



# *The Critical Criminologist*

**NEWSLETTER 18:2 FALL 2008**

Division of Critical Criminology  
American Society of Criminology

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Word from the Editor:

Think about the next newsletter now—we are as always looking for submissions of essays, drawings, photos, shared news, bragging or anything you think may be of interest to members. It is all of our newsletter—we just put it together—so give us something to put together PLEASE.



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**DIVISION OF CRITICAL CRIMINOLOGY**

**Division Executive Board Meeting**

The Division of Critical Criminology Executive Board meeting will be held from 2:00 p.m. to 3:20 p.m. on Thursday, November 13 in room Director's Row 23.

**Division Business Meeting**

The Business meeting will be held from 5:00 p.m. to 6:00 p.m. on Friday, November 14 in room Hyatt Faust's. The meeting agenda is as follows:

- Chair's Introduction and Report.
- Secretary/Treasurer's Report.
- *Critical Criminology's* Editor-In-Chief's Report.
- *Critical Criminologist* Editors' Report.
- Summary of Report Prepared by the Committee Investigating the Strengths and Limitations of Integrating the DCC with the ACJS Section on Critical Criminology.
- Brief Discussion and Debate.
- Members' Official Vote on Integration.
- DCC Awards.
- Other Business.
- Meeting Adjourned.

**Division Party**

The Division Party will be held from 6:00 p.m. to 8:30 p.m. on Friday, November 14 in room Hyatt Faust's. A cash bar will be provided and all ASC members are invited to attend. Note that there will be another informal DCC party scheduled at another location immediately following the one at 6:00 p.m. The time and location will be announced at the Business Meeting.



**FROM THE CHAIR**

Dear Friends and Colleagues:

The Integration Committee's Report is done and is available for all to read and share. As I stated in a previous announcement, recall that at our last DCC business meeting there was a discussion and debate about the relationship between the ACJS Section on Critical Criminology and the DCC.

It was decided that a committee headed by Bob Bohm would continue to investigate the pros and cons of any integration. A report will be brought to the Executive and to the entire DCC membership at least 30 days prior to the 2008 DCC business meeting. At this meeting, the membership will then vote on the type of relationship it wants with the ACJS Section.

A committee was formed consisting of: Bob Bohm (Chair), Chris Mullins, Meda Chesney-Lind, Rick Matthews, Susan Caringella and Peter Kraska. On behalf of the DCC, I would like to thank these folks for taking time away from their busy schedules, friends, and loved ones to do this important work.

Below is their Final Report and Recommendations, which all the



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members will vote on at the next business meeting.

PLEASE NOTE THAT MEMBERS HAVE THE FINAL DECISION. THE DCC EXECUTIVE BOARD WILL NOT DO ANYTHING UNTIL IT RECEIVES THE MEMBERS' VOTES. YOU MAY VOTE IN FAVOR OR AGAINST THE REPORT.

Best,

Walter DeKeseredy

**Final Report and Recommendations**

Committee on ASC/ACJS Critical Criminology Division and Section  
Integration

The Integration Task Force has concluded its deliberations. The results of these conversations are detailed below. In summary, we have concluded that while philosophical, academic and advocacy links between the Section on Critical Criminology of Academy of Criminal Justice Sciences and the Division of Critical Criminology of American Society of Criminology are to be encouraged, the past efforts to merge the administrative structures of the two organizations did not adequately serve the members of either organization and indeed



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produced problems. As a result, going forward, the best resolution is to seek ways to maximize the conceptual and intellectual connections (including frequent collegial communication between the Chair of the Division and the Chair of the Section to identify such synergies) while at the same time seeking to maintain and strengthen two separate bureaucracies to address membership and budget issues within their larger, separate organizations.

1. The ASC Division on Critical Criminology (the "Division") strongly supports the ACJS Section on Critical Criminology (the "Section") and actively seeks both intellectual and political synergies, where possible. For this reason, all ASC Division members are encouraged to support the ACJS Section (and be members if they can afford it), to attend the Section meeting at ACJS, and to encourage the organization of Section sponsored sessions at the ACJS annual meeting.

2. The ASC Division on Critical Criminology supports a separate officer structure for the ACJS Section. Close communication and coordination between the two organizations is encouraged.

3. To enhance communication and coordination between the two



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organizations, the Chair of the ACJS Section shall be an ex-officio member of the Division's executive committee.

4. The Chair of the Division will work with the Section Chair to assure that Section members receive electronic access to the journal.

