



TOWARDS A CRITICAL, EMANCIPATORY AND INNOVATIVE CRIMINOLOGY

AN INTRODUCTION TO SECTION A¹²

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The first section of this anthology focuses on the history and politics of the European Group for the Study of Deviance and Social Control. The selected papers, written between 1974 and 2013, highlight key continuities in the European Group's history: its independence, both politically and financially, from State agencies; its willingness to answer clearly the question of whose side it on, consistently aligning itself with the weak and oppressed; a clear understanding of the relationship of theory to practice/action; and a commitment to resist hierarchies and elitism. The values and aspirations of the European Group's founders are shown

¹² Scraton, P. chapter six of this book

throughout this section to have remained central to the group throughout its 40 years of operation.

The European Group for the Study of Deviance and Social Control held its first conference in 1973. Its origins lie in intellectual and political developments that occurred in the 1960s and these are explored in the opening chapter of this section; an interview of Stan Cohen, the European Group's founder, by Maeve McMahon and Gail Kellough. In this chapter, an abridged version of an interview previously published in 1987, Cohen talks at length about the emergence of radical criminology placing it in the context of political and cultural developments and the influence of writers such as Laing, Marcuse, Fanon, Illich and Foucault. Cohen's ambivalent relationship with abolitionism, an important influence throughout the European Group's history, is also explored in this interview. Whilst Cohen is clearly attracted to the ideals and morality of abolitionism he fears that it 'doesn't sound politically relevant'. This leads him towards the left realist position; however he then concedes that the realists 'have lost their visionary edge' and discarded, at least in part, 'theoretical integrity.' This conflict in Cohen's thinking is explored in more depth by David Scott in chapter eight of this section.

The interview concludes with a discussion of criminology's neglected areas. This is particularly important as the motivation for both developing a radical criminology and for forming the European group for the Study of Deviance and Social Control was, at least in part, to address these absences from the criminological endeavour. In 1987 Cohen identified three neglected areas, white-collar/corporate crime, social control, and comparative criminology. Cohen's call for a refocusing of attention away from 'young male working-class property offenders' towards the 'crimes of the powerful' has been responded to by the European Group in both the agendas of its conferences and the scholarly outputs of its members. In particular it is from the European Group that a fundamental critique of criminology and the sociology of deviancy, zemiology, has emerged. By arguing for a focus

on 'harm' rather than 'crime' or 'deviancy' zemiology facilitates a movement away from the often petty and relatively insignificant harms of street crime to the far more harmful acts of States and corporations.¹³ Cohen's selection of social control as his second neglected area is a little more surprising. However, his critique is directed specifically at the tendency of studies of social control to focus on 'the State organized criminal justice system' and he argues for a broader exploration of social control that encompasses the whole range of social organisations that exert control including 'families, schools, the media, consumer culture.' This critique remains relevant and a possible challenge to the European Group in coming years will be to broaden its focus on social control, punishment and the penal system to incorporate fully the mechanisms for regulating (or not) individuals, corporations and States. Cohen's final neglected area is comparative criminology which he dismisses as 'what happens when Western criminologists get on a plane and land in some place and come back and write about it.' The European Group for the Study of Deviance and Social Control has been in a unique place to address this defect but whilst its conferences have often provided the opportunity to explore areas from different national perspectives there remains a failure to engage with the task of developing work which is truly comparative.

At the group's second conference in Colchester in England in 1974 those attending agreed its first manifesto which is reproduced here as chapter four. Building on the ideas behind the emergence of Radical Criminology articulated by Cohen in the previous chapter the manifesto opens with a critique of the state of criminology which largely, it argues, 'consists of variants of positivism'. These locate 'crime' and deviancy in 'abnormal' personalities and State agencies responsible for social control were viewed in a supportive and uncritical manner. In response the European Group was committed

¹³ Hillyard, P. and Tombs, S. *Beyond criminology?* in Hillyard, P., Pantazis, C., Tombs, S. and Gordon, D. *Beyond Criminology: Taking harm Seriously*, London, Pluto Press 2004

to developing a theory which both granted 'deviant' actors agency and recognised that their acts took place in a social setting not of their own making. Although initially this approach was avowed Marxist, the European Group recognised 'the problematic nature of that framework' and sought to avoid 'a dogmatic stance within that debate.'

