



# CRITIQUE AND DISSENT

## AN INTRODUCTION

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Since its first conference in 1973 the *European Group for the Study of Deviance and Social Control* (European Group) has been at the forefront of debates and creative developments in the emergence and consolidation of critical criminologies in Europe and beyond. 40 years on from its founding conference, the European Group remains a vibrant and relevant organisation. *Critique and Dissent* has been put together to help mark the 40th Anniversary of the first conference and brings together papers delivered at the annual conferences of the European Group from 1973–2012. In compiling this anthology we have sought to:

- bring together and explore the diversity and richness of some of the most innovative and exciting writings from European Group conferences;
- provide an anthology for academics, postgraduate and advanced undergraduate students wishing to explore the theoretical contribution of the European Group to the development of critical analysis;

- discuss detailed, critical and analytical accounts of the changing face of deviance and social control in Europe and beyond;
- illustrate the theoretical depth of critical analysis and critical criminologies through the different interpretive frameworks and understandings that have characterised the development of the European Group.

In this opening chapter we provide a brief history of the European Group and highlight some of its key theoretical and political influences before explaining the rationale of the selection of the following chapters.

## **THEORETICAL AND POLITICAL PRIORITIES**

*Critique and Dissent* emphasises the theoretical and political priorities of the *European Group for the Study of Deviance and Social Control*. Its conferences have explored deviant behaviour, harm, power, social control, punishment and regulation from various philosophical viewpoints. Indeed, European Group conferences have been characterised by the absence of a uniform dogma. State punishment's function as an instrument of dominance has been repeatedly emphasised together with explanations of 'crime' and criminality that perceives them as reflections of the societal structure. Within the group, there has been a desire to investigate how human/civil rights are being eroded through shifting political and State control. The European Group has over the last 40 years sought to promote critical and radical criminology as a legitimate field of research and to provide a forum through which critical academics can connect with those outside the academy who are actively working for social justice.

The development of the sociology of deviance and 'critical criminology' since the 1970s in Europe and elsewhere has thus been reflected in the many publications of papers delivered at the 40 previous European Group conferences. Making connections between everyday struggles and lived experiences

and social structures, firstly around class, but later around 'race', sexuality, gender, age and disability, European Group papers have helped produce a new critical discourse for understanding conflicts, harms and troubles that are popularly referred to as 'crime'. Papers at European Group conferences have encouraged the embedding of a critical analysis exploring the relationship between the individual and the social through consideration of the boundaries placed upon everyday interactions, choices, meanings and motivations by determining structural contexts<sup>1</sup>. Constructions of 'crime', deviance and social control have been located within the power-knowledge axis and social structures pertaining in our given historical conjuncture. This has ultimately led to the centrality of questions concerning power, inequality and legitimacy. Yet the European Group has always encouraged a nuanced and sophisticated understanding of the role of social control. Rather than seeing the law as a crude instrument of capitalist oppressors, members have pointed to the contradictory nature of the law in capitalist societies: law enforcement and mechanisms of social control can both protect the general population, including vulnerable and or impoverished individuals, whilst at the same time play a decisive role in maintaining structural divisions. Each conference has located the group's theoretical and political priorities to the study of deviance and social control within its localised/national context to encourage connections with grass roots activism and social movements.

The origins of the European Group lie in a range of projects that occurred in a number of European countries in the late 1960s and early 1970s. These included various patients' and prisoners' movements; radical and social lawyers; the *Arbeitsgruppe Junger Kriminologen* (AJK) in Germany; and the *National Deviancy Conference* (NDC) in Britain. In 1970 three

<sup>1</sup> For further discussion of political and theoretical priorities see Sim et al. "Crime, the state and critical analysis" 1987; Scraton & Chadwick, "Challenging new orthodoxies: the theoretical and political priorities of critical criminology", 1991; Barton et al, "Developing a criminological imagination", 2006.

visiting scholars at the *School of Criminology* in the University of California at Berkeley - Stan Cohen, from Durham University, England; Mario Simondi, from the University of Florence, Italy; and Karl Schuman from Bielefeld University in Germany - were allocated the same office to share. As they exchanged ideas from their various parts of Europe, Cohen declared, 'it's crazy that we have to come to Berkeley to see each other. Let's do something when we go back to Europe?'<sup>2</sup> From this chance encounter plans developed and, together with Laurie Taylor and Margherita Ciacci, the three produced the first draft of the manifesto of the *European Group*. A later version of this manifesto, adopted by the Group at its second conference, is included as chapter three of this collection.

