



The Critical Criminologist

Newsletter of ASC's Division on Critical Criminology

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

From the Editors

We were contacted about running a series of essays about the terrorist attacks of September 11th in an effort to begin dialogue among Division members. This issue contains all such essays that have been sent to us by Division members. In addition, two other pieces were "reprinted" from another forum (i.e., the *Progressive Sociologist List-serve*) with the permission of the authors. One was written by the Marxist Humanist Forum at Northern Illinois University, the other by Bertell Ollman, Professor of Political Science at New York University. We would like to thank both Kevin Anderson for his work on behalf of the Marxist Humanist Forum at NIU, as well as Bertell Ollman for their generous contributions. Our hope is that the essays contained in this issue might set the tone for further discussions at the upcoming ASC meeting in Atlanta. As always, we encourage readers to send responses, commentaries, or essays to the editors for inclusion in the next issue of the *Critical Criminologist*.

A Note on Violence

By Gregg Barak, Eastern Michigan University

In the wake of the World Trade Center and Pentagon attacks by Middle Eastern terrorists on September 11, 2001, President Bush and other political leaders have been busy preparing the nation for a long and forthcoming war on international terrorism.

The war is expected to last some five to ten years, well after the "dead or alive" capture of Saudi extremist Osama bin Laden. By the weekend following the terrorist destruction, the President had made it a point to visit the mosque at the Islamic Center of Washington to condemn the increased violence aimed at innocent American Arabs and Muslims. At that time, the U.S. Attorney had already stated that the FBI had initiated some 40 hate crimes investigations involving reported attacks on Arab American citizens and institutions, including the murdering of a Pakistani Muslim store owner in Dallas, Texas and a Sikh gas station owner in Mesa, Arizona, most likely an immigrant from India.

In addition, the Council on American-Islamic Relations said that it had received reports of more than 350 attacks across the country, ranging from verbal harassment to physical assaults. In Palos Hills, Illinois, for example, two Muslim girls were beaten at Moraine Valley College. The Council had also received reports of dozens of mosques firebombed or vandalized, including a man in Evansville, Indiana who had driven his car 80 mph into a mosque. In each of these cases, police had quickly arrested suspects.

At the Washington mosque, escorted by Islamic clerics and quoting from the Koran's prohibitions against evil, President Bush made such statements as: "the face of terror is not the true faith of Islam" and "Islam is peace." He further stated that women who cover their heads should not fear leaving their homes and going out into the community. Speaking from a lectern in front of the *qibla*, the altar worshipers face when praying in the direction of Mecca, Bush stressed the importance of treating Muslim doctors, lawyers, soldiers and parents respectfully: "Those who feel like they can intimate our fellow citizens to take out their

(Continued on page 2)

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Inside this issue:

Beyond Discontent	2
<i>Frank Butler</i>	
Ageing America and CJ System	3
<i>Pamela Peston</i>	
Table of Contents, <u>Critical Criminology</u> 10(2)	6
For a New Society Free of War and Exploitation	8
<i>Anderson et al.</i>	
On Terrorism, Reason and Social Justice	9
<i>Raymond Michalowski</i>	
Explanation Yes; Justification, No	10
<i>Bertell Ollman</i>	
Message from the Chair	12
<i>Marty Schwartz</i>	



(Continued from page 1)

anger don't represent the best of America, they represent the worst of humankind, and they should be ashamed of that kind of behavior."

Bush's actions and remarks were both rational and poignant as they expressed some of the common denominators in the pathways to violence and non-violence. For example, the pathways to violence and non-violence are often established individually and collectively in the name of justice. In other words, the terrorist and counter-terrorist efforts (e.g., violence) of bin Laden et al. and of the CIA and others are both in the name of freedom and liberty, as are the non-violent efforts of peacemaking pacifists. Regardless of what you and I or others may think, both terrorists and counter-terrorists can make their "moral" cases. Morality aside, what these two groups share in common is the belief in legitimate and illegitimate forms of violence. In terms of actions, they have also both engaged in the practice of "collateral damage."

Although their forms of violence may or may not be one in the same, both sides make a case for self-sacrifice and for the need for the use of force, if not carnage, to achieve their ends. One threatened a "holy war" and the other launched "operation infinite justice." By contrast, pacifists if not necessarily peacemakers, who view all forms of violence as illegitimate because "violence begets violence," call for political and economic rather than military solutions.

Of course, pathways to violence and non-violence are more complex than either the emotionality of anger or calm. In order to understand either set of behaviors, one must grasp in time and space the interaction of both psychic and social relationships. Neither violent nor non-violent behaviors are simply the outcome of psychic or social forces acting alone. Rather, violent and non-violent behaviors are both the products of psychic and social forces acting together in conditions of context.

