

THE Critical Criminologist

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She kisses Erin good-bye,
And watches Erin run,
Up the stairs, into the school.
A smiling child,
With smiling friends.
Oh to be so young again!

She shops at the mall,
Buys Erin some clothes,
Which her meagre wages
Occasionally allow.
The food is next.
Oranges, Grapefruit-
And pineapple;
Erin loves pineapple!

Returning home,
There are a few hours
of precious sleep -
A fatigued sleep,
Of the deepest type.
The sun sets, she rises,
To the joy
of her daughter's return.
Into the kitchen she goes,
Erin plays with dolls,
And dinner cooks on the
stove.
She throws on a coat,
Scant cover from the icy air,
Wraps her arms around Erin.
"Have fun at work mommy!"
She looks at Erin,
At Dimples, Freckles,
Giggles.

A smile bursts forth,
She rushes back,
Embraces Erin again.
The door closes, she is gone.

The night shift.
Who the hell likes the night
shift?
The customers with whom she
must deal:

This would be her last night,
though.
One bad customer too many.
She disappeared.
Her boss didn't know where,
How would he?
No surveillance cameras,
No paper trail.
She was found in a ditch.
Stabbed.

Who did it?
No one knows.

But find the thieves!
Catch the thieves!
Who will take care of
Erin?
No one knows.
No one cares.
Erin cries,
Longs for her mother -
Her whole world.
Have the thieves been
stopped yet?

Who did this to her?
Who knows?
Who cares?
Must catch the thieves!

After all,
She was only a prostitute.

ERIN'S MOM

by Michael Joseph Welters

The lonely, the shallow, the
mean and bitter.
And where she works:
The avoided part of town.

The boss is a jerk,
Who can't relate to that?
Exploits his workers,
Who can't afford to leave.
After all, there's Erin to feed.

On the radio:
Talk of a reward.
Must catch the thieves!
They've scared people, you
know.
"More money for reward, I say!"
"No problem!"
And the dollars flow.

From the Editors...

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 and Stuart Henry can be reached at the Department of Sociology, Anthropology and Criminology, Eastern Michigan University, Ypsilanti, MI 48197

Phone 734/487 0012. Short announcements can be sent by e-mail to <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 for non-members is \$10 yearly, available from Stuart Henry, who also handles information about back issues.

On the Front Cover: The author writes that “in the last several years, over 20 women - prostitutes - have disappeared from Vancouver streets. No reward has been offered for information about what happened to these women, and there has been only minimal media interest. Yet at the same time, the VPD offered \$30,000 and Premier Glen Clark \$70,000 for information leading to the conviction of the home invaders where the invaders scared - terrorised - elderly people, and stole relatively trivial amounts of money. There has been a media frenzy around these invasions.” Michael Joseph Welters wrote this poem while doing his honors thesis at Simon Frasier University. He will be starting classes at the University of Victoria and can be reached at MWELTERS@HOTMAIL.COM

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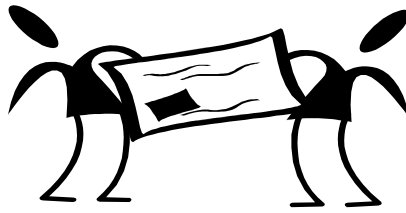
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Letters...



Mark Hamm's Oklahoma City Bombing Conspiracy – A Reply

By Grant Snyder

Mark Hamm's article, "Tragic Irony: State Malfeasance and the Oklahoma City Bombing Conspiracy" (The Critical Criminologist Vol., No. 2, 1998) presents points worthy of consideration regarding the possible prevention of this century's worst domestic terror event, but those points are few and far between. It seems obvious that Professor Hamm has little knowledge regarding the practices of law enforcement in the United States as is evidenced by his repeated misstatement of policy and procedural matters by the several agencies he discusses. Moreover, he fails to apply even a cursory understanding of the manner in which crimes are investigated, and leads are followed.

In my several years experience as a law enforcement officer, and throughout my graduate education, I have witnessed firsthand the frustrations of officers and the public alike, who desire a safe and secure environment to live, work and pursue their dreams, yet grapple with the shortcomings--some endemic to the practice of law enforcement, others an unintended consequence of a vital constitution--that prevent us from realizing these goals. It is a battle that we are destined to fight forever, since the practice of perfect security is inherently at odds with the desire to assure our constitutional privilege as defined by the bill of rights.

Professor Hamm's essay depicts the actions of official agencies as "malfeasance," when in fact what I think he means is "non-feasance"--a failure to take appropriate action in the latter, versus taking a malicious action in the former. No evidence supports such a claim. In order to agree with Hamm, we would have to believe that the day-to-day practice of law enforcement is an impenetrable net that efficiently skims away not only the criminal activity, but also ensnares those whose ideology gives them a propensity to nefarious activity. Policing is hardly that simple.

I think that the most troubling aspect of Professor Hamm's article is the extent to which he presents an argument hinged on speculation as critical analysis. To survey the events preceding the OK City bombing in this way, he would have to establish that those who failed to interdict McVeigh's violent endeavor--in this case the military, and several law enforcement agencies--were necessarily bound, either by professional or ethical standard to act in a certain way and no reasonable person would think otherwise. This is hardly the case. It is impossible to speculate meaningfully on what the officers saw that day at the gun show, or whether they observed anything suspicious in the parking lot of the hotel on those final days before the bombing. I suggest that they did not see anything as they did not take any enforcement action.

Most departments mandate specific action only with regard to very particular circumstances. The rest of the time, law enforcement is discretionary and interdiction of crime mainly derives from an officer's time-honed skills in observation and as-

Division Dues Increase

TO THE CHAIR

Thank you for informing us that twenty new members joined the Division on Critical Criminology in the first month after the Washington meeting. It is also good to know the number of members who voted to increase the dues from \$5 to \$30.

While commending the democratic process through which the dues were increased, I hope that a debate on the issue is not completely closed by the votes. Is the necessary two-thirds vote based on the membership of 323 or on the number of votes cast, no matter how low the turn-out? Why were there only two options on the ballot paper and why the 600% increase in dues, equal to the dues for all the other three divisions put together?

It is true that the DCC offers a lot that the other divisions do not offer. With a regular newsletter and a prestigious refereed journal in the bargain, the division offers as much as the ASC itself and charges much less for its services. However, there are ways for the division to improve its services and cut costs to the extent that the increase in dues will have to be re-examined for the division's competitiveness and effectiveness.

May I move a motion to be voted on by e-mail that *The Critical Criminologist* be made an on-line newsletter just like the newsletter of ASA and that *Critical Criminology* be made an on-line journal too, something that the web site of DCC has already started implementing indirectly by publishing relevant articles, news and adverts. That way both the newsletter and the journal will be more dynamic, more spacious, and more cost-effective. Then the popular dues of \$5.00 could be retained to attract more new members with room for donations by individual members who wish to contribute more to continue doing so.

Yours truly,

Biko Agozino
Liverpool John Moores University

essment. These skills are very personal and I've never met two officers who approach their job in precisely the same way.

Finally, I would recommend to Professor Hamm that he consider rereading the constitution, since the actions, both stated and implied that he seems to advocate on the part of the official agencies, often run roughshod over our protected rights as citizens. In closing, I would not say that Professor Hamm's efforts are without merit. In fact, I found the article very interesting, and as a law enforcement officer referred many of my peers to it as a good example of how things get missed in our job. It is a good case study of the evolution of a tragedy, but I feel it falls well short of Professor Hamm's claims as an indictment of official action.

Class, Race, Gender, And Critical Criminology: A Comment On Milovanovic's "Dislocations And Reconstructions"

Michael Hogan

University of Northern Colorado

As critical criminologists and progressives I see as major goals of ours to expose oppression and injustice where they exist, and ideally to do something about it, or at minimum to have some influence on public policy in the areas we study. Milovanovic's recent comment (Spring, 1999) on Lynch and Stretesky's environmental justice essay (Fall, 1998), while intellectually interesting and challenging, does not take us very far in that direction. Lynch and Stretesky make a relatively straightforward point: that race and class are both important to understanding environmental injustice, and that they interact with one another in interesting ways as they relate to this injustice. Their research on this issue empirically demonstrates environmental discrimination along race and class lines in an equally straightforward way (Stretesky and Lynch, 1998; see also Stretesky and Hogan 1998). The bottom line is that poor people suffer discrimination and oppression in a whole variety of arenas, as do minorities and women. In many cases the more of these characteristics one possesses (poor, minority, female) the more one suffers. It should be our job as critical criminologists to call attention to that oppression in the simplest possible terms, and Lynch and Stretesky make an admirable effort in that direction.

Having said that, I agree with Milovanovic's point that it is important to be aware of differences that exist within the broad analytical categories we employ; however I would make two comments. First, critical scholars in the social sciences have acknowledged the inadequacies of traditional analyses of class, race, and gender for quite some time (often without making reference to postmodern social theory), and some progress has been made in addressing these inadequacies. For example, Simpson (1989) argued that women of color need to be included in feminist criminological theory and research a decade ago. In terms of race, increased attention has been paid to the unique experiences of Hispanic populations in recent criminological research. Even more broadly Mann (1993) makes use of what limited research there is to analyze the criminal justice experiences of a broad spectrum of peoples of color usually included in the all-encompassing "other" category. In addition, even more than a decade ago William J. Wilson's (1987) *The Truly Disadvantaged* provided an excellent analysis of how structural economic change (class) and racial discrimination interacted to produce a whole variety of urban social problems. Still, more progress in this area can clearly be made, although I would argue that deconstructing the concepts of class, race, and gender may not be the most productive way to go about it.

In addition to researchers who have called for integrated analysis, there are also many researchers in the social sciences who have retained class-analytic models as their focus. A good example is the Union of Radical Political Economists (URPE), the membership of which is made up of the leading radical/

Marxist economists in the world today. This organization publishes the *Journal of Radical Political Economics* and holds an annual conference on these issues. It is also important to note that calling for a "Marxist class-based analysis," as Lynch and Stretesky do, does not necessarily imply—nor should it imply—a strict reliance on Marx. Radical scholars have long recognized the limitations of employing Marx's conceptualization of class and class relations to contemporary capitalism, and considerable effort has been made to refine these concepts so they are more applicable to present conditions. Notable here is Braverman's (1974) seminal *Labor and Monopoly Capital* (see also Postone, 1993), as well as much of the work of Eric Olin Wright (e.g., 1978). Examples of research within criminology that employs a refined, but still Marxian, concept of class is some of the work of Hagan and colleagues (e.g., Hagan and Albonetti, 1982).