## OVERVIEW OF CONFERENCES

From its beginnings the European Group has been explicitly political. Although the original Manifesto stated that the group was 'Marxist' Stan Cohen has highlighted how, from its earliest days, the European Group had 'a strong anarchistic and libertarian ethos'.<sup>3</sup> It has always been willing to take sides - siding consistently with the powerless and progressive forces. The focus of the first conference - held in Florence, Italy - was on prisoners' struggles and part of this conference was suspended so that participants could join a demonstration of 15,000 people against the overthrow of the democratic Chilean government of Salvador Allende. Subsequent conferences have been characterised both by the involvement of local activists in the agendas of the group's conferences and the conference participants' involvement in local campaigns.

The conferences during the first few years focused on issues central to radical and critical criminology: crimes of the powerful; the political economy of legal control; the political nature of criminal law; the role of prisoners' and patients'

<sup>2</sup> cited in McMahon and Kellough, chapter two of this book.

<sup>3</sup> Cohen *personal correspondence with David Scott*, 2010

movements in penal and psychiatric reform; and the State's use of violence. Towards the late 1970s, the concept of power and its manifestations were analysed both theoretically and in specific contexts such as terrorism and State violence. The 1979 Danish conference explored fluctuating forms of discipline in our societies in a series of papers that were strongly influenced by the work of Michel Foucault.

During the 1980s, the group focused on State social control policies and the response and counter strategies of the groups targeted by these policies. These considerations were often linked to ongoing local struggles. In 1981 the conference was held in Derry, Ireland during the Republican hunger strikes; in 1983 it was in Finland where an attempt by the government to outlaw 'any encouragement of homosexuality' was being resisted by the local lesbian and gay community; and in 1984 it took place in Wales during the coal miners' strike. Each conference was able to incorporate these events into its programme to both enable an enhanced understanding of social control/resistance and to provide support for those engaged in the various struggles. An important conference took place in Hamburg in 1985, under the theme 'The Expansion of European Prison Systems'. This reviewed the carceral expansion setting out the major trends in European penality: harsher sentences for some crimes and some social groups; longer pre-trial detentions; increased use of both life imprisonment and short prison sentences; extended further sentences for those already imprisoned and the particularly rapid increase in the imprisonment of women and girls.

Issues relating to gender and the insights of feminism were central to the group's meetings in the late 1980s. In 1986 in Madrid meetings took place with the Spanish women's movement. In Vienna, under the theme of 'Justice and Ideology', abolitionist responses to violence against women were discussed and at the 1988 conference feminist research on justice and violence was the central theme. These discussions highlighted a continuing debate within the European Group between those who have argued that criminal justice failure

to address violence against women needs rectifying and those who question the desirability and usefulness of criminal justice and penal responses.

In the 1990s the Group responded to political changes taking place in Europe. On the one hand this involved moving away from a western European focus to incorporate the experiences/relevance of eastern European countries and on the other hand an engagement with the developing 'integration' of Europe through initiatives such as the Schengen agreement. Conferences at Potsdam (Germany) in 1991, Prague (Czech Republic) in 1993, Kazimierz Dolny (Poland) in 1997 and Palanga (Lithuania) in 1999 all took place in cities located in former communist countries. In Haarlem, in 1990, the conference explored the close relationship between penal policy and labour migration and how this was influencing a restructuring of legal systems, predating much of the contemporary analysis today on the scope and remit of 'crimmigration'. At the next conference in 1991 the implications of the changes taking place in Europe for social justice were examined. In particular the Potsdam conference explored the implications of 'Fortress Europe' for those countries and people excluded from it. This theme remained central to a number of other 1990s conferences. In 1992 in Padova, social control in the 'New' Europe was explored along with the inclusionary and exclusionary impacts of redefined citizenship. In Prague in 1993 social control strategies in Eastern and Western Europe were explored. At the 1997 conference in Kazimierz Dolny (Poland) explored 'Europe in Transition' whilst in 1998 in Spetses (Greece) the conference focused on the control of the movement of people.

The 1990s were also characterised by the European Group's critical engagement with the concept of 'Human Rights'. In the 1992 Padova conference focused on with the politics of rights. Whilst human rights offered a potential for progressive social transformation they also risked being deployed to support the status quo or reinforce the position of the powerful. The relationship between State crimes and

human rights were explored in the 1996 Bangor conference. Central to the discussions of a number of conferences was the manner in which the discourse of 'rights' was being deployed to support the exclusion of the non-citizen 'other'. The manner in which migrants and refugees, minorities, deviants and prisoners were seen to be outside the scope of these 'rights' was consistently exposed.