For instance, some of the pathways to violence of bin Laden and other terrorists of the organization, al Qaeda (the base), are also shared by those folks who have struck out at innocent Arabs and Muslims in this country in the aftermath of the assault. In other words, what were (are) the psychic conditions shared in common, for example, between those suicide-homicide terrorists aboard those Boeing 767s and the high speed driver who crashed his car into an Indiana mosque, or even those several hundred other American citizens who engaged in assaultive acts of ethnic profiling? And, what are the similarities of social context between those Middle Eastern terrorists and those hateful Americans that express themselves in the "blind" vengeance and retribution of both?

Beyond Discontent And Toward Weltschmerz

In the new worldview, in which the fragility and contingency of human life confront us like an inescapable miasma, is there a place for critical criminology? Amid the new-found solidarity manifest in waves of patriotism awash over the land, is critical criminology a dangerous countercurrent?

Like all other academic disciplines, criminology seems so feeble in a world threatened with annihilation on large scales. Indeed, criminology may be faulted much more than other fields, since its claims to expertise on the topic of individual and social deviance failed to prevent, deter, or even impede the abominable deviance that just inaugurated the new century. Criminologists' fondness for prediction and classification, for reducing human behavior to linear or curvilinear models, for measuring their importance by the number of times their works are cited in their own journals—all seem like so much dross in the new era of massive human vulnerability. Likewise, in spite of their more inclusive perspectives on ideas of crime and deviance, critical criminologists have largely failed—in spite of their railings and tantrums—to influence social policy in any substantial way.

Perhaps it is time for criminologists of all stripes to tame their *hubris*, at least moderately. Especially now, criminologists need to be engaged with the real world. The dominance of well-funded armchair research, conducted in the sanitized environs of computer labs, with data sets derived largely from easily quantified information from official records, now seems reminiscent of the oblivious existence of the dinosaurs as the cretaceous period began to close.

In times when it is easy to forget that the word "war" is an anachronism, as if nation-states are still able to send soldiers onto delimited battlefields, with outcomes of "victory" and "defeat," the broad perspectives which critical criminologists tend to champion can be of considerable value. Voices that advocate humanitarian concerns and that seek to sensitize others to the tragedy of oppression are easily submerged in patriotic fervor. Though critical criminologists, particularly in the United States, are apt to have to temper some of their "critical" rantings as civil liberties are (lamentably, and with hope, temporarily) reduced, their perspectives can enable them to

(Continued on page 5)

1
2
3
4
5
6
7
8
9
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11
12

Aging America and the Criminal Justice System: is ADA enough?

By Pamela Preston, Penn State Schuylkill

America's criminal justice system first addressed a special needs population when a separate system for juveniles was established in Cook County, Illinois in 1899. This system acknowledged that children were different physically, emotionally, and cognitively from the adult offenders with which they had previously been housed. As we move into the new millennium, we must deal with a new special needs age group, our aging population. In essence, we need to address the question, "Should a separate justice system be created to deal with the potential increase in elderly offenders?"

Perhaps the most significant trend of the 20th and 21st centuries is the aging of the baby-boom birth cohorts. Born between 1946 and 1964 this group has dramatically altered every American institution through which they have passed. The first cohort of baby boomers will reach 'senior citizen' status¹ with the year 2001. The baby-boomer bulge will continue to move throughout the age structure, creating a growing increase in the over-55 population throughout the first half of the 21st century. The number of people aged 55 and older will more than double by mid-century.

Table 1. Projected Population (in thousands) 1996-2050

Year	Population 55 and older	Percent Increase
1996	55232	
2000	58672	6.23%
2005	65772	12.10%
2010	74691	13.56%
2020	94934	27.10%
2030	105726	11.37%
2040	112082	6.85%
2050	121227	7.31%

Source: Statistical Abstract of the United States, 1996

The criminal justice system is not immune to the challenges posed by this increase in the ageing population. While currently only a very small percentage of inmates are age 55 or older, this will increase in the coming decades; not due to an increase in lawbreaking by older adults, but simply by virtue of the fact that a greater proportion of the population is older. Even a steady incarceration rate for this group will result in an increased share of the prison population.