The Manifesto makes clear the internationalist nature of the European Group and establishes its independence from State agencies and funding. It sets out the method by which it hoped to achieve these aims, by regular annual meetings of members and its working groups; publishing regular newsletters; maintaining a register of members' research interests; and encouraging co-operation. Looking back 40 years after its formation, this approach remains largely intact. The European Group for the Study of Deviance and Social Control remains both political and financially independent. It has held annual conferences in every year, although there have been times when the working groups have not function a number are currently active and with the introduction of social media the scale of collaboration and communication between group members has never been greater. The relevance and aspirations of the 1975 Manifesto remain in 2013

The early theoretical significance of the European Group for the Study of Deviance and Social Control to understandings of criminological knowledge is explored by Margherita Ciacci and Mario Simondi in chapter five. Their paper, originally published in 1977 in French has been translated by Emma Bell and is published in English in this volume for the first time. The chapter locates the emergences of new ideas in criminology and the sociology of deviance in the political economy of the 1960s and early 1970s. Ciacci and Simondi argue that Western European capitalism in that period had generated on the one hand surplus labour and on the other had developed the Welfare State. The structural unemployment they highlight disproportionately impacted on 'a young qualified workforce in possession of an average higher education diploma.' Ciacci and Simondi show how the Welfare State was deployed as the

mechanism to manage this problem and enable the 'continuation of a set political order'. Where the Welfare State appeared to be unable to achieve this the State resorted to repressive measures, by 'widen(ing) the field of action punishable by law'. This analysis makes fascinating reading in 2013. Firstly following the 2008 banking crisis unemployment in Europe has doubled with current levels of unemployment among young people averaging 24.4% in the euro area with rates of 40.5% in Italy, 42.5% in Portugal, 56.4% in Spain and 62.5% in Greece.¹⁴ The neo-liberal response has not been to extend the Welfare State but instead, under the banner of austerity, to subject it to substantial and severe contraction and cuts. The deployment of criminal processes and penal sanctions has in recent years been more extensively deployed. What has remained consistent is, as Ciacci and Simondi argue, the need to place both the State and political economy at the centre of any attempt to understand social control.

This spotlight on the State and contemporary political economy by Ciacci and Simondi has lead members of the European Group from its foundation to reject the focus on the individual deviant actor which had previously dominated criminology and instead see 'the exercise of social control as being its principal reference point.' The impact of this approach is highlighted by the approach of European Group members to white collar crime, which Ciacci and Simondi see as a radical departure from the tradition started by Sutherland. Whereas previously work had seen crimes of the powerful 'as a (rectifiable) incidence of the dysfunction of the social system' European Group members have instead highlighted how they are 'the inevitable corollary of the management of power in a capitalist society.'

Chapter six is a history of the European Group for the Study of Deviance and Social Control from its foundation until 1991. In this chapter René van Swaaningen identifies four distinct periods in the group's early history. From 1973 to 1976 the focus

¹⁴ Eurostat News release 2013.

was on filling gaps in criminological knowledge by thematic conferences on radical themes such as prisoners' actions, white collar crime and the relationship between the economy and crime. In the second phase, between 1977 and 1981, the central theme of conferences was the role of the State. In this second phase, van Swaaningen argues, the European Group 'had slowly deteriorated into a slightly blindfolded political instrument'. However in the period between 1982 and 1986 he sees an attempt to create a more even balance between scientific and political commitment with in particular a stronger emphasis on the 'original agenda of critical criminology and its relation with social movements.' His final period, from 1987 until the article was drafted in 1991, is characterised by a movement away from the 'strongly Anglo-centric Marxist analyses of the generation of 68' towards 'thoughts which had their roots in abolitionist insights or deconstructivist philosophies of the post 68 generation.' In particular he highlights the growing influence of both feminism and Foucaultian thought on the European Group.

Looking forward (from 1991) van Swaaningen makes a number of suggestions which echo those of Cohen in chapter three. Firstly he also argues for the development of analysis of social control that are much wider than the State and its agencies. Secondly he argues for a 'more explicit international orientation' (and far less time spent focusing on 'typically British hobby horses') that would allow a genuinely comparative criminology to emerge. He concludes that whilst it is important to retain the European Group's commitment to social justice this must be complemented by a far greater appreciation of diversity. An international critical criminology cannot be based on 'uniform paradigms and strategies which are supposed to be applicable in every country' but needs to be able 'to do justice to (the) diversities' of different countries political, economic and legal structures.

Throughout its history the European Group for the Study of Deviance and Social Control has remained critical of much of the criminological enterprise, critiquing the way it generates knowledge to serve the interests of the powerful.

In turn this has led to those operating at the centre of State-sponsored criminology to dismiss the European Group and its members' contributions as unimportant, idealistic and irrelevant. Writing in response to a reference that the European Group was 'marginal', Phil Scraton in chapter seven provides a powerful defence of the value and importance of the European Group. Scraton draws heavily on his personal experiences both of attending conferences and of wider relationships made possible through his membership of the European Group. His account of the Belfast conference in 2005 demonstrates the unique qualities of European Group conferences: how they connect with what is happening politically in the host city/country; the range of topics and speakers; the inclusive and non-hierarchical organisation and activities which take participants out from the conference venue and into the local community. Scraton shows that the European Group is far from marginal to much that is important and suggests that if it is in fact marginal to mainstream administrative and the priorities of government agencies then this should be seen as a strength.