Second, and more important, while we need to acknowledge and be aware of differences within class-race-gender categories, if we are interested in facilitating social change, and especially if that change is to come from some form of collective action, it seems essential that we call attention to commonalities as well. Postmodernism taken to its extreme precludes placing individuals into any categories whatsoever, and we are left with only individual experiences and perspectives. By following this logical path we run the risk of "missing the forest for the trees." General categories by definition gloss over some individual differences, but they can also provide a means of unifying individuals and giving them a cause to rally around. Lynch and Stretesky call for a class-based analysis, and in this context class would seem to be a particularly useful concept since a good deal (although admittedly not all) of the oppression of women and minorities stems from their subordinate positions in the economic structure. If there is strength in numbers then a class-based analysis of environmental, as well as other forms of discrimination, appears to be an excellent way to call attention to these problems in a way that unifies diverse populations and ultimately could lead to grassroots political change. On the other hand, an analysis that focuses too much on differences could create unnecessary divisions between oppressed populations, and could thus inhibit organization and collective action.

Finally, in terms of social change, Milovanovic (1999:11) suggests that "drawing from postmodern theory we can develop 'contingent universalities,' relatively stable political positions that are the basis of concrete historical actions challenging systems of subordination." This point can be made much more simply without drawing from postmodern theory: something can be done about discrimination and oppression right now. If critical criminologists are truly interested in facilitating collective political action, and especially if we expect to have any influence at all on public policy makers, we serve our cause much better by talking about race, gender, and as discussed above, especially class, in the most simple and straightforward terms possible. A study

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Clarifying the Analysis of Environmental Justice

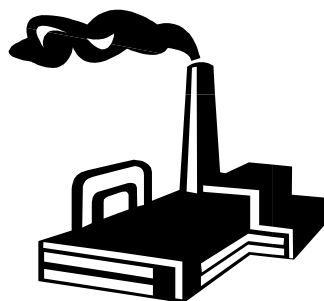
Michael J. Lynch and Paul B. Stretesky

We are pleased that Dragan Milovanovic took the time to reply to our essay on environmental justice, which we offered as an extension of George Pavlich's argument on the role of criticism in critical criminology. Our goal in that article was to suggest a means of uniting race and class based approaches to yield a critical perspectives capable of both understanding and generating a basis for collective social responses to environmental injustice. We took this later task -- praxis -- to be one of the true challenges set forth by Pavlich in his article. Indeed, it was this aspect of Pavlich's work (his identification of the decline of criticism) that we found most compelling, as well as descriptive of the current state of critical criminology.

Milovanovic raised several issues relative to our article which we address to clarify our position both on environmental justice and postmodern perspectives. Rather than address Milovanovic's comments directly, however, we examine what we believe to be several salient issues that expand upon our earlier argument. Several of these points suggest that further analysis is in order with respect to the utility of postmodern theory as currently conceptualized as it pertains to the issue at hand, the study of environmental justice. To make these points effectively, we begin with a brief contextualized description of the current environmental crisis. We begin with this material because it is against this historical context that the study of environmental justice must be framed.

THE EXTENT OF ENVIRONMENTAL CRISIS

Much environmental literature points toward an



impending ecological crisis. Consider the following aspects of this crisis, which can be seen as either consisting of a host of fragmented, individual problems (orthodox environmental view), or, following Mills (1959) as a series of related crises: class and race biases in the citing of hazardous waste facilities (Bullard, 1994; Stretesky, 1995, 1997; Stretesky and Hogan, 1998; Lynch and Stretesky, 1998; Stretesky and Lynch, 1999a, 1999b); depletion of rainforests (Karliner, 1997; Merchant, 1992; Mendes, 1989[1]; Hecht and Cockburn, 1989); the dangers of dioxin production (Gibbs, 1995); the effects of acid rain; the greenhouse effect; a rapidly enhanced rate of wildlife extinction; increased exposure to pesticides (Weir and Shapiro, 1982); destruction of wetlands; air and waterway pollution; chemical pollution (Fagin and Lavelle, 1996) to name a few (see generally, Merchant, 1992). As James O'Connor (1998) has recently argued, each of these crises impacts human life and development, transforming the nature of social relations. Let us take as an example the citing of toxic or hazardous waste dumps.

The location of hazardous waste facilities (both production and waste management facilities) can affect the spatial development of cities, causing whole areas to become uninhabitable (Brown, 1981). Further, the distribution of these facilities demonstrates a clear pattern that reflects the geographic distribution of classes, races and ethnic groups within the urban environment (Stretesky and Hogan, 1998; Stretesky and Lynch, 1999a, 1999b). With respect to important criminological issues, communities affected by proximity to hazardous waste facilities experi-

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that empirically demonstrates environmental or some other form of discrimination, even though it may not fully capture all the subtleties of the concepts of race, class, and gender, would seem to be a much better tool for achieving this end than discussions of "relationally constituted...discursive subject positions," "new 'nodal points'," "structural undecidability," or "constitutive inter-relational sets" (Milovanovic 1999:8-9).

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ence: increased population turnover, a resulting sense of loss of community, which translates into a lack of effective community organizations and resources. At the same time, these communities have tended to suffer a loss of core and service sector employment, a transformation in economic structures and a decline in the manufacturing base, exacerbating the general deterioration of the community. There are also related health costs to communities and residents that are proximate to hazardous waste facilities in terms of increased disease, illness, birth-defects and miscarriages rates.

Images of the costs of technology and hazardous waste abound in the media, and are common sites to urban residents. Consequently, the situation described above seems inescapable. This conclusion is reinforced by the common axiom that these kinds of costs are the price we pay for modern technological advances (and an enhanced quality of life!; for discussion and critique see, Mills, 1997; Roseland, 1997; Merchant, 1992). In the orthodox view, these costs are made to seem inevitable rather than avoidable. That is, social justice is one cost of modern technology.

The long term result of toxic dumping is that cities become increasingly dehabilitated and dysfunctional as a location for human activities (Register, 1987; Roseland, 1997a; Roseland, 1997b; Moore, 1997; Newman, 1997). But, toxic dumping itself isn't the only issue affecting the quality of life in contemporary cities[2]. Increased rates of diseases, especially cancers, have been connected to widespread, modern methods of industrial production. We are, in other words, faced with a vast problem that affects the majority of the population in advanced, industrialized nations[3]. Ironically, toxic victimization forges a common bond among people; whether or not people recognize their common predicament is, however, another issue. Despite these common bonds, the likelihood and intensity of toxic victimization is not necessarily evenly spread throughout the population; working and marginalized classes, racial and ethnic minorities, and even children, experience a disproportionate share of these victimization experiences (see, Stretesky and Lynch, 1999a, 1999b; Lynch and Stretesky, 1999).

THE CRISIS OF RESPONSE

An added dimension of toxic crises can be located in responses people (e.g., the public, environmental activists, corporate and governmental policy makers) initiate to environmental victimization. In other words, the environmental justice literature incorporates numerous theoretical positions that express the interests of a variety of victimized groups. These positions are expressed in the following radically oriented theoretical and social action organizations/groups/models: red-greens; steady-state economics; deep ecology; social ecology; green politics; ecofeminism; sustainable economics; native peoples environmentalism; and bioregionalism (see variously, O'Connor, 1998; Bookchin, 1990; Merchant, 1992; Dobson, 1991; Mendez, 1989; Hecht and Cokburn, 1989). The origins of these theoretical and practical responses, each of which forwards a particular plan of action, has a basis either in theoretical perspectives that recognize different anchoring points as important to environmental justice analysis and problem

solving, or in populace based movements.

In sum, theories and responses to environmental injustice reflect various interest positions. In part, these various positions reflect identities of victimized groups. The fact that responses to environmental injustice are molded around groups that often have specific race, ethnic or class identities, makes the environmental justice movement appear very fragmented and chaotic. Just below this visible identity fragmentation, however, is order: responses to environmental injustice, regardless of their origin, are often quite similar. The appearance of fragmented responses reflects the inability of victimized groups to discern the common features or nature of their victimization. This is one reason the environmental justice movement has been relatively unsuccessful, especially in the U.S..

While victims have constructed a variety of responses to en-

ronically, toxic victimization forges a common bond among people; whether or not people recognize their common predicament is, however, another issue

vironmental injustice that often appear to be related to identity, it should be recognized that corporate and political entities have also derived responses to environmental crises. Like public responses, corporate responses are designed to defend specific interests (Stauber and Rampton, 1995) -- those of toxic capital. In the broadest sense, we can say that responses to environmental injustice are of two types: neutralization responses that legitimize and facilitate continued environmental inequity and injustice (toxic capital's response), and moral crusades designed to expose and terminate environmental inequities (victims' responses). In short, the issue of environmental justice has the following compartmentalized yet related components: (1) the analysis of forms and extent of harm; (2) economic, political and social responses that defend corporate interests and legitimize environmental damage and existing patterns of environmental injustice; (3) the formation of populace responses to exposing and controlling environmental damage and the distribution of environmental justice; and (4) the juxtaposition of these components.

The fact that people construct a variety of responses to environmental victimization should not in itself be taken as evidence of postmodern malaise for four reasons. First, these responses are not necessarily attempts to construct identities, but appear, rather as purposeful actions designed to end oppressive conditions. Second, the fact that groups form around responses has less to do with identity issue than with victimization patterns and the failure of the victimized to recognize those situations that bind them together (i.e., across race or class or gender lines). Third, the solutions various groups offer to rectify and end their victimization are strikingly similar, as are the methods groups employ to publicize their plight. Group identities such as "African American," "working class," etc., are useful strategies for coalescing victims into a movement; these identities, however, hide the commonalities across groups expressed by common victimization experiences.

