles with air bags than owners of similar cars not equipped with the devices (Standard and Poor 1996), a 33 percent increase in risk among children younger than 10 (Insurance Institute for Highway Safety 1996), and the deaths of about 75 people, roughly half of which were children (Minton 1997). Additionally, questions remain regarding the validity and accuracy of automobile crash testing, as well as the effectiveness of the highly publicized antilock braking systems (e.g., Standard and Poor 1996; Insurance Institute for Highway Safety 1996).

One could argue that lack of effective government oversight has promoted automobile corporations' involvement in committing public harms. For example, product recalls have become an accepted aspect of business for manufacturers, especially within the automotive industry, and while some consumers may view recalls as a safety/consumer conscious effort by corporations, others may view recalls as either a nuisance (if one owns a product being recalled) or an example of faulty workmanship by the manufacturer who may be jeopardizing human safety. Whether a recall concerns tools, autos, or food, it remains that the manufacturer involved in the recall distributed a faulty product and any subsequent actions

the U.S. (U.S. DOT 1984-1993, cited in Hoffer, Pruitt, and Reilly 1994). Recent data indicate that the NHTSA reported a total of 305 safety recall campaigns involving more than 17.8 million vehicles (the largest in history) in 1995, compared to about 6.5 million recalled in 1994. In 1993 automakers recalled more than 11 million vehicles, the highest number since 1977, when 13 million vehicles were recalled (Brown 1994).

While it could be argued that a significant number of vehicles may have been recalled for "insignificant" reasons (for example the failure to include a sticker or warning label), or possibly that the social harms described above and existent in society are the "costs of doing business," it nevertheless remains that automobile manufacturers are responsible for a sizable portion of social harms. For example, three in-depth studies of crashes dating from the 1970s (Perchonok 1972; Sabey 1973; Treat 1979) attempted to assign causality to each of the major factors contributing to crash likelihood. The studies found that driver error or inappropriate driving behavior was the major contributing factor in 60 to 90 percent of motor vehicle crashes. Environmental factors (e.g., weather, road conditions, signing, and lighting) played a major role in 12 to 35 percent of the crashes. Vehicle-related factors (e.g., brake failures) resulted in 5 to 20 percent of the crashes. It is the latter 5-20 percent which is of concern to the present analysis.

Motor vehicle crashes are the leading cause of accidental death and a major cause of unintentional injury in the United States. Societal costs are annually about \$140 billion (National Highway Traffic Safety Administration 1995:I). Although the 1995 rate of 1.7 fatalities per 100 million vehicle miles traveled was a historic low, it nevertheless represented over 40,000 annual deaths and 3 million injuries (National Highway Traffic Safety Administration 1995:I). Assuming the findings presented by Perchonok, Sabey, and Treat, and the figures noted by the NHTSA are accurate, vehicle-related factors are annually responsible for \$7,000,000,000 - \$28,000,000,000 in economic

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losses; 2,000 - 8,000 deaths; and 150,000 - 600,000 injuries; significant numbers for an industry traditionally absent from the criminological literature.

Thus, based upon my research into the criminological aspects of the automobile industry, a sample of which I have shared with the reader, I concur with Robinson's (1998) argument that the focus of criminologists should continue to expand into studying non-criminal, yet harmful behaviors. I also believe that, in addition to studying harmful behaviors, such an expansion should incorporate *all deviant* corporate behaviors as well. In other words, in our expansion of criminology, we should not restrict our focus to the industries which have caused the greatest amount of harm. For example, because of the harmful risks associated with the products marketed by the tobacco and automobile industries, "criminal behavior" in these areas can have devastating impacts upon human lives. Yet, does such a standard of "harmfulness" exonerate, for example, those in the television manufacturing business who are also involved in "non-crimes" yet whose conduct may not necessarily result in the loss of life? The answer is "no, it does not." Thus, it remains the duty of criminologists to broaden our focus of research to include such groups. Only then will we begin to truly understand the effects of the American corporate culture, and on a larger scale, the extent of criminal behavior in America.

The author can be reached at:  
Dept. of Sociology and Criminal Justice  
TCU Box 298710  
Texas Christian University  
Fort Worth, TX 76132

r.burns@tcu.edu

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# Creativity, Crime, And Subjectivity: The Case Of Lust Homicide

P. Chong Ho Shon

University of Illinois at Chicago

Mainstream criminology seeks to explain the causal variables behind crime with the ultimate aim of predicting, hence, controlling it. As a result the positivistic approach largely misses the phenomenological and existential value of crime. While for society crime may be a direct assault on the cohesive and peaceful state of social life, for the individual offender the criminal event is a unique and idiosyncratic way of adjusting to the adverse conditions of social existence. In this article, I examine how homicide functions as an adaptative mechanism, a creative force in the human subject's (offender's) mode of being. Drawing on the thesis concerning lust homicide (Shon, forthcoming), I look at how the subject comes to construct his or her subjectivity through crime.