By the end of the twentieth century the European Group had held twenty-seven annual conferences and many of the key themes explored were to be revisited in the following thirteen conferences in the current century. State punishment was analysed at the 2000 conference in Nyneshamn (Sweden) and in Padova (Italy) in 2008. In 2006 and 2011, in Corinth (Greece) and Chambery (France) respectively the politics and policing of migration were central themes. Once again these conferences engaged with the pertinent issues of the day and provided an opportunity for critical thinkers across Europe and beyond to come together and think about the problem posed and strategies of resistance. The major theme of the 2001 conference in Venice was social change, whilst Utrecht (Netherlands) in 2007 explored power. The conference held in Belfast in 2005 focused on transition whilst the 2012 conference in Nicosia explored the theme of 'Beyond the Wire'. In 2002 at Krakow (Poland) social control was explored in the context of its relationship with violence and in 2009 in Preston (England) the implications of the (then new) recession for both social control and justice was explored.

Throughout its history the European Group has questioned the role of criminologists and the control of research and knowledge within the field of criminal justice and social control. The discipline of criminology was a major themes in 2003 (Helsinki, Finland), in 2004 (Bristol, England) and in 2010 (Lesvos, Greece). It will also be the theme of the 41st Conference in Oslo, Norway in 2013. These discussions have questioned the type of research project that received State funding; which groups of researchers were granted and which were denied access to institutions and data, and the value

placed on State commissioned researched over independent research. Many in the group argued that the role of the criminologist is to be a critical observer with no obligation to offer alternative/improved criminal policies. Others have argued for the direct participation in policy formation and for critical criminology's direct engagement with the various components of the criminal justice system.

### THE EUROPEAN GROUP TODAY<sup>4</sup>

Despite the troubling economic and political times and widespread attacks on intellectual autonomy across Universities in Europe and beyond, the European Group continues to be an essential forum for students of deviance and social control. The European Group continues to attract membership from a broad range of people - local advocacy and activist groups, academics, researchers, students, practitioners –with an array of different philosophies - Anarchism, Marxism, Feminism, Anti-racism and Penal Abolitionism. European Group conferences continue to highlight the importance of understanding the political nature of private troubles and public issues; the essentially contested nature of 'crime'; and how deviancy, normality and disorder must be located within the structural contexts of a given society. Further, by critically scrutinising the 'organised ways in which society responds to behaviour and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable in some way or another'<sup>5</sup>, manifestations of social control, such as migration and border controls, policing, the judiciary and detention, are placed firmly in the spotlight.

The European Group continues a critical tradition that challenges privilege, power and social and economic inequalities; exposes human suffering in its many different manifestations; provides a platform for those people whose voice is elsewhere denied; and work towards profound social transformations that

<sup>4</sup> See Scott, 'Opening Address of 40th Annual Conference of the European Group'

<sup>5</sup> Cohen, *Visions of Social Control* 1985: 1

can promote the genuine freedom and fulfilment of *humanity for all*. Whilst the critique and transformation of class hierarchies remains important to the European Group, its conferences also address a myriad of wider concerns regarding nationalism, heterophobia, racism, ability, ageism, hetero-normativity and sexual divisions.<sup>6</sup> The European Group therefore aims to foster 'emancipatory knowledge'<sup>7</sup> which has the explicit political and theoretical intention of not just understanding individual and social problems, but also challenging and transforming existing power relations.

The European Group remains rooted in a philosophy of anti-elitism and non-hierarchy – at conferences it makes no difference whether someone is a first year PhD Student or highly distinguished Professor, *all* are students of deviancy and social control who meet as equals. This non-hierarchical ethos continues to be central to the democratic and participatory workings of the European Group itself with conferences deliberately organised in an informal manner which emphasises a sense of camaraderie and friendship. The European Group offers a radical alternative to the values and politics underscoring capitalist, patriarchal and neo-colonial social relations and the managerial ethos that seems to characterise many universities today. In terms of the core values of the European Group:

- rather than individualised competition, *the European Group looks to foster mutual support, cooperation and sisterly and brotherly warmth;*
- rather than false hierarchies and elitism, *the European Group aims to nurture comradeship, collegiality and solidarity with sufferers and the oppressed;*
- rather than become politically sterile through claims to scientific objectivity, neutrality and value freedom, *the European Group emphasises political commitments, direct engagement in struggle and compassion for fellow human beings in need;*

<sup>6</sup> Swaaningen, *Critical Criminology* 1997

<sup>7</sup> Wright, *Envisioning a real utopia* 2010

- rather than determining research agendas simply by 'where the money is' or where the source and size of a research grant becomes more significant than the research undertaken itself, *the European Group promotes craftsmanship, intellectual autonomy and integrity*;
- And, rather than providing knowledge that can be used by the powerful to maintain the status quo, *the European Group endeavours to facilitate emancipatory knowledge that can be used to challenge existing power relations*.