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Fourth, the victims' apparent visible expression of multiple responses tells only one side of the story. The other is contained in toxic capital's rather unified response.

TOXIC CAPITAL

To some extent, environmental injustice thrives as the result of a poorly unified response by the public, and we have more to say about this issue below. In addition, it should be recognized that the environmental crisis is reproduced by political and economic responses. To be sure, the owners and managers of toxic waste industries, which include both the producers and managers of waste, have organized themselves to defend against any possible intrusions into their empire (Stauber and Rampton, 1995). Toxic capital -- a term we use here to identify the interests and actions of the owners and managers of the toxic waste industries -- has created organizations to perform "scientific" research on their behalf, to distribute "grants" that "investigate" environmental justice issues and related health problems, and to lobby legislators, senators and governmental agencies charged with protecting the public's health so that toxic capital's interests are protected. If, on one hand, this sounds like a conspiracy and a return to instrumental forms of analysis, it is because the current system of producing and controlling toxic capital fits such an analysis well. While it appears that interest groups battle it out over the structure and content of law, toxic capital has a firm grip on the state mechanisms that respond to the environmental crisis (as well as the cultural medium for defining this crisis, advertising, see, Karliner, 1997; Stauber and Rampton, 1995). On the other hand, toxic capital's response is also dictated by systemic imperatives (structuralism), as well as the interpretations of managers' and owners' of toxic capital concerning their best interests, and those of special interest groups (agency).

The short story here is that toxic capital is well organized; its victims are not. Most assuredly, divisions among the population along race, class, gender, and ethnic lines that promote difference and identity issues are a major factor in divisions among populace groups. We could accept these divisions and differences as inevitable consequences and symptoms of a postmodern society, and simply throw our hands in the air and say "why bother. These processes are the result of nonlinear postmodern conditions of life that are impossible to predict and control." Two things prevent us from doing so.

First, as radical criminologists, we take seriously the position Pavlich reviewed on criticism, which we take as a combined responsibility to: (1) redirect analysis of social problems in ways that clarify rather than muddle the impact of race, class, gender and ethnic structures on the foundation of contemporary social problems, and (2) to do something about them (both the relations and the manifest problems). Doing so means seeking out the forces that promote oppressive social, economic and political circumstances, and discovering the power structures, relations and conflicts that facilitate the perpetuation of these problems. In our view, numerous power structures affect these issues, and they can only be revealed through the use of criticism based in critical class, race, gender, ethnic, cultural and historical theory.

Second, relying on postmodern metaphors does little to disentangle one of the major issues embedded in the environmental

justice process. That issue has two distinct dimensions that vitiate against the relevance of a postmodern perspective with respect to environmental justice. On the one hand, a postmodern position seems appropriate for addressing at least a portion of the nonresponsiveness and ununified response of the public more generally to environmental justice issues. On closer examination, however, clear lines of unification can be seen in this movement along race, class, ethnic and gender lines (Merchant, 1992; O' Connor, 1998; Mendez, 1989; Bullard, 1994). On the other hand, a postmodern frame of reference is deficient for addressing the extremely unified position presented by toxic capital. How, for example, does a postmodern approach explain the well organized expression of interests of toxic capital and their ability to cooperate extensively for purposes of defending their joint interests in maintaining the current system of production, waste management and social control of toxic waste production and disposal? To some extent, if postmodernism has a use in this context it is as a perspective that helps clarify the extent to which the public, rather than capital, manifests a postmodern forms of conscious existence. And, on these grounds, we do not object to postmodern insights, for clearly, this view has something to say about why the public is so divided and unorganized in its response to issues of environmental justice. But, stating this difference and responding to it are two different beasts.

CONCLUSION: BEYOND AFFILIATIONS

In our view, the analysis of social problems requires that we draw upon criticism rather than simply state there are differences among people who form the public, and to simply focus upon these differences. With respect to the issue of difference, several questions can be raised. Why is this the case? How do power structures affect this process? And how can people take an active position that responds to their conditions? What roles do class, race, gender, ethnic and cultural consciousness play in forming this pattern (and we believe it is a pattern) of response? Clearly, the answer lies in employing criticism as the method of exposing the commonality of interest people share, and in using criticism as a means of awakening consciousness to stimulate social movements and protests.

In keeping with this emphasis on criticism, we argued that critical criminologists pay greater attention to the ways race and class interests intersect around the problem of environmental justice. We grant that our analysis was limited, and specifically (and purposefully) omitted gender issues prominent in the ecofeminist literature, since there are some important disagreements among feminist concerning the ecofeminist position (Dobson, 1991:100; Merchant, 1992: 183-209)[4] which we could not address in our limited discussion. Our point was not to be all inclusive, but rather to open a dialogue furthering Pavlich's point that critical criminology is in need of renewing its commitment to criticism. Moreover, our point was to stimulate critical criminologists to take up the study of environmental justice and to include this issue within its platform. We stand by these points, and are glad to count Dragan Milovanovic among those who took up the challenge to help draw in and clarify these issues within the critical criminological frame of reference. What lays ahead in this discussion is unifying the points offered in our work and Milovanovic's analysis, for this is sure to be a more powerful argument than one relying on either one or the other of these views. What is needed is analysis and discus-

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sion that goes beyond strict adherence to structuralist, agency, postmodern, feminist or critical-race perspectives. Each of these views is a portion of a broader critical analysis.

The author can be reached at mlynch@luna.cas.usf.edu

*We would like to thank Herman Schwendinger, George Pavlich, Michael J. Hogan and Danielle McGurrin for their comments.

ENDNOTES

1. A native Amazonian and founder of a broad-based native peoples movement against environmental injustice, Chico Mendes defended the rainforest with his life, which he lost to rainforest clearcutters in December, 1988.
2. We purposefully omit any discussion of a broad range of other social, economic and political crises affecting life in modern cities, such as crime, unemployment, disinvestment, etc., to keep our discussion within the parameters of this publication.
3. These problems also exist in developing nations, and often to a greater extent than in developed nations. For the present analysis, we limit our discussion to developed nations. In doing so we do not mean to demean the important collective struggles for environmental justice being waged by people in developing nations (see, Merchant, 1992).
4. In addition, we omitted the literature on native peoples' movements against environmental injustice, even though there are numerous examples of this movements worldwide.

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Jose Solis Becomes The Sixteenth Puerto Rican Political Prisoner

Carmelo Ruiz-Marrero

Editor's note: This article follows up on information in the last issue of The Critical Criminologist about the trial of Jose Solis. The text here comes from Viva La Nacion! #33 (April 1999), which describes itself as "an occasional electronic newsletter devoted to opinion and commentary on current Puerto Rican affairs."

On Friday, March 12 1999, a new name was added to the list of fifteen Puerto Rican political prisoners currently held in American jails: Jose Solis. That day, a federal jury in Chicago found Solis, a professor at the University of Puerto Rico and father of five, guilty of bombing a U.S. Army recruitment office in that city in 1992. No one was killed or hurt in the bombing.

The other fifteen political prisoners, arrested between 1980 and 1985, were jailed for their membership in clandestine revolutionary organizations of the Puerto Rico independence movement, namely the Macheteros and the Armed Forces of National Liberation (FALN). However, Solis claims he's innocent and that the case against him is a COINTELPRO-style political frame-up whose ultimate targets are the independence movement and the Puerto Rican community in Chicago.

The prosecution's case was based mostly on the testimony of FBI agents who claimed that Solis confessed to carrying out the bombing. However, they did not present any written statement signed by the accused or any audio or video tape proving that he made such a confession.

The jurors were swayed by the closing arguments of the prosecutor, according to Linda Backiel, one of Solis's attorneys. "He told the jurors that the case was about the good people of Chicago versus outsider terrorists who had come to violently disrupt the community", she said.

The jury's 14 members included three Black Americans, one Filipino and the rest were all white Anglo-Saxons. The complete absence of Latinos outraged the Puerto Rican community. Furthermore, the jury foreperson was a woman who works at the U.S. Department of Justice. Mervin Mendez, president of the Chicago-based Committee in Solidarity with Jose Solis, was aghast. "How is it possible that the jury included an employee of the Justice Department?", he asked.

"In a case like this, which is similar to the 1995 Oklahoma City bombing because we're talking here about a bomb attack against a federal building too, who is she going to believe? The accused or the FBI agents?", asked Mendez.

After the verdict was read, Solis was taken to the Metropolitan Correctional Center (MCC), where he is supposed to remain until his sentencing hearing in July 7.

Solis's lawyers are appealing the verdict, arguing that the colonial nature of the Puerto Rico-U.S. relationship invalidates the U.S. court system's jurisdiction in the case. They are also calling

for a new trial.

The Chicago Puerto Rican community's support for Solis was overwhelming. So many supporters came to the trial that many had to stand in the hallways outside the courtroom, and on Saturday, March 13, over 200 people participated in a vigil in front of the MCC.

"The campaign in support of Solis has enjoyed the support and solidarity of other ethnic communities in Chicago, including progressive African Americans, whites, Jews and Palestinians", said Mendez. "He stood up for his principles throughout the trial. It would have been easier for him to declare himself guilty and cut a deal with the prosecutor in order to shorten his sentence."

"The prosecutor made an issue of Solis's political beliefs", said professor Nellie Zambrana, co-worker of Solis at the University of Puerto Rico. "His ideas were criminalized". According to members of the Chicago Puerto Rican community, the case against Solis is part of a much larger underhanded offensive by right-wing forces that aim to destroy the community and discredit its leaders.

The mysterious role of Rafael Marrero, the prosecution's star witness, has raised many eyebrows. Marrero, who admitted to carrying out the bombing that Solis is accused of, was the main source for a 1997 series of articles in the Chicago Sun Times that blared titles like "School funds used to push terrorists' release" and "Puerto Rican politics overtake classrooms, education being ignored". According to the articles, written by Michael Sneed, the teachers of the Roberto Clemente school, located in the Puerto Rican barrio and associated with the Puerto Rican Cultural Center (PRCC), were indoctrinating students with Puerto Rican nationalist ideas and that some of them were FALN members.