## MODES OF SUBJECTIVIZATION

Crime can be seen as evidence of maladaptive behavior to the constraints of social norms; conversely, it can be viewed as a means of adaptation to the hostile and adverse conditions of an individual's social situation. If life itself is conceptualized as a stress inducing agent, then the way an individual experiences the various states and creatively adapts to these stressful conditions will be variegated (Halleck 1967). For Halleck (1967), the two central modes of adaptation are autoplasic and alloplastic. Succinctly put, upon confrontation of stress, when an "organism" effects a change within itself, altering the internal environment, it is autoplasic; and when the organism effects a change in the external environment, or the situation, it is alloplastic. Criminal acts, Halleck states, are "almost always an alloplastic adaptation," that is they bring about a change in the external environment.

The two modes of alloplastic adaptation that are pertinent to this discussion are creativity and play. Creativity here means a "highly prized" form of adaptation. Thus, activities such as writing poetry, or books, painting, or playing music, can be seen as outlets of creative psychic energy. Although play can be included in the creativity category, Halleck distinguishes play from creativity due to its essential motoric character. The weight of Halleck's thesis rests on the assumption that if an individual is not offered adequate means of channeling his/her energy, the individual will "strive to create his own." In other words, if there aren't games available for an individual to play, s/he will make his/her own games to satiate his/her need for play. As Halleck stresses, motoric activity is the "most efficient way in which an individual can gratify or modify the external stresses." The central assumption latent in Halleck's thesis is that humans are driven toward "fulfilling potentialities," or self actualization. Humans are seen as desiring freedom from "oppressive control" and domination by

others. Thus, any activity that reduces tension, gratifies needs and does not provide new stress, serves as the criteria for determining the adaptative value of actions, even criminal ones. And any action that situates individuals below their full potential represents an "unnatural and unhealthy state of being."

Halleck (1967) states that social forces, such as living in poverty, and being subjected to discrimination are the main source of oppression for many. The resulting state of such oppression Marxists would call "powerlessness" and Freudians would label "helplessness." It is this feeling, Halleck asserts, that plays an important criminogenic role. He writes that "unreasonable" criminal behavior can be viewed as a "direct effort to combat the painful affect of helplessness or as an indirect effort to defend against the emergence of this painful emotional state."

The "advantages of crime" lie in the fact that it offers an individual an escape from the painful situation. From the physical commission of the crime, the individual begins to be active, thus restoring his sense of "freedom" from oppression; and from the act, a sense of hope. When cognitive aspects of the crime, such as its planning and execution, coincide, the whole process offers an opportunity for creativity and play: the individual's sense of dignity, self-esteem and identity is maintained. In addition to the existential dimensions of criminal action, crime is both stimulating and exciting. We can thus state that crime, as an adaptive mechanism to the oppressive social forces, allows a redefining of the human subject to take place. The criminal passes from an intolerable emotional state to a new and hopeful mode of existence.

Salecl (1994) has also addressed crime as a means of reconstituting or subjectivizing from a Lacanian psychoanalytic perspective, using the fall of Socialism in the former Soviet Union and the Chikatilov case. In Lacanian psychoanalysis, the Father is a crucial figure in a subject's life since it is the Father who subordinates the child to the law. This Father is what Lacan calls the paternal metaphor, not the biological father but a universal, generic concept of Father. This Freudian notion of Oedipal father is significant because the father first forbids the subject's incestuous relationship with his mother: the father has to be murdered and for Freud, everyone is guilty of this original crime. The key point is that the father, for Lacan, the Law, regulates the subject's desire, subordinates it. This is a fundamental step in the psychoanalytic construction of subjectivity.

From a Lacanian view, subjectivity is essentially linked to desire and its negative character. There is the male subject who wishes to pursue the object of his enjoyment, while the father, the

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law, blocks the subject's access to it. In other words, it is an effect of the law, not realized by law (Salecl 1994). Because of the original crime and its entailing guilt, the subject "perceives himself as a criminal" although no actual crime has taken place. Thus by committing a crime, the subject forces the Other, the symbolic order, the law, or what Freud called the father's deputy, to recognize him as a subject. A new identity begins to form.

For Lacan, unlike Freud, the father is already dead: the son is not guilty of the original crime. And in order to hide the fact that the father is already dead (hence powerless and impotent), the murderer's guilt is pointed inwards; this in turn serves to preserve the father's image. If law is substituted for the father, we can begin to see a new mode of subjectivization taking place: committing a crime to hide the law's impotence.

As Salecl (1994) argues, this is precisely what happened in the former Soviet Union. Under the socialist regime the only real crime consisted of crimes against the state, meaning anti-communist activities, while the "ordinary crimes" went without attention. Hence, serial killers such as Chikatilov went unnoticed. The author argues that the apparent lawlessness of socialism betrayed the wishes of the people once the prolific serial killer was apprehended: the "heroization" of the detectives revealed a deep seated desire of the people for the law to be taken seriously.