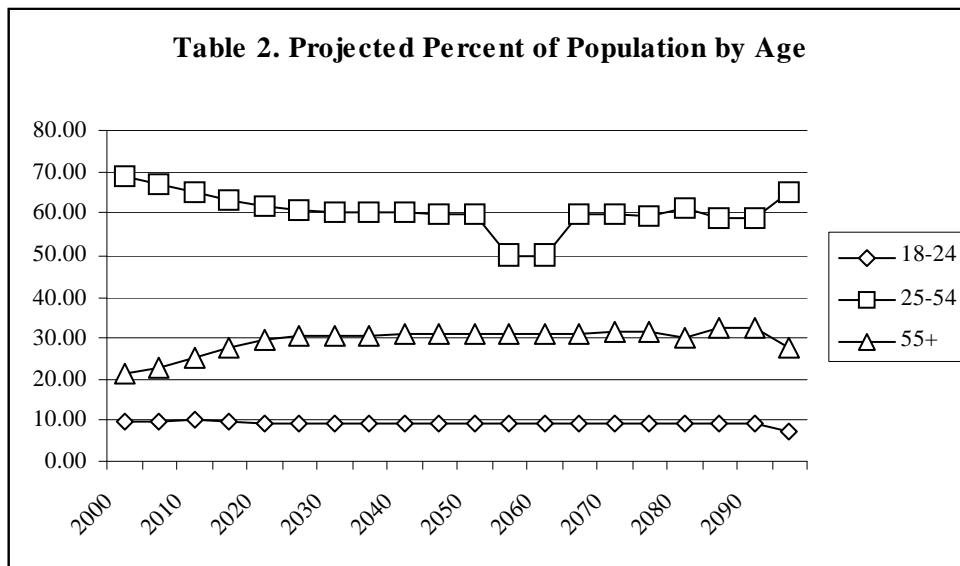
So what? Does it matter if there are increasing numbers of seniors processing through the criminal justice system? Absolutely! Older prisoners suffer health problems that not only increase the expense involved in housing them, but the physical design of prisons and jails and the program and facilities offered are designed for a younger, more traditional 18-24 year old prison population. Older prisoners require special housing, such as wider doors to allow wheelchair access, baths rather than showers, and increased lighting to allow reading in cells. Programs offered in prisons are also developed and administered with the traditional offender in mind; job training and boot camp programs hold little appeal for the older inmate.

Prisons and jails could be made more 'senior (and special needs) friendly' under the ADA. The 1990 Americans with Disabilities Act was designed to help disabled persons to improve access and opportunities to Americans with a wide range of disabilities. It was "intended to help thousands of disabled persons achieve respect and dignity, and most would agree that it has exponentially increased awareness of the nation's disabled" (Stansky, 1996). The applicability of the ADA to prisons and jails has been debated and tested for more than six years. The U.S. Supreme Court in 1998 (*Yeskey v. Pennsylvania Department of Corrections*) ruled that the ADA applied to inmates, and that states must make a *reasonable effort* to accommodate disabled inmates. State prisons, according to the court, fall squarely within the statutory definition of 'public public entity'" (Shepherd, 1998). This ruling has not gone unchallenged; U.S. Senators Thurmond (R-S.C.) and Helms (R-N.C.) introduced a bill to exclude state and local prisons from ADA compliance shortly after the Supreme Court's decision in *Yeskey*.

For the time being, protection under the ADA appears to be the best way to address the special problems and concerns facing elderly inmates. The changing age structure of the population over the next century may require that we rethink how we deal with what is likely to become a boom in the elder population in prisons and in the criminal justice system in general. Population projections indicate a growing elder (55 and up) population and a relatively stable 18-24 year old population.

(Continued on page 4)

(Continued from page 3)



As shown, the younger population (18-24) remains steady, while the older population (55 and up) increases its share for the first quarter century. The middle age cohort decreases its share of the population, with a precipitous drop at mid century. This suggests that we can expect a relatively steady young inmate population, and an increasing (at least until about mid-century) older inmate population, with a decrease in the 25-54 age group. Thus, ADA could be repeatedly invoked and tested as the prison population ages.

However, there is an alternative to a bifurcated criminal justice system characterized by implementation and tests of ADA. If we accept that, in many ways, senior citizens differ from the general population, perhaps a better solution would be the implementation of a ‘senior justice system’, operating somewhat like our current ‘juvenile justice system’.

One factor that supports the need for a ‘senior justice system’ (other than avoiding the fighting and wrangling over the application of the ADA to prisons) is the fact that, in many ways, juveniles (under 18) and the elderly are similar. There are many social-psychological similarities between adolescents and older adults (Fattah and Sacco, 1989). Both are more concerned with the here and now, rather than the future. Both are plagued by feelings of sexual inadequacy and concerns about attractiveness. Worldviews of both groups are defined in terms of their own peers and social circle.

Older offenders (particularly first time offenders) also commit different crimes than their younger counterparts. Most seniors who are arrested are arrested for shoplifting, minor sex offenses, and the like. Seniors who are arrested for serious, violent crimes are usually involved in domestic homicides. There are few robbers and burglars in this age group.

America long ago realized that young people and children were not physically, emotionally, and psychologically suited to the world of adult prisons and the adult criminal justice system. The offenses committed by juveniles are different from adult offenses. In our lifetimes 1 in 3 persons in America will be 55 or older. Declining health, changing psychological and emotional characteristics, and changing types of offending argue for a separate system, a system that acknowledges a group whose physical characteristics separate them from the rest of society. This minority group, the elderly, is the most rapidly growing minority group in America today. This is one minority group status we will all enjoy one day; we must be proactive in modifying our criminal justice system to accommodate our changing demographics.

(Continued on page 5)

(Continued from page 4)

References

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- 2 Fattah, E. A. and V. F. Sacco. 1989. Crime and Victimization of the Older adult. Springer-Verlag. New York.
- 3 “In Landmark Ruling, Court Says State Prisons Covered Under ADA.” 1996. Disability Compliance Bulletin. LRP Publications, October 24.
- 4 Stansky, Lisa J. 1996. “Opening Doors: Five years after its passage, the Americans With Disabilities Act has not fulfilled the greatest fears of its critics-or the greatest hopes of its supporters”. ABA Journal. March.
- 5 Shepherd, Ritchenya. 1998. “High Court: ADA Applies to Pa. State Prisons.” The Legal Intelligencer. Legal Communica
6 tions, Ltd. June 16.

