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# THE POLITICS OF DISSENT

AN INTRODUCTION TO SECTION C

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The European Group was formed against the backdrop of the radical social movements of the 1960s and 70s – a period which saw student occupations, civil rights campaigns and industrial strikes erupt across Europe and beyond. Central to the development of the European Group has been the infusion of academic research and political activism. European Group members continue to play an active role in campaigns for social justice and civil rights, including prisoners' rights organisations, LGBT liberation groups and campaigns against police violence. European Group conferences have provided a meeting place for academics, practitioners and activists who share critical perspectives on crime, deviance and criminal justice and other social control institutions. During the height of the 1984-5 miners' strike in Britain, striking miners and their supporters participated in the twelfth Annual European Group Conference in Cardiff, debating alongside academics the extraordinary expansion of the State's security and intelligence gathering apparatus

during the strike. At the fortieth Annual Conference in Cyprus in 2012, delegates joined striking hotel workers on picket lines and passed resolutions of solidarity to support their campaign for fair pay and welfare rights. In recent years, European Group conferences have passed motions condemning the violent policing of anti- 'austerity' protests and racist immigration policies across Europe.

This section brings together six papers delivered at European Group conferences during the last forty years. As Phil Scraton notes in his paper in *Section A* of this anthology, the formation of the Group represented a break from the positivist orientations within mainstream criminology and their translation into State policy and institutional practice. The Group's founders sought to resist the predominance of what Nils Christie later termed 'useful knowledge' - useful only to institutions of the State. The papers showcased in this section reflect the group's commitment to break away from dominant analytical frameworks for understanding deviancy and social control and offer a critical, emancipatory criminology.

In the first paper in this section, Karl Schumann considers the relationship between mainstream criminology and State policy and institutional practice. Describing the production of criminological knowledge in Germany, Schumann notes that the German State draws a distinction between 'proper' criminologists - who advocate a 'pseudo-science' of criminology; and 'deviant' criminologists - who examine law in its social context. Schumann suggests that the former category play a central role in legitimising the repressive practices of criminal justice institutions. Schumann dismisses claims to scientific objectivity prevalent within the positivist orientations of mainstream criminology as the work of 'charlatan scientists'. In doing so, he identifies various 'deceptive practices' adopted by criminologists in order to demonstrate legitimation. First, there is a claim that criminology is a unique and coherent subject which is able to explain 'crime'. Noting that the only consistent feature of all 'crimes' is that they are labelled as such by actors within the criminal justice system, Schumann

dismisses these claims as an 'illusion' designed to obscure the partial application of criminal law by the State. Second, there is the claim that 'legitimate' criminological research adopts the highest standards in research methodology. Schumann suggests that this has resulted in a 'fetishistic' attachment to scientific research standards and the rejection of critical research which falls foul of the scientific model. Schumann also considers the prevalence of 'embedded' research and the growing patronage of criminological research by the State in terms of research funding. These developments have led to what Schumann describes as an 'access for loyalty bargain' - an understanding that the researcher will not report on his or her observations in a way that will harm the institution studied. The impact of disloyalty by 'deviant' criminologists' is the rejection of research findings and the incompatibility of future research possibilities.

The (ab)use of social-scientific research to legitimise repressive State practices is also the focus of Olli Stalstrom's paper in chapter twenty one. Writing in the context of the Finnish gay rights movement, Stalstrom highlights the role of scientific 'experts' in manufacturing stereotypes of homosexuality that led directly to discriminatory State practices and the widespread suffering of gay people. Stalstrom notes that the application of the 'sickness' label, which became the prevailing psychiatric school of thought about homosexuality in Finland in the 1970s and 1980s, legitimised the introduction of broad censorship laws to prohibit open and positive discussion about homosexuality. These developments, together with the widespread attack on gay people during the AIDS panic of the 1980s, triggered a significant demoralisation within the gay liberation movement and a rapid deterioration of the living conditions of gay people in Finland. Stalstrom considers the emancipatory potential of critical research and the role of academic researchers within emancipatory movements. Describing himself as both 'gay rights fighter' and 'sociological researcher', Stalstrom charts his involvement in a participatory action research project at Helsinki University

and the strategies by which the research was used to expose State-sanctioned stereotypes of gay people as both scientifically unfounded and homophobic.

In Chapter twenty two the Welsh Campaign for Civil and Political Liberties consider the role of women during the 1984-5 miners' strike in Britain. Drawing on interviews conducted with women in the mining communities of South Wales at the height of the strike, the chapter describes the dual struggle faced by the women in both standing up for their communities against the onslaught of Thatcherism and also claiming their right to take an active part in the struggle in the face of hostile attitudes towards women's involvement in the strike from within the trade union movement. The article describes the strength and remarkable resilience of the women, whose various acts of solidarity sustained the strike in the face of the extreme hardship faced by mining communities. With the removal of wages, reduction of welfare benefits and the lack of an adequate strike fund, women in these communities developed an 'alternative welfare State' in order to support the striking miners and their families. This included the formation of support groups, arranging food collections and distributing resources. The chapter concludes that although the strike was eventually defeated, the lives of these women were changed dramatically through struggle, not only as individuals, but in terms of their relationships with men in the communities in which they lived. Their active participation in the strike also played an essential part in changing attitudes towards women in the trade union movement.