Lacan's theory of psychosis is relevant to this discussion because Salecl posits one of the behavioral aspects of Chikatilov's serial murder to be a signifier of his psychotic state: that he usually stabbed the victim's area near the eyes and at times that he bound up the victim's eyes. For Lacan, the "object petit a" becomes fully visible and receives somatic presence in psychosis. Put slightly different, what should not be seen becomes visible, becomes omniscient and omnipresent. Salecl states that in Chikatilov's case, the eyes were targeted because it is what should have been precluded in reality. In other words, the gaze--the Other--sees everything and thwarts the full enjoyment, since enjoyment is possible only where the gaze can not reach. Thus, that the killer mutilated and sometimes consumed the source of the gaze is really an indication that he sought to escape from the gaze of the Other.

It should be noted that Chikatilov was a "loyal subject" of the Socialist party. Salecl writes that the killer used the communist ideology to rationalize his actions: "Chikatilov likened his victims to 'enemy aircraft' he had to shoot down." There is a paradox at work in this case, as in the case of the original crime. The murders serve as acts of sacrifice and heroism for the killer: it is not for the killer's benefits that the acts are performed but for the good of the Other. Thus, the serial killer becomes the good subject of the state through murder, the son becomes a good son through killing the impotent father. Indeed, it is an example of the most mind boggling case of paradox at work. But as we will see, the successful resolution of these types of paradoxes seems to be intrinsically related to the nature of homicides.

## LUST HOMICIDE AND SUBJECTIVIZATION

The sexual nature of Chikatilov's murders can be classified under the specific category of lust homicide since there are sexual elements combined with fatal violence. In addition, since the

time period spanned for decades, the murders can be seen also as serial in character. But the significance of crime, especially lust homicide, lies not in its sexual and temporal dimension but its role in making the subject, his subjectivity.

Lust homicide can be seen as a gross example of a subject's alloplastic response to the environment. Rather than adjusting to the stressful conditions with an adaptation in beliefs and thoughts, the subject uses others as outlets for his/her escape. The notion of escape is an important theme in the lust killer's and other criminal actors' motivations in general. To escape from something necessitates certain conditions: there must be a thing/place/state that the agent wishes to escape from, a thing/place/state to escape to and a mode of escaping. Halleck (1967) has argued that a subject's direction toward crime is an alloplastic response to a feeling of "powerlessness" and "helplessness." This feeling is a powerful and painful emotional state that compels the subject to overcome that situation.

For criminals, Katz (1988) has argued, humiliation serves as a painful state that they try to overcome. And before acts such as homicide can be brought to fruition, the humiliation must be "turned on its head." Similarly, the badass, the armed robber, the shoplifter and the burglar find their mundane situation intolerable and seek to transcend their situation onto a higher moral and ontological plane. Other notable theorists such as Frankl (1959) and Kaczynski (1995) have similarly stated that the conditions of modernity have produced a state similar to that described by Halleck. But for the lust killer, the condition that compels him/her to transcend their painful situation is not only moral and ontological but religious. I have argued elsewhere that for the lust killer, it is the profanity of his/her situation that motivates his homicidal acts (Shon, forthcoming). But to mention only one side of the motivational model would do injustice to its other half: the lust killer's desire to imitate the gods and live at the heart of primordial reality; to live in a sacred state, as a religious act.

When the notion of escape and transcendence, along with the religious dimension of lust murder are combined, Chikatilov's case can be examined from a radically different perspective. First, although Salecl's Lacanian psychoanalytic analysis of the site of mutilation is insightful, it does not explicitly address the relations of power present in the process. The repeated cases of ocular mutilations and ingestion are not only the object petit a, as Salecl states, but these are also sexual fetishes. A core component of a fetish is its hierophany. In other words, the fetish is a physical manifestation of a power; in the case of the homo religiosus, a sacred power. And the ambivalent response exhibited by the religious subject culminates with the subject's experience of impotence before this creature feeling. Other infamous serial killers have attributed their compulsion to kill to this creature feeling (Holmes & Holmes 1994).

Second, the site of mutilation not only has psychoanalytic significance but also a religious one. The human body is seen as a microcosm of the universe (Eliade 1957). In matters of transcendence and escape, the way in which this is done is through an "opening in the universe, house, temple or the human body" (Eliade 1957). In lust killers, this escape is typified by "gross assaults...including body mutilation and displacement of selected body parts that have sexual significance to the

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killer" (Holmes & Holmes 1994). The fact that knives or other bladed mechanisms are used to forcefully create an opening in the victims is an "attempt to pass through the narrow gate"; the genesis of an ontological mutation (Shon, forthcoming). Just as those who are denied games, in order to escape their unhealthy state, invent new games to play, lust killers, in order to arrive at a sacred state, "invent" their own games to play. In other words, it is a twisted example of an "organism" refusing to function below his "healthy" state.