NOTES

- 7 1. Senior citizens are defined as those aged 55 and older. This is to maintain consistency with arrest
8 statistics which classify those offenders aged 55 and older as elderly.

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11 foster peace, to raise consciousness about oppression, and
12 to remind us of the elastic and relativistic nature of ideas of social deviance.

Originally this piece was to be a reply (risking a kind of reply loop) to Michael J. Lynch’s reply (11: 3) to my response (11: 2) to his article on publications that appeared in November 2000 (11:1). Recent events, however, make the whole debate seem puerile. I will note only that the extreme fragmentation within critical criminology needs seriously to be re-examined from a “big picture” framework. Likewise, the idea that “separate but equal” is the way for critical criminology to achieve recognition as a legitimate academic form of criminology is about as vacuous as that doctrine was when it was applied to race relations. Though I did not realize I would be out-radicaling the radicals, and though I do applaud the work of the Critical Criminology Division in establishing a separate journal as an intermediate solution to a larger problem, I continue to maintain that as dues-paying members of the ASC, members of the Critical Criminology Division have the privilege and duty to confront ASC, such that the values of scholarship expressed in ASC’s official journal make generous allowance for the wealth of values within critical criminology, values which are needed in criminology now more than ever.





CRITICAL CRIMINOLOGY: An International Journal. Volume 10 #2, now in press

Table of Contents and Abstracts

(Critical Criminology is the official journal of the American Society of Criminology's Division on Critical Criminology.)

Critical Criminology, Existential Humanism, and Social Justice: Exploring the Contours of Conceptual Integration

Bruce A. Arrigo

The relationship between critical criminology and social justice has been well documented, but efforts to provide a unified theory of social justice that cuts across and embodies the various strains of critical criminological thought has not been systematically researched. One useful approach for engaging in such a project comes from existential humanism, which draws our attention to a number of life themes (e.g., the struggle to be free, being and becoming, redemption) and is compatible with critical criminology's commitment to radical social change. In this article, I provisionally explore the boundaries of theoretical synthesis, mindful of those complex (and thorny) issues upon which successful conceptual integration depends, including definitions, assumptions, domains of inquiry and modes of integration. I conclude by outlining the implications of my commentary for the future of critical criminology and for sustainable, meaningful praxis.

Wither Criminal Justice? An Argument for a Reformed Discipline

Matthew B. Robinson

The American criminal justice system fails to achieve justice, reduce crime, and provide equal protection to Americans regardless of their social class, race, and gender. But, criminal justice as an academic area of study has become a popular and fast growing liberal arts majors in the United States, churning out tens of thousands to work in the criminal justice system. Given the demonstrable harms caused by criminal justice, which are suffered disproportionately by the least powerful people, academic criminologists and criminal justices have the obligation to promote a reformed discipline. This paper briefly summarizes the evidence of bias in the criminal justice system and then turns to how these biases relate to criminal justice as an academic discipline. Using the war on drugs as an example, I argue that the practice of criminal justice as an academic endeavor runs counter to the goal of promoting social justice in America. One of the ironic conclusions of this paper is that criminal justice as an academic discipline must get smaller if we are to achieve larger goals of social justice outlined in this paper.

The Discourse of Criminality: From Beccaria to Postmodernism—Why Does It Matter?

Jeffery T. Walker and John A. Boyeskie

The use of discourse in criminological thought and writing is touted as though it is a recent event; building off the work of postmodernism. In reality, however, the use of discourse in addressing criminological concepts goes back to the earliest works in criminology (although it was not referred to as discourse at that time). This article discusses the history of discourse in criminality, focusing specifically on Beccaria and Lombroso. Application for current use of discourse is suggested as a way of making postmodernist writing perhaps more useful to a wider audience.

Empowering Victim Advocates: Organizing Against Anti-Gay/Lesbian Violence In Canada

C. E. Faulkner

In this paper I provide an account of an emancipatory community-based response to anti-gay/lesbian violence in Canada through outlining the model developed by The 519 Church Street Community Centre Anti-Violence Programme (AVP) (previously known as the Victim Assistance Programme) in downtown Toronto. The data for this paper was obtained through

(Continued on page 7)

(Continued from page 6)

participant observation over a five year period from 1993-1997 when I was a volunteer with The 519 AVP's Community Response to Bashing Committee (CRBC) in Toronto. It is the goal of this paper to document and critique the model developed at The 519 by focussing on advocacy, policing issues, education, and the production of knowledge about anti-gay/lesbian violence. While the Committee's inclusionary agenda seems to be the most strategic approach to gaining equity in services in existing institutions, contradictions arise which suggest that ruptures exist between the promise of mainstream institutional change and resistance to lesbian, gay, bisexual, transgendered, and queer (LGBTQ) activism.