As the Sun Times published its 'expose', Marrero was secretly taping conversations with Solis and his wife for the FBI. Sneed's articles make no mention of the fact that his main source was an FBI informer who was actively involved in an operation against a member of the PR independence movement.

Marrero is also the person behind El Pito, an anonymous publication that slanders the Chicago Puerto Rican community and its leaders, in particular PRCC director Jose Lopez, alderman Billy Ocasio and Puerto Rico-born U.S. congressman Luis Gutierrez. El Pito is distributed free and contains no advertising, leaving community members wondering just who is funding the publication.

After denying it vehemently on several occasions, Marrero finally admitted to working for El Pito during cross-examination by Solis' lawyers. He also admitted to receiving \$119,000 and complete immunity from the FBI.

The 1997 Sun Times articles provoked an investigation by the Illinois state legislature, led by right-wing representative Edgar Lopez, a political foe of Ocasio, Gutierrez, the PRCC's Jose Lopez (no relation), and the PR independence movement. The star witness in this investigation, described by many in the Puerto Rican community as a McCarthyist witch hunt, was none other

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than Marrero himself.

In the legislative hearings, Marrero claimed that Illinois state funds were being used to fund pro-independence propaganda and to campaign for the release of the Puerto Rican political prisoners. However, after more than a year of highly-publicized public hearings, the Edgar Lopez investigation did not find a single illegal act in the Roberto Clemente school.

According to Jose Lopez and the members of the PRCC, Marrero and Edgar Lopez are working hand-in-glove with real estate and developer interests who want to gentrify the Puerto Rican community and turn it over to white well-to-do tenants. In order for that to happen, the community's leaders and political allies must first be slandered and discredited. And what better way to do so than by associating them with terrorism?

Everything indicates that the FBI plans more arrests of Puerto Rican pro-independence activists. When Solis was arrested in 1997, the agents showered him with questions about specific 'independentistas' in Puerto Rico and Chicago, and had a particular interest in Jos Lopez. They offered Solis immunity and protection if he agreed to become an informer and testify against them, which he refused to do. Solis's friends and allies believe that his refusal to cooperate with the FBI's witch hunt cost him his freedom.

Write To Him: Jose Solis, #08121424, Metropolitan Correctional Center, 71 West Van Buren, Chicago, IL, 60605 USA.

Donations to help Solis's wife and children cover the enormous legal fees and the expenses of flying to and from Chicago for the trial and pre-trial hearings can be sent to: UPRASO, Urbanizacion Round Hill, Calle Violeta 676, Trujillo Alto, Puerto Rico 00976 (USA).

For more information: <http://www.defendsolis.org/>

If you want to know more about the nefarious Rafael Marrero:

<http://www.uic.edu/~mhanse2/Rafabio.html>

For more information about political prisoners:

<http://www.geocities.com/CapitolHill/Lobby/5919/>

Honorary Doctor of Laws for William Chambliss

In recognition of his outstanding life long contributions to sociology and criminology Professor William J. Chambliss has been given the degree of Doctor of Laws *honoris causa* by The University of Guelph, Guelph, Ontario Canada. Professor Chambliss is currently a professor of sociology at George Washington University, where he has been since 1986. During his career he has held numerous other academic appointments and has been a visiting scholar at 16 universities around the world including universities in Wales, Austria, Sweden, Nigeria and Zambia. He has also served in executive roles in a number of professional organizations, including terms as President of the American Society of Criminology, and President of The Society for the Study of Social Problems.

Professor Chambliss has also received other awards recognizing the importance of his scholarly work. These awards include the Distinguished Scholarship Lifetime Achievement

“Satellite Tracks Parolees. In an interesting turn of the military to civilian use, satellites are now being used to monitor prison parolees (as well as being available to guide nuclear missiles). GPS satellites are presently being used to track 100 people in nine states. ComTrak (Advanced Business Sciences, Inc. from Omaha), which provides the system, reportedly charges \$12.50 per day. A bracelet, personal tracking unit, and battery charger/base unit make up the system. The bracelet must remain within 50 feet of the tracking unit or an alarm is broadcast. The system can be programmed for specific zones (e.g., bars may be made off limits to

people convicted of driving while intoxicated). If an exclusion zone is violated an alert is sent to the monitoring station for follow-up. The tracking unit charges overnight and, while charging, also downloads all of the person's movements throughout the day to the monitoring center.

“Anyone think that George Orwell just had the year wrong? [smile]”

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(April 1999) <http://www.cknow.com/>

Award from the American Sociological Association in 1985, the Bruce Smith Award for Contributions to Criminology and Criminal Justice from the Academy of Criminal Justice Sciences in 1986 and the Major Achievement Award from the Critical Criminology Division of the American Society of Criminology in 1995.

His work has been influential in the development of both Conflict Theory and the Marxist analysis of criminal justice. His current research is focussed on three areas: policing the ghetto, understanding European and American Drug policies, and the sociological analysis of smuggling and piracy. At the present time, he is preparing two new books: *Criminological Theory and Social Structure* (for SUNY Press) and *Octopus Inc: Crimes of the State* (for Northeastern Press).

Submitted by Ronald Hinch, Department of Sociology and Anthropology, The University of Guelph, Guelph, Ontario, Canada N1G 2W1. email: rhinch@uoguelph.ca

Social Fiction *Sui Generis*: The Fairy Tale Structure of Criminological Theory

Biko Agozino

Liverpool John Moores University

In his *Between Facts and Norms*, Habermas tries to answer the Hobbesian question of order, why society is possible given the selfishness of human beings in the state of nature. He argues that a review of Hobbes through the perspective of Kant will reveal him to be less the theoretician of the absolute monarch enforcing a social contract than 'as a theoretician of bourgeois rule of law without democracy'. According to Habermas, Hobbes tried to resolve the tensions between facticity and validity by designing a social contract that would maintain an egoistic social order that is supported by all those involved. As Habermas put it, 'what appears as morally right and legitimate then issues spontaneously from the self-interested decisions of rational egoists or as Kant will put it, a "race of devils"'. This type of social order is justified on the ground of economic rationality or the idea that a system which 'makes as many people as possible well off for as long as possible ... bestows material justice on the sovereignty of a ruler who by definition can do nothing unlawful' (pp90-91).

Habermas followed Kant in disagreeing with Hobbes by arguing that a social contract is not the same thing as a contract in private law. Whereas individuals go into contract in order to achieve a determinate end, the social contract is empty of all contents but serves only as a container or framework into which to package the three principles of law, morality and democracy. According to Habermas, the tension between facticity and validity can be resolved by seeing law as the reverse side of the coin of democracy instead of seeing it as the middle point on a morality-democracy continuum.

Habermas returns to his earlier theory of communicative action by emphasising that society is possible because social actors follow what American pragmatists identified as the general structures of language that enable intersubjectively meaningful action whether or not the actors understand the rules of grammar. Communication requires that speakers should base their interactions on validity claims that are acceptable to their fellows. When there is a disagreement about a validity claim, this is then resolved through an agreement about the meanings of the words being used, an assumption that all the participants are rationally accountable for their actions, and a belief that any consensus arrived at is beyond all reasonable doubts. Habermas concedes that such ideal situations do not always exist for communicative action especially when the issue at stake is ethical (one person's good can be another's evil) and so communicative action will enhance conflict resolution if the issues at stake are limited to broad moral issues (like human rights) over which there is a broad consensus.

When actors resort to strategic reasoning with threats and promises, they are only bargaining to get their own way in spite of opposition from other actors. This is what makes the law (as a system of communicative action and also a strategic system) es-

sential for conflict resolution especially in pluralistic free market societies (p.24).

This is similar to the formulation of Durkheim according to whom societal evolution from mechanical types of solidarity to organic types of solidarity proceeds through increasing differentiation that paradoxically results in increased integration of the differentiated units by matching increased social density with increased moral density. Habermas also borrowed the Durkheimian concept of social facts to describe mutually intelligible communication. The slight difference here is that Habermas replaces what Durkheim called the collective conscience with what he called the counterfactual idealization of norms broadly shared for the purpose of redeeming 'criticizable validity claims' in intersubjectively meaningful (Weberian) speech acts (p.35). This is closer to structuralist conflict theories than to structural functionalism especially because Habermas is more interested in conflict resolution through meaningful dialogue. In this sense his theory of communicative action is relevant to views of criminology as peacemaking except that he sees dissension consistently as a 'risk' to communication, requiring the double binding of being circumscribed and being allowed unhindered play through the force of law (p. 39).

In chapter two, Habermas turned his attention to two opposite responses to the tension between facticity and validity, sociology of law and the philosophy of justice. He outlined the advantages and disadvantages of 'an objectivist disenchantment of law' in the systems theory of Niklas Luhmann. Then he compared this with the abstract type of the theory of justice advanced by John Rawls. Enlightenment theories of the social contract presumed that the nature of commercial activity derived from the rational nature of social solidarity. In other words, the reason why individuals continue to draw up contracts in commercial transaction is because rational human beings realised once upon a time that such a social contract was the best way of evolving beyond a tyrannical state of nature. Marxist theories inverted this equation by placing the economy at the base and insisting that the idea of the social contract was derived from economic rationality in order to justify the self-reproduction of capital. According to Marx, this is the objective nature of how capitalist accumulation works and so this is what needs to be understood by those who wish to change society. It is only for the purpose of changing the society that subjective views about the nature of capitalist exchange society becomes important, otherwise, that would be false consciousness especially if the people disadvantaged by the system turn out to be the supporters of the system.

Niklas Luhmann opted for a more objectivist perspective on systems theory by completely ignoring the subjectivist dimensions of individual consciousness and focusing exclusively on the self-reflexivity of the system. Drawing from mechanistic equilibrium models and biological homeostasis, early systems theory was developed largely by Talcott Parsons. Luhmann introduced from biology, the organismic analogy of 'autopoiesis' to underlie the fact that the whole is more than the sum of its units or that society

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is not made of the sum of individuals within it. This means that both economic and legal systems are autopoietic in the sense that they are 'operationally closed', their nature is determined by their own operation even though influences from their environment could lead to their transformation especially because the environment is part of the internal structure of the system. This suggests a pluralistic view that society is polycentric without a single collective conscience but with a multiplicity of perspectives representing subsystems.