The collegiality and solidarity offered by European Group conferences and the visions of social justice that they promote are undoubtedly even more important under neoliberal capitalism and its collateral consequences. Active participation in the European Group is perhaps higher today than at any other time in its history and with the development of new social media – *Youtube, Facebook, Twitter* and so on – the reach and presence of the European Group in lives of academics, students and activists can now be a daily experience.<sup>8</sup> The European Group coordinator and secretary also compile a detailed monthly newsletter delivered to over 1,200 subscribers which includes updates on activism and articles from members. Despite a proliferation of international conferences on the topics of 'crime, deviance and social control', most notably the now well established meetings by the *European Society of Criminology*, the distinct radical and emancipatory values and message of the Europe Group is today reaching an ever widening audience.

## **RATIONALE FOR THE SELECTION OF PAPERS AND OVERVIEW OF BOOK**

*Critique and Dissent* brings together and showcases some of the most exciting and theoretically innovative contributions delivered at the last 40 conferences. The edited book draws largely upon papers previously published by the European Group in

<sup>8</sup> See for example the European Group Facebook page <https://www.facebook.com/groups/105017501664/>

the 1980s and 1990s in the series 'Working papers in European Criminology'. In addition we have included a small number of the papers published elsewhere and one paper, by Paddy Hillyard, not previously published. Choosing which papers to include was a difficult task. In doing so we rejected any attempt to determine which were the 'best' papers presented at the conferences. Such attempts are doomed to fail - a quick glance at Appendix 2 which lists the detailed content of the fourteen books of European Group papers previously published will show the difficulty of this task. Further, it must be remembered that though papers are generally written and presented in the English language, this is not the first language of many authors/presenters. This means that gems can sometimes be mistaken for stones, and what was required was a careful reading exploring ideas and arguments – a recognition of substance over style.

What immediately struck us was the quality of the papers. These included many important contributions to critical criminology which were no longer generally available. They needed rescuing from the shadows where they have remained hidden for many years and made available to scholars, activists and others. Whilst individually we were familiar with two or three of the editions of the working papers none of us had had previous access to the complete sets. Fortunately Bill Rolston, who edited many of the editions of the working papers, was able to provide us with nine of the ten published editions. Volume 4, *Disputing Deviance: experience of Youth in the 80s* proved difficult to track down and although we now have a copy it was not available when we selected the papers for inclusion in this edition. In addition to the working papers Bill had kindly supplied us with a number of the *Bulletins* published by the Group which included a number of important papers. All of the material was initially read by at least two of us and a (very) long list of papers for inclusion drawn up. We then met up for a weekend in Manchester to agree some general principles for selection and then to apply these to choosing the papers.

The selection principles we agreed on were that:

- the papers selected for inclusion should be representative of the papers as a whole;
- we actively sought to avoid giving preference to the 'biggest' names;
- papers which had subsequently been published elsewhere and were, as a consequence, readily available should not be included;
- we should include papers from founders, former co-ordinators of the group and a number of editors of the 'working papers';
- the papers selected should be drawn from across Europe and maintain a gender balance;
- papers published elsewhere that made important contributions to the history of the European Group should be included;
- contributions that were original, introduced new theoretical insights or pre-empted developments in the discipline of criminology should be prioritised;
- only one paper from each volume of the 'working papers' should be included.

These criteria enabled us to move from our long list of papers to the selection contained in this anthology. We were however acutely aware of two deficiencies, an absence of contributions on the development of Zemiology and the absence of any papers on 'race'. Zemiology, an important theoretical development that emerged from the group, has argued for rejecting the paradigms of 'crime' and the sociology of deviancy and called instead for a focus on the harms of (legal and illegal) acts. Its introduction is one of the most important contributions of the group and to reflect this we approached Paddy Hillyard to ask if he could write up the paper he delivered to the Chambery conference in 2011. Paddy kindly agreed and this paper is included as a chapter of this collection.