Review Essay of a Criminologist and his Final Book: On Ian Taylor and Crime in Context: A Critical Criminology of Market Societies

Gregg Barak

Ian Taylor died in the Winter of 2001. The final book of his productive scholarly career was published simultaneously by Polity Press in the U.K. (Cambridge) and by Westview in the U.S, a rare accomplishment in academic publishing. Two testimonials on the back cover address the substance and relevance of Taylor and his final contribution. Elliot Currie says, "With this book, Ian Taylor confirms his standing as one of the most thoughtful students of crime and society writing anywhere in the world today. Crime in Context is well-reasoned, wide-ranging and important—a major contribution to our understanding of the ways in which the enormous social and economic transformations of our time are reshaping the problems of crime and social order." Jock Young reverberates, "This timely book will be useful both to students and professional criminologists in that it puts late twentieth-century developments in crime and disorder within a broad social and historical context. There is no other book that does this. I have no doubt it will find a wide and enthusiastic audience."

While I agree with their assessments, I question how wide the book's audience will be especially in North America, where today's driving forces of global market society reside. I'm skeptical about the wide and enthusiastic audience even though Crime in Context received the American Society of Criminology's Michael Hindelang Award for the most outstanding book in 2000. In fact, I was a member of the committee that gave Ian's book this prestigious award, one of two members who enthusiastically supported it from the beginning of the voting process. Thus, I certainly believe that it's a book that should be read by anyone who claims to be a criminologist and by any curious person who wants to know how crime and crime control work.

Review of The Killing State: Capital Punishment in Law, Politics, and Culture. Austin Sarat, New York: Oxford University Press

Robert M. Bohm

Professor Sarat's anthology is a significant contribution to the death penalty literature, especially the study of the symbolic meaning of capital punishment in society and the cultural consequences of living in a "killing state." Several essays should particularly interest critical criminologists because of their provocative postmodern analyses. The ten essays are divided into three sections. Four essays in the first section address "The Politics of State Killing" and focus on the relationship between capital punishment and democracy. Three essays in the second section on "Capital Punishment and Legal Values" examine capital punishment's adverse effect on a society's legal system. Three essays in the last section on "The Death Penalty and the Culture of Responsibility" explore the basic ideas of freedom, responsibility and the role of capital punishment in the cultural constitution of social identity.

ANNOUNCEMENT: PhD in Sociology with a specialization in Social Justice

An exciting new doctoral programme is being offered in the Department of Sociology and Anthropology at the University of Windsor. In September, 2002, the university will be accepting its first students into the PhD in Sociology, with a specialization in Social Justice.

Doctoral students will be accepted into the programme with the possibility of a graduate assistantship, tuition waiver, and competitive scholarship totaling more than \$15,000 for the first year. Students will work with faculty who have a wide range of expertise in social justice issues, and will participate in a stimulating intellectual environment for pursuing their own interests in this growing field of specialization.

Our twenty-eight full-time faculty members have strong scholarly records with expertise in the areas of criminology and law, gender and equity issues, health, HIV/AIDS, international development, racism and ethnicity, sexuality, gay and lesbian studies, social movements, and work. The concept of Social Justice encapsulates the department's common interest in the consequences of social inequality and the possibilities for social change. It also addresses our desire to push the boundaries of the discipline of Sociology to address the current dramatic changes taking place in the world due to the effects of globalization and restructuring. This programme will enable students to develop advanced sociological training, both methodologically and theoretically, for pursuing their interests in the Social Justice field. The department offers excellent resources for doctoral research in both qualitative and quantitative methodologies.

We urge you and your colleagues to spread the word about this new doctoral programme to students who may be interested. The deadline for applications is January 31, 2002, to be considered for scholarship support. If you would like further information about admissions, please contact Dr. Barry Adam, Chair of the Graduate Committee, Department of Sociology and Anthropology, University of Windsor, Windsor, Ontario, Canada N9B 3P4, e-mail adam@uwindsor.ca, or see our website at: www.socialjusticeuniversity.org

For a New Society Free of War and Exploitation!

Kevin Anderson, Michael Klaas, Jesse Kelln, Tim Meegan, Anthony Sigismondi, and Janet Smith, all of the Marxist Humanist Forum, Northern Illinois University

The September 11 terrorist attack on New York and Washington, DC unleashed a level of destruction not seen in the U.S. in over a century. It appears to have been carried out by extreme conservative Islamic fundamentalists led by Osama Bin Laden. Over 6000 people, most of them ordinary working people, are now presumed dead. We are outraged by this action, which has nothing whatsoever to do with any humanist or Marxist opposition to capitalism, as seen in the recent protests in Quebec and Genoa. We also note that it is above all the workers of New York and across America who have come

In addition to the immediate horrors of September 11, we also face a second danger -- the Bush administration's drive to war and its push for militarization at home and abroad. The events of September 11 have strengthened one of the most conservative and backward-looking administrations in U.S. history, one that supports the death penalty, opposes labor unions, and fights against the rights of women, lesbians, and gays. Even before September 11, it had planned on a vast