In recent years the European Group has sadly experienced the deaths of a number of members who have made important contributions. Andrea Beckmann's moving tribute to Louk Hulsman following his death in 2009 is included as chapter eight of this collection. Although Hulsman published sparingly he was a hugely inspirational thinker and teacher whose contribution to the life of the European Group was immense. Beckmann's paper captures this and places it in the context of his life and career. A member of the resistance to the occupation of the Netherlands by Nazi Germany he was captured and held in a concentration camp before escaping and re-engaging in resistance activity. Beckmann charts his career as a civil servant, his role as one of the main architects of the tolerant Dutch drug policy, as Chair of the Dutch Probation Service as well as his contribution as a professor of penal law and criminology. But central to this appreciation is Hulsman the human being. For Beckmann Hulsman 'embodied and lived

the humanistic, open and eclectic core of abolitionist thought that takes care to be sensitive to the contextual, situational and personal interpretations of 'lived experiences' as they are defined by people'. Later in 2009, shortly after the successful Preston conference which had celebrated Louk's life and contribution to the group the longstanding co-ordinator of the Group, Karen Leander died. Karen's immense contribution to the group is recognised by the inclusion of her paper 'The Decade of Rape' in section C of this collection.

One of the speakers at the 2009 conference was Stan Cohen, who had played a central role in the birth of the European Group. It was to be his last European Group conference and the paper he delivered is included as chapter nine of this anthology. The paper starts out by highlighting how the values promoted by a 'decent university' such as 'care for learning in itself; scepticism about accepted knowledge; the personal qualities of tolerance and friendship; the political values of fairness and social justice' are often, incorrectly, deemed as not belonging to the real world. Cohen moves on to review his own contribution to our understanding of the concepts of 'moral panics' and 'denial' and the inherent conflict between the two concepts. Central to the exposure of moral panics was an understanding of labelling theory which determined that whatever it was that was being panicked about was being over reacted to; that in reality 'there's no need to panic, calm down, it's not that serious, it's not the end of the world'. The logical conclusion was that the appropriate response to a moral panic was denial. In his later work Cohen's focus was on the reactions to atrocities such as torture and genocide and how these were routinely denied. Whereas earlier he had warned about 'moral panics' as over responses he was subsequently challenging 'denial' as a failure to respond adequately. Are these concepts therefore just political tools, labels to be given to situations to reflect your own individual beliefs? To further explore these two concepts and to determine if they can be deployed objectively Cohen uses the example of climate change reaching some quite surprising conclusions.

Sadly, whilst we were working on this anthology, Stan Cohen died after a long illness. In chapter ten David Scott pays tribute to his contribution to criminology over the past four decades. Scott uses Cohen's major work to demonstrate the development of his ideas and the way they underpinned the development of the discipline of criminology. Highlighting Cohen's scholarship and moral purpose Scott shows how so much of the language of contemporary criminology was shaped by Cohen's work. He concludes by highlighting the continued relevance of Cohen's values to criminologist working and writing in the contemporary managerial university.

This section concludes with another European Group Manifesto. Chapter eleven is the manifesto of the group's recently re-established working group on prison, detention and punishment. Re-launched at the *Sights of Confinement* conference in Liverpool in March 2013 the working group provides a network for radical scholars and campaigners.¹⁵ The manifesto illustrates the continued link between theory and practice which has characterised the European Group since its formation. The working group sets out its aspiration to promote both 'intellectual interventions and direct activism' aimed at exposing 'the brutal realities of detention, penal confinement and community punishments'. Drawing on a long tradition of engaging critically with the rationale of social control interventions that has characterised the European Group, the manifesto argues that they should be evaluated within 'wider moral and political contexts'. It is the weakest and most vulnerable who are targeted by penal interventions which are carried out in institutions that 'fail to uphold human rights' or 'meet the demands of social justice'. The working group is distinct from other research groups, inter-governmental agencies or alliances of penal reform groups in that it is not concerned with the more effective functioning of penal institutions. It sets out to be unashamedly

¹⁵ For a report of this conference see Jefferson 2013 and Hayes 2013

‘marginal’ to that enterprise instead arguing for ‘the utilisation of strategies drawing upon direct action and abolitionist praxis to facilitate radical penal and social transformations’. The European Group for the Study of Deviance and Social Control maybe 40 years old but this Manifesto demonstrates it has not lost its radicalism or moved from its mission to challenge the orthodoxy of mainstream criminology.

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AN INTERVIEW WITH STANLEY COHEN

Maeve McMahon and Gail Kellough

This is an abridged version of Maeve McMahon (MM) and Gail Kellough's (GK) interview of European Group founder Stan Cohen (SC) which originally appeared in Canadian Criminology Forum, Volume 8 in 1987. The subheadings have been added by the editors of this anthology.

ON MORAL VALUES

(SC) [...] The stress on moral values is something which has always been a constant for me. If I look back on everything I've written, I'm always insisting that some connection be made between the theory and the practice - and peoples' stated or implied values (whether you call them moral or not).

That doesn't mean I'm advocating this for everybody. I'm not a preacher. I'm not saying every sociologist should be willing to do that and you're a 'moral imbecile' if you don't. That's just how I prefer doing it. I think that in criminology, or sociology of deviance, or justice studies - as opposed to many other branches of the social sciences and many branches of