Habermas points out that autopoiesis finds it difficult to account for inter-systemic communication without accepting a theory of communicative action. In other words, systems theory is mistaken in ignoring the everyday interaction between groups and

audrillard argues that truth claims are like a Madonna strip-tease: the promise is to reveal truth by rendering it naked yet what the voyeurs get is only the appearance of nudity wrapped in secondary clothing that appear less erotic than the charm of the dress

individuals while abstracting the individual organism and applying the model to the social system. He prefers to follow Weber and Parsons at once as a way of combining both intersubjectivity and systematisation in his analysis of the tensions between facts and values. Of particular interest is his emphasis that the operation of law is not free from the exercise of economic and political power.

To advance the project of modernity instead of completely abandoning it, Habermas identifies the internal colonisation of juridical power in particular and lifeworlds in general by monetary or economic power. He calls for deliberative democracy as a way of addressing the power imbalance that is evident in the law as a system of communicative action. He sees the problem of substantive and material equality before the law as something that goes beyond the law especially due to the internal colonisation of juridical power by economic power, a point that was missed by social contract theories of justice

Habermas concludes that what is needed is a 'reconstructive legal theory' based on the idea that the 'counterfactual (that is, idealist as opposed to empirical) self-understanding of constitutional democracy' is a basic assumption presupposed by the relevant actors. For example, when the constitution makers declared, 'We the people', they were fully aware that all the people were not equal in material terms but they were expressing an ideal that in spite of such material inequality, everyone should be given equal chances of being heard and being treated fairly. This implies that conflict is part of the social system given that societal complexity requires the exercise of criticism as well as that of consent as people freely choose, act strategically and realise themselves. These competing interests are released and at the same time channelled through the compulsion of social norms over which the citizens reach an understanding through deliberative democratic procedures that enable the exercise of 'legally guaranteed commu-

nicative liberties' (p.462). As a result, the legitimate coercion of dissent that appears as a risk to communication and social solidarity becomes converted into the means of social integration.

This is a counterfactual or prescriptive account of the tensions between facticity and validity. The major problem with a counterfactual theory of facts is that of empirical tenability. Habermas should be commended for attempting to overcome the strongest critique of classicist criminological theories of equality before the law by looking at feminist politics of equality and by considering the status of migrants from Eastern Europe and the South to affluent Western Europe. The major difficulty here is that his prescription of deliberative democracy as a panacea for the tensions between facticity and validity is more likely to work for feminist politics than for the politics of immigration precisely because non-citizens will not be allowed to participate in the communicative speech acts of deliberative democracy while the citizens are increasingly hostile to increasing immigration. Although Habermas called for post-national citizenship as a response to the problem of the Other, he did not mean

global citizenship, he meant a European citizenship that would continue to be a fortress against non Europeans.

Furthermore, a mythic, counterfactual formulation that privileges self-regulation gives the false impression that under deliberative democracy, individuals will be regulating themselves but this is far from the case in actually existing constitutional states where party politics under the strong colonial influence of monetary power turns the self into the dehumanised self-regulation in Luhmann's theory of autopoiesis.

If self-regulation actually means what it says, assuming the agreement on the meaning of words that Habermas premised his theory of communicative action on, then it will be a dangerously reductionist notion of the self. In a deliberative democracy, for example, how would self-regulation be applied to children, the mentally ill, the convicted offender and the foreigner? Since these categories of the self will continue to be regulated by others even in a deliberative democracy, the emphasis on communicative action and social facts in the theory of Habermas needs to be qualified.

Moreover, self-regulation is not always benevolent even in the atomised sense of the self-interested individual actor. In fact, self-regulation is capable of also being fascistic in the sense of seeking the final solution to the self through suicidal communicative actions. Durkheim would say that even suicide cannot be understood in atomistic terms but in broad sociological terms especially when it is altruistic rather than egoistic suicide. Credit goes to Foucault for recognising that technologies of the self are means for the exercise of power and control over the body by the individual and by others. Hence, the fact that self-regulation refers to the collective social self of the sovereign state needs to be underscored in order not to be confused with the atomistic self.

Finally, Habermas talks about the intrusion of economic

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power from the outside into law or what he called the internal colonisation of juridical power by economic power. Yet he failed to apply this to imperialist power relations where such intrusion is even more prominent because in international law power is more important than facts and truth claims which Habermas concerned himself with. Perhaps a look at the post-modernist work of Jean Baudrillard could help to provide answers to some of these doubts raised regarding the modernist work of Habermas.

THE MURDER OF REALITY

'This is the story of a crime - of the murder of reality. And the extermination of an illusion - the vital illusion, the radical illusion of the world. The real does not disappear into illusion; it is illusion that disappears into integral reality.'

That is how Baudrillard started what appears to be a rejoinder to Habermas without mentioning him in his *Perfect Crime*. Whereas Habermas writes about the lifeworld as a social fact, Baudrillard starts from the opposite assumption that the world (not just the lifeworld) reveals itself only through appearances that are better seen as the clues to its non-existence instead of proof of its being. He suggests that the world could have been a perfect crime - without a criminal, motive or victim or clue if not for the appearances that betray the secrets of the world. This sounds similar to what Habermas called the 'counterfactual' nature of social contract ideas for according to Baudrillard, 'Just as we cannot plumb the first few seconds of the Big bang, so we cannot locate those few seconds in which the original crime took place either' (p.2).

Baudrillard argues that even when truth claims are made, it is like a Madonna strip-tease in which the promise is to reveal truth by rendering it naked yet what the voyeurs get is only the appearance of nudity wrapped in secondary clothing that appear less erotic compared to the charm of the dress.

This is an indirect way of raising the question why Habermas preoccupied himself with truth claims of validity without offering a theory of deception and falsehood. On the contrary, Baudrillard points out that 'Not to be sensitive to the degree of unreality and play, this degree of malice and ironic wit on the part of language and the world is, in effect, to be incapable of living.'

Baudrillard goes beyond the idea that the social contract is 'counterfactual' by arguing that it is a 'radical illusion' committed by an original crime that 'alter-ed' the world from the beginning, rendering it unreal or never identical with its original self. Furthermore, contrary to the idea that self-regulation is a democratic requirement for communication in a plural society, he points out that although the three dimensional view of power (to make people do what you want, or to stop them from doing what they want, or to construct what they eventually say they want) could be seen as abusive (p. 12).

From this critique of the classicist idea of free-will, he questions the idea that communication is geared towards the production of meaning. He suggests that contrary to the view of communication being based on shared meanings, meaning is never fixed as the truth but always interfaces with illusion.

Having adopted a skeptical approach to notions of truth, reality and meaning, Baudrillard accords to fictional accounts the

same status as empirical or philosophical statements. He points out that Bertrand Russell based *The Analysis of Mind* on a fable or fictional story in which the world was created only a few minutes ago but is peopled by individuals who remember a past that is only an illusion. This is clearly a critique of social contract theories that Habermas paid such meticulous attention to in his work. Baudrillard equates the philosophical faith in the idea of the social contract with an equally 'blind faith' among natural philosophers that even the evidence of biology and geology supporting evolution were simulated by God in order to protect the secret mystery of the creation of the universe from inquisitive scientists. In other words, Baudrillard thinks that it is a waste of time to dwell on the origin of the social contract when we could be discussing the ways that virtual reality is effectively replacing reality everywhere through the aid of modern technology (pp 94-95).

Anticipating the reaction to the above provocative statement, Baudrillard points out that critics say that no one should discredit reality in the face of people who find it difficult to get by and who have a right to see their sufferings as real. He sees such resentment as coming from profound contempt for illusion, a contempt that, according to him, social theorists apply to themselves by 'reducing their own lives to an accumulation of facts and evidence, causes and effects' (p. 97).

On the contrary, Baudrillard argues that the very nature of language makes it impossible to talk about the real since language could only deliver a virtual reality that is 'in its very materiality, deconstruction of what it signifies.' He concludes that fictional writing is not inferior to theoretical writing in terms of their approximation of reality because both genres are characterised by a void running beneath their surface, 'the illusion of meaning, the ironic dimensions of language, correlative with that of the facts themselves, which are never anything but what they are' (p.98).

Baudrillard has been subjected to severe criticism by many criminologists along with postmodernists in general. Such criticism has been recently summarised by Stuart Russell (1997) but a more sympathetic attempt to compare postmodern criminology with radical and conflict criminology has been provided by Arrigo and Bernard (1997). Without going into too much detail, Bernard and Arrigo compare six theoretical assertions in conflict criminology with variants in radical and postmodern criminology and came out with the conclusion that although they are not identical, each strand of theory offers something useful in our attempts to understand crime and social control.

In his own article in the same journal, *Critical Criminology*, Russell argues that postmodern criminology can be of little assistance to critical criminologists who are interested in social change and concluded that by dismissing meta-narratives out of hand, postmodern criminology renders itself obsolete for the purpose of a critical understanding of crime and social control. He relies on others to prove that postmodernism prides itself with being the first to attempt to go beyond the modern whereas such efforts are quite common in the history of criminology and previous attempts remain more convincing precisely because the earlier theorists recognised the importance of policy-relevant theory while the postmodernists turn their noses up at both policy and metanarratives. This 'old wine in new bottle' type of critique of postmodernism was found a failure by Milovanovic (1997) who presents both paradigms as dueling paradigms that are not (yet) structured

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in dominance to each other.

THE FICTIONAL CHARACTER OF CRIMINOLOGICAL THEORY

The critique of postmodernist thought notwithstanding, it is a fact that many criminological theorists make extensive use of analogy, myths, and literary allusions in their construction of reality. However, even when such fiction is seen simply as an analogy with which to better explain complex reality, the role of fictional narratives in themselves are rarely recognised as an essential element in social thought. It was for this reason that this paper focuses on social fiction *sui generis* as the flip side of Durkheim's social fact *sui generis*. Most critics of Baudrillard accuse him of denying the existence of reality but it is possible to read him as warning that reality is not everything. In other words, Baudrillard seems to be challenging criminologists to admit that works of fiction can tell us as much about society as works of abstract theory. He exemplifies this in his own work by citing novels, poetry, biographical narratives, films, television programmes alongside philosophical and theoretical writing.