The issue of a killer's subjectivity converges from a psychoanalytic and religious perspective when the paradoxical nature of homicide is examined. In the lust killer, there are two paradoxes that are central to the subject's mode of constructing his subjectivity and justifying his crimes: the paradox of compulsion and sacrifice.

The paradox of compulsion relates to the "rationality" behind the crime. It should be understood that "rationality" is conceptualized as something that mutates and alters its standard of validity from one historical time to the next. It is not something that exists "out there" in "objective reality." Rather, it is a unique phenomenon specific to the person who experiences a particular state. And for a lust killer who is gripped and engulfed with creature feeling, the only means of escape from this overpowering is murder. No matter how absurd the crime may

subject perceives as being moral.

Variations of these two paradoxes resurface in Lacanian psychoanalytic explication of patricide. As Salecl states, the subject assumes the guilt upon himself and by doing so, the son "tries to preserve the image of the father as the representative of the law." But in Lacanian psychoanalysis, the father is already dead. Hence, the introverted guilt is a product of the subject's (the son's) attempt to defend the image of his father from appearing impotent and powerless. Salecl (1994) brings the paradox to an apex when she writes that "even the desire to kill the father is a scheme to conceal the father's impotence."

Stated otherwise, in order to preserve the father's image as being powerful and potent, he is rendered impotent and powerless: murdered. The logic of this justification is very much similar to the two paradoxes. It has been argued that in lust homicides "the irrational becomes 'rational,' 'creative' and 'meaningful' insofar as it is an idiosyncratic mode of transcendence, marked by a series of paradoxes which the killer uses to justify his actions" (Shon, forthcoming).

We have already discussed how the role of paradoxes is related to the killer's subjectivity. The next question to be asked is: how is creativity and play manifest in lust homicide? Holmes and Holmes (1994) state that while there are several models that represent the phases of serial murder, they contend that the five phase model appears the most accurate representation of the

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appear, because the intolerable condition must be transcended through an opening to another reality, the "rationality" is obtained by doing the irrational. Thus, rather than the seeming "rationality" of the killer's subjectivity existing as a form of cognition, it comes to form his/her "rationality" through irrational actions, unique and specific to the killer alone.

The second paradox is concerned with the moral aspects of the crime. It is noteworthy that in the killer's mind, the murder is seen as a moral act. In other words, the killer uses a rationale of purification to justify his/her actions. The dualistic purpose of purification is intertwined with the moral facet of the crime because through purification, not only are the "bad" and "dirty" things removed but this is done so that the "good" and "clean" may be imparted. Thus, through annihilation of the wicked, the sacred is being defended. This paradox runs parallel with Katz's (1988) theory of sacrificial violence and the lust killer's acts as serial sacrificial violence: "to defend what is moral, the immoral is committed." Consequently, the fact that frequent victims of lust killers are prostitutes, "dirty" and "soiled" women, and the justifications given by those killers resound with themes of purification, is of little surprise. It is one of the grossest examples of an immoral act being committed to defend what the

crime. It should be noted that not all the phases are present in all serial murders. Respectively, the five phases are: fantasy, stalk, abduction, kill, disposal.

Holmes and Holmes (1994) write that in almost every case, "there is always a fantasy," meaning that there are elements of thoughts, ideas and fantasized scenarios of sexual encounters that catapult the killer into the process. This crucial phase of serial murder can be synthesized with Halleck's notion of autoplasmic adaptation to life stress. There is no change in the physical environment; the adaptation takes place in the killer's mind through imaginative creations and productions.

The second phase, stalking, combines both autoplasmic and alloplasmic components of adaptative methods. In this phase, the killer actively pursues his targeted victim, gaining knowledge of the victim's patterns and "organizing the crime scene" (Holmes and Holmes 1994), meaning that the killer is already engaged in selecting a site of disposal, possibly even modes of mutilation and murder. This active part on the killer illustrates the alloplasmic adaptative component. The "depersonalization of the victims" or the mental work that the killer uses to distance himself from the victims, the intricate planning of the crime, can

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be seen as a form of autoplasmic adaptation. The killer is actively engaged in the surveillance and stalking, while in his mind he restructures his relationship with the targeted victim. In this phase, both cognitive and behavioral aspects of creativity and "play" are at work.

In the abduction phase, while it appears that only the brute force of alloplasticity is at play, such view would miss the "sensual and moral dynamics" of abduction. While there are types who do engage in a "blitz type attack," there are usually well rehearsed conversations, tricks, or some other type of cunning ploy to allure the victim to the killer's comfort zone (Holmes and Holmes 1994). As Katz (1988) has shown, this initial method of approach is a highly significant factor in the commission of the crime. It provides the offender with a moral and ontological feeling of superiority over the victim; in other words, it is the sensuous process of moral domination in its incipience. For the lust killer, this phase is only an introduction to the potential for play in the next phase.