The themes of solidarity and survival are developed in chapter twenty three. Writing in the context of long-term imprisonment in Northern Ireland, Bill Rolston and Mike Tomlinson consider the impact of imprisonment on prisoners and their families. At the time the paper was written, Northern Ireland had an unusually high proportion of prisoners serving long sentences of imprisonment, many of whom were incarcerated as a direct result of policing techniques and a criminal justice system specifically adapted for the

eradication of 'political violence'. Although a body of social scientific research had begun to consider the impact of imprisonment on the general long-term prison population, there were significant gaps in the literature regarding the experiences of political prisoners in Northern Ireland. Rolston and Tomlinson's research was an attempt to begin to fill this lacuna. Drawing on interviews with prisoners and their relatives, the researchers found that whilst there were similarities in how 'political' and 'non-political' prisoners and their families survived long-term imprisonment, such as breaking down the sentences into manageable periods, the former category invoked additional dimensions of survival. In particular, they found that the central role played by prisoners in the political situation in Northern Ireland, the involvement of relatives in prisoners' support groups and the collective struggle which led to their incarceration played an important role in the prisoners' psychological survival. Rolston and Tomlinson found that this broader political context translated into the ongoing processes of survival inside the prison. Through engaging in acts of collective solidarity such as protest and education, prisoners were able to establish a 'collective identity' which enabled them to withstand even the most extreme privations. Rolston and Tomlinson conclude that for many political prisoners and their families, prison was not merely an individual experience but was rather a matter of 'collective survival'.

The impact of imprisonment is also the focus of Susan Smith's paper in chapter twenty four. Here, Smith analyses the experiences of prisoners' wives and girlfriends, highlighting the dichotomy between the construction of prisoners' families as a potential source of rehabilitation, and the isolation, neglect and lack of basic civil rights that prisoners' families experience. Smith argues that despite not being the sentenced party, prisoners' families suffer a punishment at least as profound as that of their imprisoned partner. Moreover, although prisoners' families constitute a category 'victims of crime' in a very real sense, they are excluded from the financial and other forms of support available to those upon whom a crime is perpetrated.

Smith argues that this neglect of prisoners' families should be understood in the context of the withdrawal of the welfare State and the reassertion of individualistic free market values. With some of the State's welfare functions passed on to the family, prisoners' families are expected to uphold current expectations of familism within a set of circumstances that renders this an impossible task. Prisoners' families thus deviate from the accepted norm of the ideal nuclear family, attracting additional formal and informal policing of their activities. Smith suggests the neglect of prisoners' families has a punitive motive. She argues that the State relies on their non-voice and inability to construct a cohesive and cogent set of demands which stems from their isolation and vulnerability. In order to challenge the State's punitive control over their lives, prisoners' families must develop a 'political voice', discarding their isolation and control and expressing their own 'unique strength'.

In addition to analysing the violent practices of criminal justice institutions, European Group conferences have considered the development of radical alternatives to the criminal justice system. In the final chapter in the book, Karen Leander, former Coordinator of the European Group and a long-time advocate of women's rights, considers the regulation of rape beyond the criminal justice system. Leander's chapter powerfully exposes the inability of the criminal justice system to adequately deal with cases of sexual violence. Describing legal reforms in Sweden to improve attrition rates in rape cases, including changes in statutory definitions of rape, Leander notes that although the reforms did lead to some increase in the number of reported rapes, they did not lead to a corresponding increase in convictions. Leander traced the flow of reported rape cases through the criminal justice system, finding that three-quarters of reported rapes were dropped during the police and prosecutorial stages. These statistics, Leander suggests, highlight the limitation in relying on the 'blunt instrument' of criminal law to deal with sexual violence, with the majority of cases unable to reach beyond the 'glass

ceiling' of prosecution. Leander thus advocates the consideration of radical alternatives to criminalisation in rape cases. One suggestion considered by Leander is the use of civil rather than criminal law to allow rape victims to gain some degree of redress. Although accepting that such a move may appear to amount to the 'decriminalisation' of sexual violence, Leander suggests that given that the burden of proof is lower in civil cases, there is a higher possibility of holding rape perpetrators responsible. Until worthy alternatives within the State's apparatus begin to emerge, Leander argues that it is necessary to consider 'complements' to the criminal law that could give the victims of sexual violence a strengthened sense of empowerment, redress and emancipation.