Baudrillard is not alone in recognising the value of fiction in social theory. Almost every social theorist from the Greeks through the Enlightenment philosophers to modernists and post-modernists all make elaborate use of fictional material. What Baudrillard is challenging us to do now is to accept that social theory or law or morality is not simply a question of the tensions between facts and norms, or of telling the truth, the whole truth and nothing but the truth, but also one of the coexistence of fact and fiction. Elsewhere, I have argued that this 'factional' use of fact and fiction is not restricted to social theory given that all writing is creative writing and creative writers, so called, make extensive use of social theory in their fictional narratives (Agozino, 1995).

Henry and Milovanovic (1996) make similar claims when they endorsed the skeptical postmodernist critique of the exaggeration of the truth claims of criminology. At the same time, they disagree with postmodernist tendencies that ignore the practical meaning of discourse for real people. They prefer to label their style 'postmodernist realism' because they try to go beyond discourse to address practical struggles of those interested in bringing about political and philosophical changes that would demarginalise the marginalised. However, their two-dimensional Mandelbrot set representing the hypothetical embezzler seems unrealistic when they interpreted it as if blackness signifies deviance without reference to the practical struggles against this kind of colour coding: 'Area outlined in black represents convergence (those with law-breaking commitment profiles) and the area outside it in white represents divergence (those with law-abiding profiles or other forms of harm).' This sounds very much like fairy tales in which the big bad wolf was invariably black, in which the baddy was always represented as the other, an assumption that was carried over into many prominent criminological theories that rely on immigrants as a crime-prone category (Agozino, 1999). But even in fairy tales, it must not be forgotten that the Beast was a gentle-

man to Beauty, that all the frog prince wanted was a kiss and that Goldilocks was the delinquent, not the victimised bears.

Instead of dismissing the claim that the reality principle has given way to the principle of evil, according to Baudrillard, we should re-examine the truth claims of criminological theory that we tend to take for granted. Such a review was recently conducted by Herman and Julia Schwendinger (1997) who found that citation analysis of the influence of criminologists is mistaken because it fails to say whether what is being cited profusely is necessarily true or grossly misleading. They argue that although reductionist neo-Freudian research on delinquent groups are cited more frequently than some classical alternatives that are more convincing, the former are 'wrongly authenticated and largely fictitious "real science"'. It is not necessary to add that the Schwendingers are not postmodernists but the type of meta-narrators that postmodernists critique and yet they have reached a conclusion that is not completely far from the views of Baudrillard.

The author can be contacted at b.agozino@livjm.ac.uk

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The Denial Of Voices In Law And Legal Education

Mark Facchini

Northeastern Illinois University

The actual behavior and beliefs of the actors in the untoward event in question are sometimes wrenched out of the original context and pressed into a Procrustean bed of publicly acceptable action and morality. Abstruse legal rhetoric is itself used to mystify, so that the inevitable gaps between different value and belief positions in the conflictful pluralistic society will appear bridged. The language of law—like a magical incantation—creates the illusion of consistency and coherence (Scott and Lyman, 1970: 108).

In law, the translation from reality to legal discourse can leave certain emotions, realities, future implications and voices unexpressed. The "regnant forms of law" (Milovanovic, 1996: 295), by which is meant traditional legal practices and discourse, fail to fully express the reality that a subject in law may encounter. The discourse used in law is unfamiliar to the human subject who is forced to quickly identify, and embody a foreign disempowering discourse. The subject in law is given no other option or explanation but to follow, and attempt to comprehend the legal discourse. This subject is forced to reside within a legal language that subsumes the constructed meaning of their action to abstract legal definitions and labels, such as victim, offender, witness, that deny the meaning of their experiences. The terms "assault" and "armed robbery," for example, are incapable of fully expressing the fear, pain, and humiliation a victim may feel, nor the anger, meaninglessness, perhaps even hate and contempt, that an offender may feel.

Similarly, the insanity defense, that seeks to exonerate accused persons by showing that they were insane at the time they committed an offense, takes away a defendant's chance to possibly explain years of physical and mental abuse that would otherwise justify severe action. The insanity defense disempowers the subject in law by labeling their actions, which were born of a meaningful social context, irrational. Regnant forms of law also fail to explain, or allow expression of the intense foreground rush of emotion and excitement of operating outside of the law (Katz, 1988: 66). As a result, the subject in law can feel left out of their own legal process. This lack of full expression creates and sustains an inequality in law and puts the subject at the full mercy of his or her counsel, and the legal system itself.

Why does this matter? It could be argued that given the preexistence of established legal practice, it is in the interests of human subjects to translate their world of meaning to the discourse of law. Without doing so, engagements with law may result in negative decisions, especially likely for those taking up the position of "defendant," as in the case of Jack Kevorkian, for example, who lost his homicide case when he acted as his own attorney. Kevorkian wanted to communicate to the jury the full expression of his meaning in participating in doctor-assisted suicide, which he did. Unlike the previous cases where he had em-

ployed a legal defense, the outcome was his conviction.

Yet, whether the legal subject wins or loses, might be less important than how they feel about the process, whether it was satisfying or alienating. Indeed, this is the underlying message of the restorative justice movement, especially victim-offender mediation programs. These are inclusive of all participants to the process that created their offender and victim and, as such, work not to deny the subject but to confront and deal with the problems of interpersonal conflict through dialogue, negotiation, reconciliation, mutual forgiveness and the repair of social injury. The degree to which the human subject in restorative justice processes is satisfied is directly dependent upon full disclosure in meaningful discourse of the harm, pain, emotion and desire that they feel.

There is, however, a further point of some significance to the outcome of the legal process, i.e. whether a person is guilty or innocent. For guilt to be established it is necessary to prove intent (*mens rea*). If the social reality or meaning of the original action is translated into the motivational structure afforded by law, intent may be created in the court where it was absent in the original context of the event. This is particularly relevant when the limited motivational structure of the "rational man" in law is assumed to be the motive for all human action. Consider the example of the hidden economy, discussed by Henry (1978) as the amateur trade in cheap (often stolen) goods which is found to be motivated by reciprocity principles of social exchange and mutual aid. Henry argues that when these cases come to court they are prosecuted through the terms and meaning of economic rationality and legal language: "a very specific form of highly abstract jargon which masquerades as a refined and objective version of the 'general' language" (Henry, 1978: 120-121). This general language, argues Henry imposes "motives of the 'reasonable' man which is synonymous with an economically rational man." But he says, "this bears no relation to the specific context of the action under consideration." It is far removed from the social situation in which the meaning for the action was generated:

In trying to determine the meaning of a person's action, therefore, the court can only *reconstruct* events from the accounts and descriptions expressed through the 'general' language. . . The actions. . . are translated into the general language by lawyers in the exchanges between counsel for the prosecution and counsel for the defense. But. . . the only possible motivational language which makes sense within the 'general' language is that of market exchange. In other words the 'general' language is 'filled-in' with commonsense knowledge of the context of economically rational trade. . . which would not even be recognized by its practitioners. . . As

a result, hidden-economy activity, which occurs in its own sphere of exchange, with its own rules, meaning and language, is mystified and transformed in the court setting. It is reconstructed in ways which negate its non-economic or social meaning (Henry, 1978: 121).

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The result is that courts, indeed, juries, make judgements about the motives and thereby intent of defendant's action based on the motives they supply, rather than the actual motives and meanings of the actors in the context of their acts. In denying their discursive voice, one of the central elements in criminal conviction, motivational intent, is being manufactured rather than established.

A central question then, becomes, is it possible to marry these opposing constitutive forces: the subject in law's human desire for expression of meaning and their communication of genuine motive, and legal process and practice? To see how that might be possible I shall adopt a Lacanian analytical framework. I begin by showing how the institution of law converts human subjects into legal subjects, in particular how it converts law students into lawyers, and in the process, how it sustains the very denial of human expression these lawyers will subsequently be expected to bring to their own legal practice.

LAW SCHOOL TRAINING: A LACANIAN VIEW

The denial of voices in law is a deeply rooted practice beginning in law school (Arrigo, forthcoming). To understand this process, the work of Arrigo and Milovanovic helpfully builds on Lacanian theory and his notion of psychoanalytical semiotics, Freire's work on dialogical pedagogy, and on Lopez's application of Freire to rebellious lawyering (Lopez, 1992). Here I will look particularly at Lacan's notion of the four discourses.

Lacan's analysis of the four discourses is used to explain the development and movement of a discourse between a sender and a receiver of knowledge. These discourses show the interplay of the subject, language, and meaning (Milovanovic, 1994: 177). All four discourses set up in a standard pattern: agent/truth other/production. The positions stay the same, but their content changes. The agent/truth is the sender, the speaker of the utterance, the speaking subject, or enactor of the message. The other/production is the recipient of the message, or the spoken subject (Milovanovic, 1994, 176-180; Henry and Milovanovic, 1996: 30, 206).

While all four discourses have possible applications to law and legal education, but the two that apply best to law school are the discourse of the master and the discourse of the hysteric. In the discourse of the master, the master signifier sends a message to the other, which in turn creates a body of knowledge in the other that makes the other feel incomplete; s/he does not quite understand, they feel uneasy, they are not all. The incomplete feeling felt by the other helps to reinforce the sender's truth and intensifies the recipients need for this body of knowledge. The discourse of the master is established the same way in law school (Arrigo, forthcoming). Law school students are forced to learn and identify with new words such as "due process", "intent", "probable cause", "assault and battery." The student attempts to embody these words along with their ideological content and specialized meanings that represent a certain type of knowledge (Arrigo, forthcoming). The student literally has to do a mental paradigm

shift to strict legal definitions of words. The information sent by the professor to the student which includes facts, sequencing of facts, and the domain for which they are to be used, creates the body of knowledge. The information excluded, such as alternative readings of facts, different sequencing, different domains, are, as in the example of the hidden economy discussed above, seeking expression in law, but are denied. The denial of expression of alternative interpretations further enforces the professor's body of knowledge (Arrigo, forthcoming).