5. Financial matters between the Division and Section shall be kept separate. There will be no co-mingling of funds. However, this does not preclude the co-sponsoring of events and services.

6. For all events and services co-sponsored by the Division and the Section, the Section shall be identified as an equal partner. We further encourage the Division and the Section to explore the possibility of strengthening the co-sponsorship of the journal *Critical Criminology*, the newsletter, and the listserv. However, the Division and the publisher shall retain exclusive rights to all editorial matters concerning the journal *Critical Criminology*, including the selection of the editor and editorial board.



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**American Society of Criminology Conference 2008: Critical Criminology Sessions**

*These are sessions that are with our members—go support them—listen—learn*

**Wednesday**

***Cultural Criminology: The Politics of Socialization and Resistance***

Thematic Panel Session

Wed, Nov 12 - 8:00am - 9:20am

Promenade Ballroom F

***Art Crimes***

Thematic Panel Session

Wed, November 12 - 8:00am - 9:20am

Director's Row 48

***Author Meets Critic: Blood, Power and Bedlam, by Christopher W. Mullins and Dawn L. Rothe***

Thematic Panel Session

Wed, Nov 12 - 9:30am - 10:50am

Director's Row 27

***What's the Harm? The Impacts of Hate Crime***

Thematic Panel Session

Wed, Nov 12 - 9:30am - 10:50am

Director's Row 43



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***Context Matters: Theorizing Gender, Crime and Violence***

Thematic Panel Session

Wed, Nov 12 - 12:30pm - 1:50pm

St. Louis Ballroom B

***Cultural Criminology: An Invitation***

Thematic Panel Session

Wed, Nov 12 - 12:30pm - 1:50pm

Promenade Ballroom E

***Crimes of the State, Globalization, and Issues of Victimization***

Thematic Panel Session

Wed, Nov 12 - 3:30pm - 4:50pm

St. Louis Ballroom H

**Thursday**

***Thinking Critically About Rural Crime and Social Control***

Thematic Panel Session

Thu, Nov 13 - 8:00am - 9:20am

St. Louis Ballroom F

***Author Meets Critic: Getting Played, by Jody Miller***

Thematic Panel Session

Thu, Nov 13 - 9:30am - 10:50am

Rose Garden



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***Convict Criminology 1: Restorative Justice and Faithbased Self-Help Groups***

Thematic Panel Session

Thu, Nov 13 - 2:00pm - 3:20pm

St. Louis Ballroom G

***Convict Criminology 2: Prison Education Programs, Reentry***

Thematic Panel Session

Thu, Nov 13 - 3:30pm - 4:50pm

St. Louis Ballroom G

**Friday**

***Author Meets Critic: Redressing Rape Reform in Law and Action, by Susan Car-  
ingella***

Thematic Panel Session

Fri, Nov 14 - 8:00am - 9:20am

Director's Row 24

***Genocide and Conflict***

Thematic Panel Session

Fri, Nov 14 - 8:00am - 9:20am

Director's Row 48

***Human Rights, Social Justice***

Thematic Panel Session

Fri, Nov 14 - 9:30am - 10:50am



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***Ex-Convicts and Criminology***

Presidential Session

Fri, Nov 14 - 11:00am - 12:20pm

St. Louis Ballroom D

***Convict Criminology 3: Men and Women in Prison***

Thematic Panel Session

Fri, Nov 14 - 12:30pm - 1:50pm

St. Louis Ballroom C

***Convict Criminology 4: How Imprisonment of the Father Affects the Family***

Thematic Panel Session

Fri, Nov 14 - 2:00pm - 3:20pm

St. Louis Ballroom D

***The History of Prisons and Punishment: The More Things Change the More They Stay the Same.***

Roundtable Session

Fri, Nov 14 - 3:30pm - 4:50pm,

Rose Garden 5

***Transgression on Two-Wheels: A Criminology of Motorcycles, Identity and the State***

Thematic Panel Session

Fri, Nov 14 - 3:30pm - 4:50pm

Director's Row 47



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**\*\*\*\*Methodological and Theoretical Issues of Studying State Crime**