The fourth phase is the murder of the victim. The two main motives for the murder are sexual gratification or power (Holmes and Holmes 1994); however, I have argued that it is the killer's desire to live at the heart of primordial reality and imitate the gods that propels such killers to engage in the mutilation, evisceration and murder of the victim. The methods by which the victim is killed, mutilated, and ingested all signify the idiosyncratic mode of manifesting his being, his subjectivity. This phase reveals the most horrifying and gruesome illustration of "creative play" for the lust killer.

The last phase, disposal of the body, brings the five phases to a full circle. The phases are conceptually represented as a circle rather than a linear progression model since the autoplasmic and alloplastic adaptations fuse into a dialectic framework. The site of disposal is not neutral; it is a highly relevant space to the killer since one of the post-offense behavioral characteristics of certain type of lust killers is the tendency to return to the crime scene (Holmes and DeBurger 1988). In other words, it is a sacred space (Shon, forthcoming). From a linear progression model, the disposal should signify its terminality. However, the killer's adaptative mechanisms to life stress show otherwise. For example, the killer is not always successful in his hunt, thereby frustrating his desire, producing stress. As aforementioned, autoplasmic behavior fulfills the frustrating periods, providing that his imagination is sufficiently endowed with a propensity for fantasy and imaginative capacity (Halleck 1967). The return to the crime scene is the occasion for such autoplasmic adaptative behavior: fantasizing about previous crimes and victims while engaging in autoeroticism is a commonly found activity among lust killers (Olshaker and Douglas 1996). In addition, other amulets, totems, keepsakes and sacred fetishes from the victims serve a similar function for lust killers (Shon, forthcoming). Thus we can see that the initial process, which began as a form of autoplasmic adaptation, progresses along an alloplasmic route of adaptation, culminating and coming full circle in the last phase, again finding form in an autoplasmic adaptation.

## CONCLUSION

While crime may be debilitating for society, for the individual offender who chooses to commit a crime it is a highly

transcendental and creative manifestation of his/her psychic energy. The thesis I have presented in this paper is built upon the premise that individuals seek to be free from the oppressive control and domination of others. Simply put, he or she wants to be free. It is also built upon the notion that when this road to desire is denied, alternative means will be accessed.

The alternative means of access usually involves an escape from an intolerable situation (helplessness, powerlessness, humiliation) onto a higher level of existence. In this article, lust homicide was used as an example of creative and advantageous activity to engage in as a mode of escape. Using a Lacanian psychoanalytic framework, I examined how the offender comes to form a new identity, his/her subjectivity. The successful resolution of paradoxes was seen as a fundamental step in the criminal's construction of subjectivity.

Using the phenomenological method and Lacanian psychoanalysis, we can further investigate how, in the commission of crime, the subject experiences emotions and situational factors used to construct his mode of being. In other words, we can understand how crime serves a creative and meaningful role in the subject's life.

The author can be reached at the Department of Criminal Justice (m/c 141), University of Illinois at Chicago, 1007 West Harrison Street, Chicago, IL 60607

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# *Shades of Familiar Third World Experience In Russia*

Bernard Headley

Northeastern Illinois University

Each generation can claim, often with good reason, that theirs was the most “interesting” of times. One thing I know that will distinguish my now ill-famed (thanks a lot to Bill Clinton) “Baby Boom” generation from all others before and after is the profound, epochal changes we have witnessed with our own eyes; changes many of us actually lived through and experienced in our own mature lifetimes.

Few world changes we have witnessed have been more dramatic and more far-reaching than have been the cold war build-down and the dislocating developments taking place in the states of the former Soviet Union—Russia in particular. What must it be like to as an outsider actually live through or just to bare witness to all that’s going on in Russia today? It just so happened that, for the better part of this past summer (1998), I along with colleagues from half-a-dozen historically black colleges and universities in the United States spent some “quality” time in Russia and Ukraine, learning as much as we could from the ground up what it means to live through an upheaval. This all came after exhaustive language and culture preparations at The University of Iowa, whose Iowa Social Science Institute, under its director Arthur Miller, had obtained a federal faculty education grant for the experience.

We were there when the Russian ruble began its downward spiral, eventually crashing the Russian stock market and sending world financial centers into crisis. During that time, though, the Russian president, Boris Yeltsin, still had faith in the putative economic genius of his neophyte prime minister, Sergei Kiriyenko. And Viktor Chernomyrdin — the previously discarded “heavyweight” whom Yeltsin hastily summoned back into the governmental spotlight, only to have him pounced upon by an obstinate Duma — was still an outcast. Yeltsin, it turned out, eventually settled on the politically more attractive Yevgeny Primakov, ex-KGB spy master, as his prime minister.

In many ways, what the Russian and Ukrainian people are living through seemed painfully familiar. Theirs is a process—a “transformational” process, experts like to call it—designed to test survival skills that have been well-honed by the majority of poor third world people from Latin America, Africa, and the Caribbean, with whom I share a common linkage.