The reasons for the absence of any papers directly discussing 'race' and racism is more complex and requires some explanation. First it should be made clear that this is not because the European Group has failed to engage with the issues of 'race',

racism or neo-colonialism at its conference. There is considerable evidence of the commitment of members of the European Group to tackle these issues head on: even the most cursory of glances at the publications of prominent members, previous conference programmes or the calls of papers indicate the depth of engagement. There have also been elements of previous conferences which have engaged with the issues of institutional, structural and state racism directly. One example is the 1989 Annual Conference (Ormskirk), where not only did the conference itself move for one of day to the Irish Centre and Liverpool 8, but the organisers brought together activists and campaigners from L8 whom Group members had worked with during the uprisings in the community in 1980 and 1985.<sup>9</sup> Indeed many other examples of engagement with issues of 'race' and racism could be given from other previous conferences, and some of these are highlighted in the papers selected for the book. On numerous occasions then the European Group has been involved in the heart of struggles around 'race' and racism, providing a platform for subjugated knowledges and the 'view from below', and therefore the omission of a specific chapter on 'race' and racism in this collection is ultimately the consequence of our decision to ensure the papers included in this book were representative of those published in the original ten *Working Papers in European Criminology* and that we should not publish papers from European Group conferences that have been published elsewhere and are currently widely available. Rather than commission a new unpublished paper to fill this gap<sup>10</sup>

<sup>9</sup> Scraton, P. 'Personal correspondence with the editors' 2013

<sup>10</sup> There have been a significant number of papers on the issues of 'race' and racism delivered at European Group conferences and some of these papers have been subsequently published as influential book chapters and journal articles. The extent of discussion of 'race' and racism will become more obvious when all of the conference programmes of the European Group have been collated and digitalised. Given the absence from this volume, it is important to highlight that discussions on 'race' and racism derived from papers of European Group annual conferences have entered the public domain and influenced the development of critical criminologies, but this is not reflected in the *Working Papers in European Criminology* / other publications based exclusively on conference proceedings, from which contributions to this anthology are primarily derived. See the 'call for papers' of 42nd Annual Conference of the European Group for the Study of Deviance and Social Control, Liverpool John Moores University, to be held 3rd - 6th September, 2014 at [www.europeangroup.org/conferences](http://www.europeangroup.org/conferences)

we have decided to highlight it for the European Group to address in the agendas of, and publications of proceedings from, future annual conferences.

As indicated above, the majority of the papers in this anthology were previously published in one of the European Group's *Working Papers in European Criminology*. These were published for ten years by the European Group based entirely on the efforts of volunteers. They are an impressive achievement. Throughout the decade of their publication they were all published within a year of the conference at which they were delivered. Written by scholars from across the world, many of whose first language was not English, the papers often required considerable editing and the technological challenges faced by the editors is well illustrated by Bill Rolston's introduction to *Working Paper Number 6* in 1985.

I typed all the edited papers onto a mainframe computer (a VAX 780) with the intention of transferring the files on-line to a computer at Oxford capable of laser typesetting (Lasercomp). However, time ran out, and an alternative plan had to be activated. The main frame computer did not have a word processing facility, so the files were transferred to floppy disc and word processed on a micro-computer (a Gemini Galaxy 1); each floppy has an amazing 800K capacity. Finally, the files were printed out on a daisy wheel printer, pasted down on lay-out sheets and presented to the printer photo-ready.<sup>11</sup>

Given that the contributions were 'working papers' and the challenges faced by their editors many of the papers included in this collection required further editing by us. We have also tried to be more consistent in referencing style and to, where possible, provide further or fuller references. Many of the

<sup>11</sup> Rolston, 'Introduction' in *Working Paper Number 6* 1985 p.7

authors have cited sources written in languages other than English. These references have been retained in the language of the source. Whilst we have made every effort to remain true to the meaning of the original we have had to rewrite sections of the papers and substantially edit a number of the papers.

This compilation of this anthology is one part of a bigger project to share the work of the European Group with a wider audience and plans are underway to digitally republish all ten of the working papers in their original format. It is also hoped to digitalise other European Group material, including its Bulletins and Conference Programmes, and make these available through the Group's website (<http://www.europeangroup.org/>).

We have organised this selection of papers into three sections: (1) Theoretical Priorities of the European Group; (2) Critique and (3) Dissent. Each section has a dedicated introduction which provides a brief outline of the themes which the papers collectively engage. This is then followed by a brief overview of the following chapters. The anthology concludes with two appendices: Appendix 1 provides details of the 41 conferences of the European Group (1973-2013) whilst Appendix 2 (as explained above) provides details of all the books published based on conference proceedings.

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## **SECTION A**

THE THEORETICAL PRIORITIES OF THE  
EUROPEAN GROUP FOR THE STUDY OF  
DEVIANCE AND SOCIAL CONTROL