**CANCELLED DUE TO OUR MEETING AND SOCIAL**

Roundtable Session

Fri, Nov 14 - 5:00pm - 6:20pm

Rose Garden 3

**Saturday**

**Convict Criminology 5: Perspective on School/College Violence**

Thematic Panel Session

Sat, Nov 15 - 10:00am - 11:20am

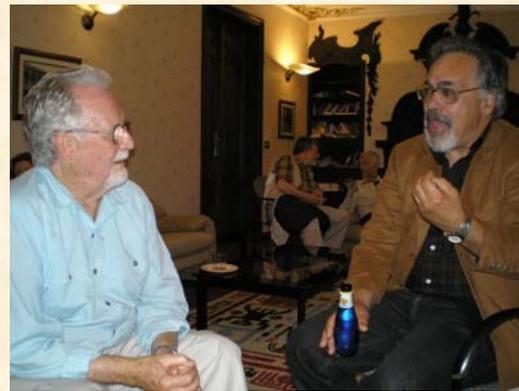
St. Louis Ballroom C



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**International Institute for the Sociology of Law:  
Workshop on State Crime in the Global Age**



## Critical Criminology and 21<sup>st</sup> Century 'Liberal' Eugenics

Carmen James Schifellite  
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Ryerson University  
Toronto, ON

Critical criminologists spend a good deal of effort challenging standard definitions of what will count as crime and criminal behavior. We understand that these definitions support the entrenched structures of domination and oppression in society. This work is one of the cornerstones of critical criminology. However, despite the vigilance of critical criminologists, 21<sup>st</sup> century 'liberal' eugenics threatens to undermine critical criminology without ever engaging critical criminologists directly.

This seemingly 'biological' topic has great relevance to critical criminologists because, as I will argue below, this new eugenics movement will encompass not just genetic manipulations that connect to medical conditions, but may also include genetic manipulations that attempt to modify problematic social behaviors like criminality and sexual orientation. In the process, both biologically deterministic understandings of criminal behavior and very status quo definitions of crime and criminality will be strengthened.

Lombroso (1913) was the first 20<sup>th</sup> century figure who systematically attempted to link biological characteristics with propensities toward criminal behavior. Lombroso was not the last to attempt this and other attempts have taken many forms over the last century. These early attempts by Lombroso, Galton and others (Schifellite, 1987:47-50) were based on very incomplete genetic information and were generally connected to the eugenics movement of the early 20<sup>th</sup> century. Such biological reductionism fell out of fashion following the excesses of this eugenics movement, especially as they were experienced in Nazi Germany.

By the mid twentieth century, and as our genetic knowledge expanded, this idea of linking biology with behavior reemerged and the linkages became more sophisticated and equally deterministic in their genetic referents. For example, in the 1960s it was thought that the presence of an extra Y chromosome led to increased criminality and studies began to emerge that claimed that such XYY males were overrepresented in the prison populations (Schifellite, 1987:58-60). These assertions turned out to be unsupportable, but the idea that chromosomes could be linked to criminality is an idea that was just beginning to (re)gain ground.

In the past five decades there have been numerous attempts to connect genetics and criminal behaviour (e.g., Mechnik's twin studies, those on the genetics of ADHD (Hil & Hindmarsh, 2006) or genetic predispositions that correlate with propensities toward anti-social behavior (Balaban & Lewontin, 2007; Morris et al, 2007; Caspi et al., 2002).

Most of us critical criminologists understand this to be at best an incomplete picture of the factors affecting criminal behaviors. **We understand, as well, that these determinisms assume that criminal 'traits' are real and that objective definitions of criminality are possible. Both of these ideas are opposed by critical criminologists.**

Of particular concern to critical criminologists is the fact that in the early 21<sup>st</sup> century, three factors have come together that, I expect, will strengthen the apparent legitimacy of all enterprises that seek to reduce complex behaviors like criminality, deviance and anti-social behavior to a few genetic markers.

### Traits as Commodities

The first of these factors is an emergent trade in information about genetic traits/markers. By this trade, I mean the selling of information about traits as genetic markers through consultative processes. This is already beginning to happen with genetic counseling for the prenatal. In this scenario, we as consumers would pay to gain knowledge of our genetic predispositions presumably so as to take action to control potential disease processes and increase wellness.

The second factor is an emergent trade in the sale of genetic traits/markers themselves. This latter form of commercialization has been called "liberal eugenics" (Betta, 2006:7) or what I would term 'consumer-based' eugenics. In this scenario, we as consumers would be purchasing traits or markers as ordered up in the creation of embryos.