Here was I in this once-mighty nation—a one time “superpower.” A nation which not so long ago we were being told by President Ronald Reagan and leading American opinion makers was, because of its military might, the number one threat to humanity’s peace and security. But as I listened to Russia’s leading economists talk about the state of affairs of their nation, I felt eerily transported back to well-known territory.

We were told, in tones that alternated between hope and despair, of a pending bailout of both the Russian and Ukrainian economies by the International Monetary Fund—some 22 billion dollars anticipated (and received) for the former and 2.5 billion for the latter. But we also were told, in quite gloomy terms, of Russia’s and the newly independent states’ already mounting debt crisis (some 40 billion dollars in Russia, 11 billion of which were

to foreign entities); of the countries’ high costs of debt servicing (upwards of twenty-five cents to the dollar); of their high interest rates and unstable currencies; of overblown and intransigent governmental structures that were unable to so much as collect even basic taxes; of thriving “off the books” (underground) economies; and of public sector workers who must either accept pay cuts or no pay at all. It all sounded very much like the Jamaican Finance Minister giving one of his discursive perorations on the troubled state of that poor nation’s economy.

It was perhaps no coincidence, then, that early one morning, just before the crack of dawn, while deep someplace in far removed Kiev (the capital of Ukraine), I was awakened to familiar strains of music on my alarm clock/radio. The song, though in the native Ukraine, was unmistakable. The lead singer, a woman, was beseeching: “Don’t worry about a thing,” she was cheerfully singing, “cause every little ‘ting’s gonna be all right.... I say, don’t worry....” Chorus being harmoniously provided by three other women sounding just like the “I-Three’s,” back-up singers to legendary international reggae artist Bob Marley. Marley’s music—laded with the pains of the Kingston ghetto yet filled with hope and longing—was alive and well in post-Soviet Ukraine.

The crash of Russia’s fledgling stock market will probably have little direct impact on the country’s—or the region’s—ordinary citizens, few of whom own shares. But, not unknown to Jamaicans and other third-world people under the grip international strictures, devaluation have been hammering the average Russian consumer. The reason: more than 50 per cent of foodstuffs in Russian and Ukrainian cities are imported. Little wonder that as the devaluation crisis loomed over the summer, people went tearing for banks and currency exchanges, desperate to turn in their rubles for dollars or German marks no matter what the cost.

Underlying Russia’s financial crisis is a sad but unavoidable truth: seven years of economic reform have not revitalized the Russian economy; they have devastated it. Russia’s gross domestic product has fallen by at least 50 per cent. Capital investment in industry is down 90 per cent. Meat and dairy production have fallen 75 per cent. The once world-heralded Soviet health care system is in chaos; alcoholism is rising; diseases such as polio and tuberculosis are surging back with amazing ferocity; life expectancy has fallen at a rate usually seen only in wartime; people have gone for one, two years without getting paid. The panhandlers—mere children, many of them—have become rather numerous and more aggressive. And crime, particularly violent street and “punk” crime, is rising rapidly, and frighteningly—so much so that Cossack warriors, the archetypal “Horsemen of the Steppes,” once both feared and exploited by Russia’s czars, have taken up the cause of urban public safety.

Interestingly, among the more intriguing developments in the post-Soviet era are new definitions of crime—culminating in Russia, in just this past year, in the creation of a new penal code. One “offense” widely considered criminal under the old Soviet regime was, for instance, being unemployed. That’s no

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longer the case. Instead, typical Western denominated offense categories characterize the new Russian code. And crimes of the familiar, Western variety there are, indeed, aplenty.

We were given an unusual (and unprecedented, we were told by our Russian hosts) tour of St. Petersburg's (formerly Leningrad) "Three Crosses Jail"—an old, nineteenth-century rat hole where Leon Trotsky was held for a spell. The chief jailer gave us an honest brief of his overcrowding problem. All told, the situation was far worse than inside Russia's arguably most daunting American counterpart—Chicago's Cook County Jail. Cells originally built for a maximum of four held, in round-the-clock confinement, nine adult men who slept on rotation on narrow concrete slabs.

In the early 1980s, before *Pereostroika*, the jail housed a yearly average of no more than 5,000 accused—including those accused of being unemployed, among other Soviet-era crimes. For each of the past five years, in the "new" Russia, the jail's keepers—who have been given no new facilities—have been faced with the infeasible task of containing well in excess of 9,000 men.

And some of the offenses for which many of the men stand accused are for previously "unheard of," "unthinkable" violent, American- and Italian-type gangland multiple crimes—like making a blazing inferno out of a rival economic gangster's Mercedes limousine, with all its occupants (sometimes as many as seven) trapped inside.