Bin Laden and his Islamic fundamentalist allies have long oppressed the people of Afghanistan and have already murdered thousands of Muslims. At present, the Taliban regime of Afghanistan forbids women to vote, attend school, work outside the home, or even go onto the streets without a male guardian present. Listen to the message to the American people of the Revolutionary Association of Afghan Women (RAWA), a feminist group that has been fighting since 1977 for a secular, democratic Afghanistan: "There is a vast difference between the poor and devastated people of Afghanistan and the terrorist Taliban criminals. While we once again announce our solidarity and deep sorry with the people of the U.S., we

(Continued on page 9)



(Continued from page 8)

also believe that attacking Afghanistan and killing its most ruined and destitute people will not in any way decrease the grief of the American people. We sincerely hope that the great American people could differentiate between the people of Afghanistan

We agree with RAWA and will protest Bush's drive to war. The Reverend Jerry Falwell, an American Christian fundamentalist, responded to September 11 by attacking women's rights, gay and lesbian rights, secularists, and the American Civil Liberties Union. He said that America's tolerance of such groups had caused God to remove a "curtain" of protection from the U.S., allowing the September 11 attack to take place. Falwell, who organized some crucial votes for Bush in the last election, is the

An equally disturbing development in America has been the vicious racist attacks on people who are or "appear" to be Middle Eastern, including many people from the Middle East and South Asia. Most disgusting of all was the so-called "pro-America"

We oppose the American government's drive to war. At the same time, we oppose Falwell, Bin Laden, the Taliban, and all backward-looking, sexist, and fundamentalist movements, which seek to roll back the hard-won gains of women, workers, minorities, and the gay and lesbian community. We will continue to work for a new non-capitalist society free of exploitation,

We call upon the whole NIU community -- whether radical, liberal, or conservative -- to join together in opposing both fundamentalist terrorism and the U.S. war drive.

On Terrorism, Reason, and Social Justice

Raymond Michalowski, Northern Arizona University
(Originally published in the Arizona Daily Sun, September 30, 2001)

On September 11, 2001 the United States was attacked by unidentified, stateless enemies apparently motivated, not by conventional political objectives, but by suicidal hatred for America's government, its capitalist economy, and its people. In the aftermath of America's deadliest day, emotions have flowed openly. Some of these - sorrow, compassion, solidarity, and a deep desire to reorder personal priorities - have the potential of helping us build a new, more caring America, more concerned about human welfare than corporate profits and neo-colonial domination. Others, such as fear, rage, and the desire for revenge threaten to lead us down a darker path, toward war in the short-term, and toward deepening conflict with the wretched of the earth.

Like Americans everywhere, I am deeply saddened by the human tragedy of September 11, a tragedy made all the more poignant for me because New York City was once my home, and because my son and daughter-in-law live there now, close enough to the destruction to see and smell its aftermath. But I also know that the current struggle against terrorism is not a replay of America's past wars, nor will not

be won with the weapons or mind-set of those wars. We have been the victims of organized rage, not geo-political expansionism, and you cannot shoot or bomb rage out of existence as some Americans seem to believe. If we respond to terrorism only by trying to crush those who hate us, we will not achieve security - or we will achieve it only by destroying America's most cherished freedoms.

I have worked in the justice system, have friends who still do, and have spent the last twenty-five years learning and teaching about how the justice process succeeds and where it fails. As a result, I know this: punishing wrongdoers does not stop crime. Only removing the motivation for crime can do that. But before we can do that, we have to understand the sources of those motivations.

I am not suggesting that we take no action other than contemplating the motivations of terrorists. The United States must do everything possible, *within the rule of law*, to ensure that those who orchestrated the terror of September 11th are captured and brought to trial before an appropriate international court of justice - possibly the World Court or the War Crimes Tribunal. But we should not believe that prosecuting the guilty, or rolling up current terrorist networks will rid the world of terrorism. Only eliminating the conditions that breed hate can do that.

(Continued on page 10)



(Continued from page 9)

Anyone who has lived in the Third World beyond the narrow confines of middle-class enclaves or tourist destinations, as I have, knows that many of the world's dispossessed do not love the United States. And their feelings do not arise from simple resentment of our successes as the current Bush administration would have us believe. For those whose parents or loved ones were killed or tortured by U.S.-backed "friendly authoritarians" such as the Shah of Iran, or whose refugee camps in the Middle East were devastated by American-made bombs dropped from American-made planes sold at bargain-basement prices to allies who promised to protect "U.S. interests," or whose struggles for national independence were perverted by overt or covert U.S. intervention designed to protect "American interests abroad," the United States looks much more like a greedy bully than a global protector of freedom and democracy. These feelings are the iceberg of which the September 11 attack is just the tip. They certainly do not justify the killing of innocents, but we avoid doing what is needed to change them at our own peril.