If one looks at the history of pre-implantation genetic diagnosis we can see that it was created to allow parents to screen their future children for serious medical conditions. However, one fear is that this kind of eugenics will not be confined to medical conditions and may move to include things like sexual orientation and criminal-

ity. We already see parents from around the world beginning to use this technology to do sex selection of their unborn children (Baruch et al., 2006, p. 5; Kilani et al., 2001). Likewise, donor insemination has developed from a semi-clandestine and secretive process designed to help infertile couples into an open and international business with a global trade in sperm and eggs (DiLascia, 2006; Zachary, 2000).

New technologies will increase our ability to practice this form of eugenics – to attempt to select some of the traits of our future children. For example, On January 6, 2007 The Washington Post (Stein, 2007) reported that The Abraham Center of Life LLC, started by Jennalee Ryan, the founder of the largest adoption agency in the U.S., (Saletan, 2007)

“has started producing batches of ready-made embryos that single women and infertile couples can order after reviewing detailed information about the race, education, appearance, personality and other characteristics of the egg and sperm donors.”

The ability to select egg and sperm from donors has long been available to parents, but this embryo manufacturing operation is “the first time anyone has started turning out embryos as off-the-shelf products” (Stein, 2007). According to Robert P. George,

"This is just more evidence that we haven't been able to restrain this move towards treating human life like a commodity. This buying and selling of eggs and sperm and now embryos based on IQ points and PhDs and other traits really moves us in the direction of eugenics" (Cited in Stein, 2007).

Some of these choices may have profound effects on society. What Ryan is saying here is that consumer preference for specific physical and ‘behavioral’ characteristics will drive the demand for donors and that consumer preference for specific physical and ‘behavioral’ characteristics will also drive the price of the sperm and eggs.

At this point, we are only being offered the chance to practice a crude kind of eugenics in the selection of traits present in a sperm or egg donor. Nonetheless, the potential, as with all other commodities, this commodification of genetic traits/markers will take on a life of its own. Through the process of commodity fetishism, the social construction of these ideas - that underpins their legitimacy - will drop away and we will be left with apparently ahistorical and apolitical entities.

### **The persistence of biological reductionism**

The third factor that will bolster the legitimacy of the ‘crime gene’ enterprise is the persistence of reductionist discourses in fields like sociobiology, behavioral genetics and evolutionary psychology and in the popular media. Prior to and accompanying these increases in more conscious and overt eugenic manipulations outlined above is a great deal of talk and conjecture about the influences of genes and hormones on criminal behaviors.

The influences of these conceptions extend into society at large. Lipmann (1991:19) was one of the first to warn of the process of “geneticization” of society. Since the mid 20<sup>th</sup> century, we have become increasingly immersed in a world in which references to genetics are being used to explain illness, health, well-being and even behavior. Often, this is done by referencing intermediary factors like brain morphology or hormone action; but, ultimately the final arbiter of control is usually put down to genetic influences. Through the media, developments in genetics, proteinomics and in the biotechnological applications have contributed to the creation of a kind of “gene-talk” (E. Keller, 1995; 2000) within many public and popular discourses today; and, we are now seeing this ‘gene-talk’ becoming intertwined with ‘crime-talk’.

Nelkin and Lindee (1995) talk about the gene as cultural icon. And accordingly, it is less important that claims about conceptions of genes have a basis in fact because “their public appeal and popular appropriation reflect their social, not their scientific, power (p. 197). In these popular discourses, genes, DNA, hormones and brain chemistry and structures are given a preeminent status in the controlling of human biology and human behaviors (Hubbard and Wald 1993).

Continued successes in discovering the connections between genotype and disease will help legitimize more reductionistic formulations about the relationship between genes, cells, systems, organisms and environment. These successes have and will continue to embolden some to make dubious, but popular proclamations about the role of genes in producing behaviors like selfishness, aggression, sexual orientation, and criminality.

### **The Importance of and for Critical Criminology**

The response by most criminologists and other social scientists to the ‘gene talk’ and to formulations like sociobiology has been to issue critiques and then move on. Unfortunately, while the critiques done by criminologists and other social scientists have been formidable and have somewhat transformed hard determinisms into

softer ones; they have not been able to transform the fundamental nature of the debate itself into one that takes account of both biological and 'environmental' factors. This is the task at hand. It is crucial that critical criminologists not only critique but engage the debate. I am not arguing here for the continued polarization of social science vs. biology. Rather, I am arguing that each realm be accorded theoretical space and that critical criminologists must monitor the basics of the enterprise.