For the vast majority of Russians not similarly inclined life keeps on trucking. There's no rioting in the streets. No burnin' and lootin', as even the hopeful Bob Marley might have predicted. Taking it to the streets, stoic Russians will tell you, would, at best, accomplish nothing. At worst, well, there was that bit of history eight decades ago called the Bolshevik Revolution, a discomfiting footnote many would soon forget—except that tearing down all those hideous monuments to scientific socialism, those darned statutes of Lenin, is just *sooo* terribly expensive. And isn't it time "we" take that Lenin guy from out that confounded mausoleum—which hardly anyone comes to visit anymore—and give him a proper burial?

The typical person-in-the-Moscow-street sentiment is that "there are only two things that would come of mass protests: blood and revolution." And "we've had it up to here with both."

Thus, lowly paid—even unpaid—teachers, doctors, clerks, and postal workers still show up for work. Hotel maids who bear a stern grittiness on the outside, will, once they get to know you and appreciate your valiant attempt at speaking their difficult language, warmly greet and hug you with heartfelt cheeriness that would challenge the ardor of the most adoring Jamaican nanny.

The answers you get from average Russians about how they're managing to cope in the new Russia are as varied as the country's time zones. Some just can't; they reject the new competitive, market-driven ethos and bemoan the good old Communist days of social and economic certainty—albeit, they reluctantly admit, at tremendous human costs. Others, the so-called "New Russians," prosper by driving into this new

world by taking all manner of risks looking for opportunities, even when big business (owned by oligarchs, the *semibankirschina*, who "inherited" massive former state-owned enterprises), the financial markets, and their own government seem determined to block them.

But most Russians we talked to were somewhere in the middle, filled with legendary perseverance. With the ruble falling, many had begun tapping into their "glass banks"—jars, the equivalent of the "savings mattress" in worse-off countries—they kept stuffed with hard currency at home. They were scouting around for extra work—especially from people with access to foreign currency—and counted on friends and families for loans to tide them over.

When Westerners, particularly Americans, read about the wage arrears and tiny salaries that bedevil so many Russians, they wonder how anyone could make ends meet. One answer, again well known to any number of third-world people, is that Russians have so many ways to improve their lot—ways that never end up in government statistics, the sort of thing that causes Latin American and Caribbean finance government ministers to have sleepless nights.

Hidden wages and unreported second jobs are only the most obvious. There can also be gifts from the factory boss who might not be able to pay but might let a worker take home some products or even some equipment to sell. A brother might have access to the collective farm's gasoline pump, so there are no petrol costs for a year. A cousin has contacts with a foreign company whose temporary workers are looking for an apartment to rent, so a family turns over their city flat and goes to live for a while in their country home (their *dacha*), never mind the lack of heat or indoor plumbing.

And foreigners there are aplenty. The Germans, this time wealthy Germans, are back in full force in St. Petersburg. Unlike their earlier attempt, under Hitler, not quite 60 years ago, to literally possess the city, only to be held to the outskirts by Stalin's forces, this time the Germans are actually *inside* the city. They own nightclubs and hotels there. And they make big financial deals in secluded back rooms.

In a rather tragic twist of history, Russian musicians now perform, minstrel-like, for the Germans, in German-owned cafés—and in perfect, undiluted Jamaican English—more Bob Marley. They sing, rather poignantly, "One love/One heart/Let's get together 'an feel alright." I am left to wonder if indeed the Russians have, without much outside prompting, assimilated a thing or two from the untold wretched of the earth: something about the salience of suffering; about forbearance, especially toward those who with their lots of money and in their fancy nightclubs would despitely use you.

# Most-Cited Critical Criminology

Paul Leighton

Eastern Michigan University

Studies of how frequently criminologists and different works are cited have become an accepted if flawed way of measuring intellectual impact. One problem is that the works chosen as the sample from which to cull citations tend to be mainstream textbooks and journals, so critical criminologists are excluded or under-represented. Thus, a noteworthy development is the article by Richard Wright and David Friedrichs entitled, "The Most-Cited Scholars and Works in Critical Criminology" that appears in the Fall 1998 *Journal of Criminal Justice Education*. The authors examine 18 books and three journals they felt represented critical criminology in a way that included the European and Canadian scholars.

The results of research frequently depend heavily on the methodology used to generate data, and this problem is especially noticeable in citation research. Other books and journals could easily have been chosen and defended as appropriate. Even though the selection of a sample for this research is but one possible combination, the results are worth noting. Wright and Friedrichs are the first to go beyond the studies of citations in mainstream sources that exclude all but a few critical criminologists and "begin the process of recognizing more diverse scholars' contributions to criminology and criminal justice" (1998: 216).

## Citation Studies & Critical Criminology?

Wright and Friedrichs' purposeful selection of materials that are devoted to the diverse perspectives within critical criminology allowed the inclusion of many important strains of critical criminology and the representation of many non-U.S. scholars. Thus, the charts listing the most cited scholars and works can help expand the understanding many readers may have about the varieties of critical criminology by providing some concrete suggestions of books and authors for further research.