We have been hurt as a nation and we are angry. But we should not let that anger tempt us into evil. Make no mistake: the killing men, women, and children as the "collateral damage" of a war against terrorism, or extra-judicial assassinations of those we suspect of aiding terrorists, as Donald Rumsfeld has promised, would be as wrong as the terrorism directed against us. After all, how do terrorists justify their actions? They say that their people have been hurt, and so they are justified in using whatever means are available to them to redress those wrongs.

We are at a crucial moment in our history. We can remain willfully ignorant of our geo-political past, and keep using our economic and political might to ensure that America's one-eighth of the world's population continues to consume more than a third of the world's resources each year. Or we can reconsider that past and become a genuinely peaceful partner in the project of improving the lives of

Explanation Yes; Justification, No

By Bertell Ollman, New York University

One of our biggest problems in trying to account for what happened on Sept. 11th is how to keep our explanations from sounding like a justification. Most of us will already have experienced this sleight of hand, and once it happens there is little chance of convincing your listeners of anything. Worse, many of them will now think of you as being on the side of those who perpetrated this horror and treat you accordingly. This is enough to keep a lot of people silent, who would otherwise be raising some much needed

What is the mechanism at work here? And what can we do to avoid this misunderstanding, or, at least, to minimize its effects? Leaving aside the willful twisting of what we have to say by those who don't want other people to hear it, there would appear to be two main reasons for our difficulty. First, most people are hurting badly right now and are understandably very angry at the people who attacked the World Trade Center and the Pentagon. They have a great emotional need to express these feelings and to hear from others who feel the same. It is largely a way of establishing a sense of solidarity with the victims of this terrible tragedy. Any attempt to broach the subject of why the attack took place that bypasses the silent cry for emotional bonding allows these strong feelings to interfere with the reception of what you are trying to say, and, in the worst of cases, to render you suspect as an insensitive outsider who is trying to justify what happened. So, BEFORE wading into any social-political explanation of events, we must make sure that our audience knows that we share their pain and anger.

Second, as for the relation between explanation and justification, it must be admitted that one can sound a lot like the other. In ordinary life, for example, an explanation of an event is often undertaken in order to arrive at a judgement of the persons involved in it. Many people tend to listen to explanations as they would to a court case leading up to a verdict of guilt or innocence. In common parlance, too, to say that some act is "understandable" is at least to suggest that the people who did it were acting rationally, that is from reasons we can uncover, and that what they did, therefore, cannot be rejected out of hand. I am not saying that this is what follows from understanding any event, but rather that calling it "understandable" often suggests just this to others. My guess is that this is what lies behind the hostility of many people for any attempt to try to explain the Holocaust.

Given the slippery slope on which the connection between explanation and justification lies, I am afraid there will always be some who mistake any effort to explain the bombings as collusion with the enemy. Still, a lot can be done to minimize this danger. We can, for example, make explicit the sharp distinction laid out above between explanation and justification. We should then reverse the usual procedure of leaving judgement for last by leading with a strong statement condemning without any qualification the murder and the murderers of so many innocent people. Having issued our judgement of the event at the start, far fewer people are likely to misunderstand our search for an explanation as an indirect defense of the perpetrators.

Next, in making the transition to explanation, it is important to stress why this step is so important. If condemning the bombings as murder of innocent people is all we need in order to punish the guilty parties, only an adequate understanding of why it happened will enable us to bring about the changes

(Continued on page 11)



(Continued from page 10)

necessary to ensure that it will not happen again. Judgements are oriented toward the past. They are attempts to categorize things in the past so we know where to place them in our thinking about the present. However, without an accompanying explanation, judgements are poor guides to developing policies for the future. Explanations, on the other hand, are oriented toward the future. They are attempts to understand what went wrong in the past so that changes can be made and the same mistakes are not repeated. Today, as we know, most Americans have accepted policies based largely on their judgement of WHAT happened in New York and Washington (laced with a heavy dose of emotions) rather than on any reasonable explanation of WHY it happened. With the main causes of the tragedy untouched because unexamined, the results of these policies are likely to prove catastrophic.

Is there still a chance to halt this descent into hell by - as we said in an earlier crisis - "speaking truth to power"? Only if we find a way of making the "truth" digestible, and this means, above all else, keeping our explanations from sounding like justifications. In pursuit of this end, I have suggested - 1) sharing the pain and anger of our audience before we do anything else; 2) distinguishing explanation as sharply as possible from justification; 3) presenting our condemnation, our harsh judgement, of what happened before we set out to explain it; and 4) when we begin our explanations, emphasizing the fact that only by understanding WHY this terrible event occurred, only by finding its actual causes, will we be in a position to construct a future that gives us the peace and security we all crave.

There is still a fifth step worth taking before launching into our explanations proper, and that can be posed in a couple of simple questions: Why has our Government paid so little attention to WHY this event occurred, and restricted its few answers to talk of evil and the craziness and jealousy of the parties involved? Is there something in its own practises, past and present, far from the metaphysics and the pop psychology that we have been offered, that it is trying to hide? Once we have established the importance of looking for serious explanations, and once we have cleared up the static that interferes with people hearing any serious explanation, the contribution, past and present, of our own Government to this disaster will begin to receive the widespread scrutiny it so richly deserves.