An example of this is found in the use of the word "reasonable." A student in law has his/her own constructions of what is reasonable and unreasonable. When a student enters into legal education, she is forced to embody and identify with a strict definition of what is reasonable in law, not what is reasonable in the multiple contexts of social life. This definition will be constantly reiterated through case law after case law. Consider the case of *Terry V. Ohio* (1985). The court's definition and use of reasonable suspicion are key to the comprehension of the legislation regarding protective searches (i.e. those that allow a police officer to "pat down and frisk" a suspicious person if they have reasonable suspicion that a crime is being contemplated, and to protect themselves). To proceed, an agent of the law must have reasonable suspicion to search a subject. To establish reasonable suspicion the law enforcement agent must ask a question in an attempt to remove reasonable suspicion. If this question fails to relieve the agent's reasonable suspicion the search is permitted, while evidence obtained during the search must adhere to strict rules. Here, the word reasonable is the key determinate for the justification of a search. A student is allowed little to no play within this definition. But the key point here is the reliance on the extra ideological baggage carried by legal definitions. Reasonable is transformed from a word regarding the logic of a situation, to word that determines the legality of a legal agent's activ-

People today are left unexpressed in law and forced to operate with in a language that recognizes one logic and one reality only. Legal discourse today pays little attention to the post-modern diversity of today's world.

ity. The paradigm shift here is great.

The discourse of "the hysteric" helps to show the actual interplay of a law student and the legal speak/discourse (Arrigo, forthcoming). In Lacanian terms, "the hysteric" refers to anyone opposing the dominant order. The hysteric is a split person, they are not all. Lacan's hysteric seeks understanding and justification for their situation and is only offered stereotypes and labels to explain their present condition. These terms do not allow the hysteric any expression at all; the hysteric is given no explanation for their condition. They feel left out, unchanged, and are just left with this clinical body of knowledge. This knowledge

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makes the hysteric feel incomplete and not all. This is because they reproduce the dominant body of knowledge that makes them feel uneasy. The divided or split subject is the law school student. The student wants to embody the new legal discourse and achieve expression using the dominant language of law. In order to do this, the student must fully invoke the new body of knowledge. As a result, the student does not find full expression because the knowledge is not consistent with his/her own belief system. This causes the student to feel left out, not all; because their personal discourse and belief system is not completely consistent with the good legal discourse and its master signifiers (*Arrigo, forthcoming*).

Law school students may find themselves in the same positions that their future clients will be in. When a lay person uninformed as to the traditional law practice enters a lawyers office, they can easily be set into the position of the hysteric. The client may have been a victim, or facing the most challenging time in their life. The client may not be 100% stable, they may find themselves at the mercy of their lawyer. If the attorney is a public defender, the client may feel unimportant, as if they are just another file. If the attorney is private, the person could be conscious of how much money this is all costing, and feel that if s/he asked any questions, it would be wasting their money and be detrimental to their case. In both situations a client can feel generally overwhelmed. All of these subtle situations could very easily make the client feel uneasy, unfulfilled, and that something important is not coming through concerning the case. When the client explains their case to their counsel, the story may be absent of the meaning of the entire situation. It is nearly impossible for a client to explain everything to their lawyer. The client may also use a discourse of the street, the setting or the context to explain their case. The different discourse and holes in the story create a sense of confusion to the attorney who has been trained to translate the story into the legal discourse. In return, the attorney offers back only legal definitions of the clients case. S/he may be labeled "victim", "perpetrator", "assailant", etc. These definitions further increase the holes in the clients case, as well as leave, what could be, very serious information out. The client has not been given full expression in law and so feels incomplete. The client will then try to understand and attempt to reproduce the dominant legal discourse in their story, which makes him/her feel uneasy. Given the seeming inevitability of this process of dehumanization and decontextualization of the legal subject, is it possible for lawyers to be more effective, that is more ethnographic translators of client discourse? To some extent this has been accomplished in the cases of both jailhouse lawyers and activist lawyers.

JAILHOUSE LAWYERS

Within the context of a prisons, attempts have been made to remove the position of the hysteric by what are called "Jailhouse Lawyers." These inmates have studied the law and generally work in the prison law library. They specialize in helping inmates in mostly three areas: bail reduction, dismissal of a case or reduction in sentence, and suppression hearings (Milovanovic, 1997: 102). These inmates, for generally a nominal fee (cigarettes, extra food), will help an inmate prepare and file certain motions when the inmates attorney is not readily available.

The jailhouse lawyer's greatest power in unseating the position of the hysteric for the inmate is his/her ability to better translate the discourse of the inmate into the legal discourse. Decontextualization still occurs and takes away from one story to another, but a jailhouse lawyer is better able to interpret the discourse of the streets or other contexts and translate it into legal discourse. This is because, unlike the college trained lawyer, the jailhouse lawyer has been enriched by the culture and meaning context that they are describing, and are able to make a more effective reconstruction, albeit in the limited framework provided by legal discourse. This better translation of the inmate's meaning and motivational context, as well as the jailhouse lawyer's ability to explain things better to the inmate, leave the inmate feeling more complete.

ACTIVIST LAWYERS

Activist and rebellious lawyers have also helped to attempt to unseat the client as the hysteric. Activist lawyers attempt to use politicized discourse to point out alienation and mistreatment of their client (Bannister and Milovanovic, 1990). Most likely, such discourse is objected to and a necessity defense is left to fall back on. Here a lawyer must show that their client acted in a certain way because of the perceived need to avoid a greater imminent danger. Within legal language the activist lawyer is not allowed to politicize or philosophize their case. Their points may be valid, but they are not allowed to express them within legal language. This forces them to clean up their case politically, and not get their point across. The activist lawyer is forced to find expression within a limited legal language, or find justification within the necessity defense. A necessity defense may not empower a client, but it could influence the court enough to side with the client.

Rebellious lawyers, as shown by Lopez using Freire's work (Lopez, 1992), and activist lawyers, want to create an alternative discourse that shows the biases and unfairness that are present in law and legal discourse by better informing and explaining the law to their client. They see law and legal discourse as favoring some voices while denying others. Law tends to see one reality, where in actuality many may exist. Their new legal discourse will not be something that is carved in stone and unchanging. Rather, it will be dissipative and sensitive to its environment and able to change. This new legal discourse has parallels to Milovanovic's and Henry's notion of replacement discourses. Replacement discourses give us the ability to stabilize alternative discourses, and inject them within the dominant discourse (Henry and Milovanovic, 1996: 204). A legal discourse such as this will be better able to express the multiple needs of a diverse community. The gaps in expression from story to story should be significantly smaller since the legal discourse will be merged with the generative discourse that is part of the formative context of the human subject's action. First, the attorney is better able to understand and identify with the discourse of their client. This better understanding will in turn produce a clearer translation into the new more dissipative replacement discourse in law. Second, the attorney will be able to translate the case into a dissipative discourse that allows for much more expression. This new discourse will be more understanding of the meaning structure of the client's action, yet will be aware of how to frame that in terms of legal discourse such that its relevance is maximized.

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INTEGRATING DISCOURSES OF LAW AND LIFE

Another possibility to unseat the master and hysteric in law school as well as in law itself is through a combination of the discourse of the hysteric and the analyst (Arrigo, forthcoming). Freire's study to bring up literacy in South America, showed us that working on a concrete level with people instead of imposing abstract, alien idea upon them works better in accomplishing the goal of literacy. The idea here is not simply to create an entire new discourse, but rather to build on the existing one. Replacing an entire discourse without any regard to an old one would be very similar to enacting a master discourse. It would be dismissive, exclusionary and disempowering.

In Lacan's discourse of the analyst the analyst, the sender of knowledge, sees the client and mirrors them, or shows to the client what they believe is not being verbalized. During this reflection, the client sees themselves for who they are and in the process must deal with their own belief system and master signifiers. After looking at their own master signifiers, they separate themselves from the old ones and create new ones. This creation of new master signifiers in turn shows the analyst a new body of knowledge.

For a new law school student, s/he is part of a group that is not achieving full expression due to their lack of knowledge of the language (Arrigo, forthcoming). Here the law school student is the "hysteric." The law professor, is the analyst, equivalent to Freire's cultural revolutionary teaching literacy (Arrigo, forthcoming). The law professor is feeling left out because of the body of knowledge s/he has received from their students. This left out feeling reflects upon the law students, who then see themselves as divided and not completely understanding the language. This uneasy feeling causes the student/hysteric to reexamine certain words and their master signifiers. During this reexamination, the professor/analyst is able to help the student/hysteric understand the importance of certain words and embrace new master signifiers, even if it is only temporary. The opportunity for the professor to reexamine master signifiers with the student can create a discourse that better embodies the desire of the student. In the same way, the opportunity for the analyst and the hysteric to reexamine master signifiers creates new master signifiers.

According to Arrigo, analyst/hysteric relationships can greatly help improve law school situations. Drawing on Henry and Milovanovic's concept of replacement discourse, he calls for the deconstruction and reconstruction of syllogistic and deductive reasoning in law to be incorporated into the entire law school educational process. He also calls for more master signifiers to better embody the desire of a large diverse number of people, which would in turn privilege local knowledge (i.e. students, clients) when it comes to the study of case law. Arrigo sees the student-teacher relationship as an on-going process.

The analyst/hysteric application to lawyer-client relationships is quite similar. The lawyer is the sender and the client is the receiver of knowledge. After a meeting or two, the lawyer may begin to put together the client's case in legal speak. The

client may become visibly uncomfortable or interject statements such as "There is more to the story than that," "You forgot this point" and "You just don't understand." The rebellious lawyer, acting as the analyst will see this and create a body of knowledge with it. This knowledge will in turn allow the lawyer to reflect this uncomfortable feeling back to the client. The client then sees him or herself as incomplete, and unable to express themselves in law. This causes the client to look at the master signifiers and separate themselves from them because they are denying him/her expression. Together, the lawyer and client develop a new set of



master signifiers that better express the client's feelings and case. The development of new master signifiers then allow the lawyer to develop a body of knowledge that is capable of expressing his clients case in legal discourse.