The authors also suggest that the results of the most cited books can be used to assess whether university libraries are adequately stocked with a representative sample of critical criminology, and the list can be the basis for requests to fill in the library's collection. Wright and Friedrichs, in defending citation studies as not being inconsistent with critical criminology's main focus on promoting social justice, mention several other benefits of such research. For example, it is part of reflexivity, including the construction of conceptions about crime and criminal justice, the evolution of an individual's ideas and broader concerns about the genesis and diffusion of ideas (1998: 216, n 2).

Aside from the benefits of this particular study, the article is recommended for anyone curious about the practice, methodology and problems of citation studies in general. As

someone fairly new to the world of full-time professors and the peculiarities of publishing, I was struck by the article's mention of work by Allen (1983) and Green (1997) about the influence of 'production factors' specific to textbook publishing. Wright and Friedrichs suggest that citation patterns in textbooks are problematic measures of the influence of scholars because "to enhance the marketability of textbooks, reviewers and publishers may pressure textbook authors to add standard citations to well-established scholars, while deleting citations to the recent works of those who are lesser-known" (1998: 217, n 6).

## Methodology & Findings

In creating a list of the most cited critical criminologists, Wright and Friedrichs first discuss their conception of critical criminology. They suggest that there is not a "simple, one-dimensional answer (1998: 212) and that it "can best be regarded as an umbrella term covering several specific perspectives (1998:213). They chose five perspectives as a focus, including left realism, feminist criminology, peacemaking criminology, postmodern criminology and a 'race and criminal justice perspective'. The sample of materials from which citations were counted included "the only three journals devoted chiefly to the

concerns of critical criminologists" – *Crime, Law and Social Change*, *Journal of Human Justice*, and *Social Justice* (1998: 217). They chose five books that summarized various perspectives in critical criminology. The remaining 13 books or chapters were chosen based on a post-1983 publication date and because they captured "the international character or thematic diversity of critical criminology" (1998: 217).

A citation is defined as a mention of a scholar that is accompanied by a reference. The authors devise a formula for dealing with self-citations (see note 9 below Table 1). They regard this procedure as preferable to underestimating the influence of prolific authors by excluding self-citations or including them at the risk of over-estimating the influence of authors who extensively self-cite.

The results appear in Table 1 and are in need of little comment. Wright and Friedrichs do note that Richard Quinney is about the only critical criminology scholar to also appear on more conventional lists of most cited scholars. Because of this fact, many mainstream scholars might just think 'Quinney' when they think of 'critical criminology', and the list can help alert them to the larger diversity of intellectual thought. The authors also suggest that James Q. Wilson appears on the list because he is "a foil for British left realists (e.g., Jock Young, John Lea and Roger Matthews), who often distinguish their perspective and policy recommendations from the 'right realism' endorsed by Wilson" (1998: 222).

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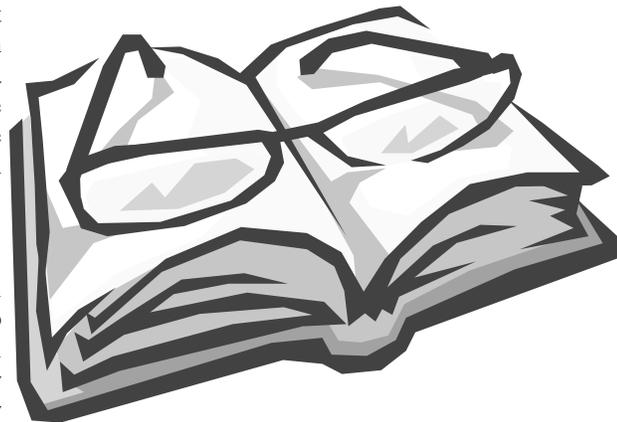


Table 2 summarizes the works of critical criminology that were cited at least 30 times and in five different publications. Wright and Friedrichs suggest that works frequently cited in many sources have a deep and broad impact; those frequently cited in fewer places have a deep but narrower impact. Works cited just a few times but in many different sources “have achieved the enviable status of ‘the standard citation’” that is so well known, it needs little discussion (1998: 225).

#### *Conclusion*

The results of the research are not definitive about the importance of any scholar’s work; the lists are a measure rather than The Measure. The lists only tap into a person’s influence by looking at citations and exclude other types of activism, service and teaching. *The Critical Criminologist* thought they were worth reproducing, however, because it is the first study that attempts to look at critical criminology in many of its varieties. We hope that the list will help open readers up to new authors and ideas, and we hope the more international character of the list will reduce the parochialism that characterizes too much American education. For those who are in a position to do so, please urge your university library to fill out its collection of critical criminology. Lastly, we invite and welcome responses to

this article and the issues it raises.

The author can be reached at [SOC\\_Leighton@online.emich.edu](mailto:SOC_Leighton@online.emich.edu)

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