For example, we have important contributions to make in the case of the conceptualizations and roles of 'traits'. The movement from a complex social world directly to biological or genetic causality requires that one deny the importance of the social dimension. It requires that one treat complex behaviors, beliefs, practices, and institutions as monolithic and universal categories and that one take these complex interactions and reduce them to biological traits. This selection process is essentially teleological. As Burian (1978) has noted, this process starts from 'arbitrarily chosen behaviors' and there is 'no real basis for supposing that these behaviors are traits' (p.381). Yet, once that leap is made the rest of the biologization follows. Determinists then simply borrow a simplistic Mendelianism from genetics and an ultra-adaptationist Darwinism from evolutionary theory. Borrowing from the most dominant disciplines within biology lends legitimacy to the sociobiological project and borrowing so selectively further enhances the credibility of the project.

Critical criminologists can enter this arena to help set boundaries on what will count as 'traits' and what will count as determining variables for these 'traits'. In this regard, we are better able to argue that the "facts" of social analysis like criminality, cultural practices, homosexuality and even suicide are not simple facts out there waiting to be observed, but events that are constructed within and by social relations and practices. What counts as criminality? These are designations that people give to themselves or are given to them through what Smith (1990) calls a process of inscription in documents, laws, social relations and social practices.

Smith's work, extrapolated from Marx, in examining the process of creating self-sustaining and self-referential ideological circles in the context of what she calls ideological practices in sociology is useful here. The process she outlines is very relevant to the study of human sociobiological arguments (Smith, 1990:43-45). For Smith, the process of creating what she calls "ideological circles" is key. This is a process in which the actual activity of people engaged in interactions and social relations becomes reconceptualized as a noun - a thing that stands outside the human activity which gives rise to it. Further, she holds that "to treat assumptions about human nature (among other concepts) as active forces in social and historical processes is an ideological practice" (p. 36). Taking a cue from Marx, she sees concepts as "a kind of 'currency'" and as entities that stand in between object and knower (p. 42). If we let concepts become divorced from the contexts in which they are created our work becomes ideological.

In the case of determinist arguments, what gets created are "traits" that then becomes recast again and abstracted again as "genes for traits". In this double abstraction the abstracted concepts then stand in for the original activity and are seen to cause that activity. Volition is abstracted from people and organisms in general, and relocated in genes. There is also a triple level of abstraction occurring because these abstracted concepts of traits and genes obliterate what is actually occurring at the molecular level - namely the complex processes of protein synthesis dictated by these genetic sites. These processes of abstraction allow proponents to engage in this movement from the specific to the general. In this movement, concepts that may be valid for insects or other less neurologically complex organisms get to stand in for people and their biological and social lives.

These abstractions also gain legitimacy from the larger set of social relations in society and reinforce those relations. What we observe as universal human behaviors are the products of social forces and social relations of organisms in interaction. These events are turned into abstractions and "fixed" as "traits" and ultimately "genes" and these abstractions then replace actual activity and become the "causes" of that activity.

As social scientists we critical criminologists are well equipped to understand and illuminate how social relations and social practices become inscribed as biological or genetic. It is work that is crucial in this instance because as Rose notes, "thinking about genes as individual units that determine eye color may not matter too much, but [it does] matter a great deal when they become "gay genes" or "schizophrenic genes" or "aggression genes"?" (S.Rose, 1997:116).

The process of reducing complex organisms and their social relations to abstracted concepts like "genes" is the cornerstone of deterministic arguments. What critical criminologists must fight against is the disappearance of the complexity of organisms, human and non-human, and the complexity of the social, political and cultural spaces they inhabit. Smith holds that non-ideological social science must begin from peoples lived experiences. In

the same way, non-ideological formulations that attempt to incorporate the biological and the social must begin from peoples lived experiences. As well, they must begin from a set of concepts that are constructed through interactions and observation at all levels of human lived experience. Our involvement is necessary to achieve this multi-level understanding.

Critical criminologists must put in effort to help clarify and contextualize what will count as traits. This requires that we carry our work further than just critiques. Most social scientists have refrained, by and large from entering these debates past the stage of critique. We must now begin to do the work of reconceptualizing what the boundaries of the concept of “trait” will include. This reconceptualization involves many questions. If we critical criminologists do not engage this process, it will be left to solely to biologists, determinists and to corporate science –all of whom have little training in understanding the social contexts that operate to influence complex human social behaviors that are constructed as criminal (Balaban & Lewontin, 2007). Ultimately, in the process, we critical criminologists must begin to work with like-minded natural scientists to forge this reconceptualization.

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