CONCLUSION

The use of the discourse of the analyst and the hysteric is very important to show the possible development of replacement discourses in law. The client and lawyer together can develop a legal speak that is much more what chaos theorists call dissipative and expressive than the regnant forms of law. This new legal discourse would be language of the client, meaning a replacement discourse, and not a language given to the client. The expression of one story in street or other localized discourse would lose little meaning in this new discourse. Clients would feel much more capable of expression without politicizing their case, as in the necessity defense. The need for a more expressive form of law is a dire one. People today are left unexpressed in law and forced to operate with in a language that recognizes one logic and one reality only. Legal discourse today pays little attention to the post-modern diversity of today's world. Legal discourse needs to change along with changing society in order for it to properly serve the people. I have indicated one possibility with the application of Lacan's four discourses, Henry and Milovanovic's replacement discourses and Arrigo's notion of law school reform of a similar pattern.

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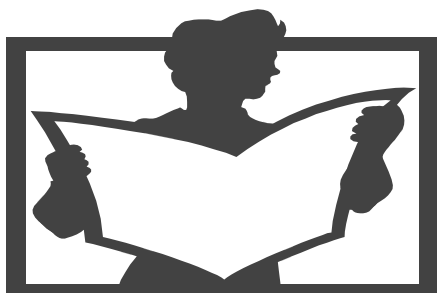
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School Violence, Geek Profiling & Alienation

Editor's note: This column, which came to us via email, was originally posted to the internet by Jon Katz on Monday April, 26 under the title "Voices From The Hellmouth". We have substantially edited the first part of the posting, in the interest of providing an interesting critical analysis from a point of view frequently left out of the debate. The full column, with extensive quotes from students, is available at:

<http://slashdot.org/articles/99/04/25/1438249.shtml>

John Katz

Slashdot.org

In the days after the Littleton, Colorado massacre, the country went on a panicked hunt the oddballs in High School, a profoundly ignorant and unthinking response to a tragedy that left geeks, nerds, non-conformists and the alienated in an even worse situation than before. Stories all over the country embarked on witchhunts that amounted to little more than Geek Profiling. All weekend, after Friday's column here, these voiceless kids – invisible in media and on TV talk shows and powerless in their own schools -- have been e-mailing me with stories of what has happened to them in the past few days. Here are some of those stories in their own words, with gratitude and admiration for their courage in sending them. The big story out of Littleton isn't about violence on the Internet, or whether or not video games are turning out kids into killers. It's about the fact that for some of the best, brightest and most interesting kids, high school is a nightmare of exclusion, cruelty, warped values and anger.

Minutes after the "Kids That Kill" column was posted on Slashdot Friday, and all through the weekend, I got a steady stream of e-mail from middle and high school kids all over the country -- especially from self-described oddballs. Many of these kids saw themselves as targets of a new hunt for oddballs -- suspects in a bizarre, systematic search for the strange and the alienated. Suddenly, in this tyranny of the normal, to be different wasn't just to feel unhappy, it was to be dangerous.

Schools all over the country openly embraced Geek Profiling. One group calling itself the National School Safety Center issued a checklist of "dangerous signs" to watch for in kids: it included mood swings, a fondness for violent TV or video games, cursing, depression, anti-social behavior and attitudes. (I don't know about you, but I bat a thousand).

The reliably blockheaded media response didn't help either. "Sixty Minutes" devoted a whole hour to a broadcast on screen violence and its impact on the young, heavily promoted by this tease: "Are video games turning your kids into killers?" The already embattled loners were besieged.

"This is not a rational world. Can anybody help?" asked Jamie, head of an intense Dungeons and Dragons club in Minnesota, whose private school guidance counselor gave him a choice: give up the game or face counseling, possibly suspension. Suzanne Angelica (her online handle) was told to go home and leave her black, ankle-length raincoat there. Other teenagers traded countless stories of being harassed, beaten, ostracized and ridiculed by teachers, students and administrators for dressing and thinking differently from the mainstream. Many said they had some understanding of why the killers in Littleton went over the edge.

From Jay: "I stood up in a social studies class -the teacher wanted a discussion -- and said I could never kill anyone or condone anyone who did kill anyone. But that I could, on some level, understand these kids in Colorado, the killers. Because day after day, slight after slight, exclusion after exclusion, you can learn how to hate, and that hatred grows and takes you over sometimes, especially when you come to see that you're hated only because you're smart and different, or sometimes even because you are online a lot, which is still so uncool to many kids? After the class, I was called to the principal's office and told that I had to agree to undergo five sessions of counseling or be expelled from school, as I had expressed sympathy? with the killers in Colorado,

and the school had to be able to explain itself if I acted out?. In other words, for speaking freely, and to cover their ass, I was not only branded a weird geek, but a potential killer. That will sure help deal with violence in America."

From Jason: "If Dan Rather wants to know why those guys killed those people in Littleton, Colorado, tell

him for me that the kids who run the school probably drove them crazy, bit by bit? That doesn't mean all those kids deserved to die. But a lot of kids in America know why it happened, even if the people running schools don't."

From Andrew: "To be honest, I sympathized much more with the shooters than the shootees. I am them. They are me. This is not to say I will end the lives of my classmates in a hail of bullets, but that their former situation bears a striking resemblance to my own. For the most part, the media are clueless. They're never experienced social rejection, or chosen non-conformity' Also, I would like to postulate that the kind of measures taken by school administration have a direct effect on school violence. School is generally an oppressive place; the parallels to fascist society are tantalizing. Following a school shooting, a week or two-week crackdown ensues, where students' constitutional rights are violated with impunity, at a greater rate than previous."

A new hunt for odd balls
— suspects in a bi-
zarre, systematic search for
the strange and the
alienated.

DIVISION AWARD NOMINATIONS

The Critical Criminology Division of the American Society of Criminology is calling for NOMINATIONS for the 1999 awards:

MAJOR ACHIEVEMENT AWARD: Signifying singular contributions to the development of critical criminology scholarship or pedagogy over time; or, contributions of an exceptional recent accomplishment (major scholarship or something exceptionally innovative).

CRITICAL CRIMINOLOGIST OF THE YEAR AWARD: Recognizing a scholar who has symbolized the spirit of the Division in some combination of scholarship, teaching, and/or service within the past year.

STUDENT PAPER RECOGNITION: Recognizing graduate and

undergraduate papers that best exemplify the spirit of the Division. There will be first, second, and third place awards in each category.

Nominations should include supporting documentation such as vita, samples of work (if relevant), and a detailed statement justifying the nomination.

DEADLINES: OCTOBER 1, 1999

Student papers may be sent via email (preferable), on disk (MS-DOS compatible), or hard copy (**FOUR COPIES REQUIRED**) to: Jill McCorkel, Department of Sociology, Northern Illinois University, DeKalb, IL 60115. mccorkel@sun.soci.niu.edu

CRITICAL RESISTANCE CALL FOR PAPERS

The Publications Committee of *Critical Resistance: Beyond The Prison Industrial Complex*, is putting together a special issue of the journal, *Social Justice*, devoted entirely to Critical Resistance (CR). CR is a group of activists, academics, former prisoners, policy makers, artists and cultural workers, who organized a conference on the Prison Industrial Complex which took place at UC Berkeley in September 1998. Over 3000 attended the massive three day event. We are soliciting papers on the following topics:

The Role of Conferences in Building Movements:

This section would deal specifically with the CR conference, addressing its strengths, weaknesses, impact, etc. Related to this, or part of it, will be some discussion of other left conferences and their relationships to social movements. Examples could include: the Gary convention of '72, the radical conferences on criminal justice that helped launch the prisoners rights movement of the '70's, and the Black Radical Congress of '98.

The History of Radical Criminology:

An article on the history of radical criminology would be a valuable tool in furthering CR's work. This piece could specifically deal with the suppression of the Criminology School at Berkeley and its impact on left thinking about crime, policing and prison.

The Politics of Crime / Crime as Social Control:

The politics of crime must also be addressed. One piece on this topic should address crime as social control. Clearly crime functions to disorganize, terrorize and confuse poor communities, particularly urban communities of color. Crime also appears to justify state repression and make it seem necessary. Seeing crime as social control might open possibilities for developing a Left-wing anti-crime strategy.

A Left Anti-Crime Strategy

What would a left anti-crime strategy look like? This is a particularly explosive and tricky issue. In search of safety, impoverished urban communities suffering from high crime rates and the victims of domestic violence, communities we would like to ally, often call for new laws, more police surveillance and stiffer penalties. Should the Left ever endorse such expansion of criminal justice powers? Likewise, what is the case against this sort of "net widening"? This area would also provide an opportunity for activists working directly on these subjects to contribute to the journal.

The Role of the INS in the Prison Industrial Complex

This article would deal with a further analysis of INS detention. INS detention facilities are some of the most poorly managed, unaccountable and draconian institutions in the US, yet they are largely invisible.

Policing the Reservations

Like much of the country, reservations have suffered from social austerity at the same time that tribal police are equipped with new gear, SWAT teams and expanded legal powers. The reservations are a microcosm of the larger picture and we feel that this issue and the INS issue above were not sufficiently addressed at the conference.

Abolition Today

What does abolition mean today? Is it a utopian delusion, a real vision, a general principle, and/or an organizing concept? Some argue that the discourse of abolition necessarily links the struggle against prison to the larger struggles against patriarchy, white supremacy and capitalism and thereby helps steer past the shoals of reformism, which can serve to bolster rather than undermine the prison system.

Deadlines / Length: Articles should range in length from 800 - 3000 words. We are seeking both articles aimed at an academic audience and articles aimed at the general public. Deadline for submission of proposed article summaries (no more than one page) is September 15, 1999. The deadline for accepted articles will be January 15, 2000. Submissions should be sent to:

The CR Publication Committee, 4096 Piedmont Ave., #355
Oakland, CA 94611

Prison Activist Resource Center, P.O. Box 339, Berkeley, CA 94701.
ph: 510-893-4648 / fax: 510-893-4607
parc@prisonactivist.org <http://www.prisonactivist.org>

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