Having tried to frame some of the discussion that is getting underway, I am now content to leave the rest to readers in the belief that the "facts" in this case argue so eloquently in favor of peace that - if only they could be heard, and heard properly - only Bush, Sharon and perhaps Bin Laden would favor war.

What to Expect at This Year's ASC Meeting

By Mary Bosworth, Fordham University

It's that time of year again, when many people are starting to realize that the ASC is around the corner, and they still haven't started their paper. What will the discussant say if you pass her a half written note on the back of an envelope, you may be wondering? How am I going to spend my time in Atlanta may be another concern. After the coca-cola factory, what is there to do? More seriously, some of you may be worrying about flying in this frightening time. I, personally, am not attending, preferring to leave ASC to every other year, but here are some suggestions for papers you might want to keep an eye out for. This year, there seemed to be less critical criminology stuff going on. In fact, theoretical work in general looks even thinner on the ground than normal. We should perhaps be worried. Or else, let me know which conferences everyone else is attending, have I missed something here? As usual, many of the more interesting sounding sessions are either early in the morning, or late in the afternoon on the final day. Here are some of the ones I thought sounded interesting. First, there is critical criminology's own Author-meets-critics session where Richard Quinney will discuss his book *Bearing Witness to Crime and Social Justice* on Thursday at 2:40 pm. Then, there are a couple of presentations on terrorism that, given the current climate, should provide some food for thought. First among these is another Author-meets-critics session, this time on Wednesday at 2:40pm where Mark Hamm will discuss his book *Inside America's Terrorists*. Session number 225, entitled "Theoretical Explanations for Terrorism" also sounds promising at 2:40pm on Thursday. Gender, as usual, is better represented than other topics of concern for critical criminologists. Some of the panels dealing with this that caught my eye were number 375, "Batterer intervention programs" on Friday at 4:20pm, number 164 "Constructions of Gender and their impact on crime, deviance and justice practices" at 9:40am on Thursday, number 186 "Preventing Intimate, Sexual and Hate Violence" on Thursday at 1:00 p.m. and the DWC's Open Forum session "Globalization, gendered justice and public policy in the 21st Century" at 2:40pm on Thursday. Unlike gender, I couldn't find many panels that appeared to theorize race at all. One that looks potential is a roundtable "Black perspectives in Criminology and Criminal Justice" on Thursday at 1:00

(Continued on page 12)

(Continued from page 11)

p.m.; another that may deal with some issues pertaining to race is section 14 on Wednesday at 8:00 a.m. (love that time!) on “Hate Crimes.” This panel is followed at 9:40 a.m. by the intriguingly titled session “Identity, Morality and Language” which could be about anything, but might deal with some similar issues. Another panel that makes it in, both for its participants and for its title is “Love, Art and Ideology in the Construction of Criminological Theory” which is at 4:20 p.m. on Friday. A final one, which sounds cool, is “Reconstructing the Seven Deadly Sins” (Maybe the Jesuits are rubbing off on me here at Fordham), which is at 8:00 a.m. on Wednesday. That all leaves just three critical criminology panels, two of which are scheduled at the same (and surprisingly popular) time of 8:00 a.m. Wednesday, and the annual one on “Punishment and Society” that occurs at 1:00 p.m. on that same day. The two critical criminology panels at 8:00 a.m. on Wednesday, are Dragan Milovanovic’s “Continuities/Discontinuities, Critiques and Synthesis in Postmodern Criminology” and the division’s open forum “Postmodern Reconsideration of Crime, Law and Social Change.” “Convict Perspectives on re-entry to the community” will follow these at 9:40 a.m. So, I hope you enjoy the conference. May the bars be full of beer rather than coke, may your papers be well received and may all in between sessions have fun and merriment. See you next year!

News from the Chair

LATE BREAKING NEWS: We have just received the election results. The new officers will be: Chair, Walter DeKeseredy, Ohio University; Vice-Chair, Claire Renzetti, St. Joseph’s University; Secretary/Treasurer, Jody Miller, University of Missouri-St. Louis; At Large Members, Meda Chesney-Lind, University of Hawaii, Manoi, David Friedrichs, University of Scranton, and Jayne Mooney, University of Middlesex.

LATE BREAKING DIVISION CHAIR: Unfortunately, while carrying out a gig teaching restorative justice to juvenile justice workers in Timisoara, Romania, I suffered the beginnings of a detached retina. Upon my return to the US, I underwent immediate surgery. I’m “grounded” and have to miss the fall meeting.

Jeff Walker will represent the out-going Board at this fall’s meetings. But luckily, we have an outstanding crew of incoming officers that are well-positioned to take over immediately. Our new Board includes extensive experience within our Division, extraordinary leadership within the profession, and represents the breadth and diversity of the Division.

I would like to thank all the candidates. The committee presented a solid slate of individuals indicative of the strength of this organization.

Martin D. Schwartz, Ohio University