

# Concepts for the Revitalization of Critical Criminology

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## Abstract

What survives of the notions, principles and values of critical criminology? Faced with contexts that could not be more dramatically different to those fostering critical approaches to crime and its control, what is left of the radical theories and practical initiatives that characterized it in the 1970s? This article does not offer a history of critical criminology or a survey of contemporary debates in the area. Rather, it suggests a number of concepts in the form of variables (or thematic areas) through which novel critical views of crime and its control can be elaborated. Throughout, this article will refer to the contribution of early critical criminology only in relation to the concepts proposed.

**Keywords:** distance, proximity, power, mercy, troublemakers.

## Introduction

Critical criminology is said to be more relevant today than it has ever been in the past decades. Allegedly, this is because of the increasing awareness that crime and processes of criminalization are rooted in the core structures of society (DeKeseredy, 2011; DeKeseredy and Dragiewicz, 2018). However, such awareness may be insufficient to connote critical criminologists. Several mainstream scholars, in fact, would focus on structural issues and accept the existence of a link between crime, criminalization and the social context in which these take shape.

A recent attempt to revitalize critical criminology has proposed to qualify this school of theoretical and empirical inquiry with the adjective 'alternative'. Hence the proposed distinction between conservative and critical alternative criminology, the latter aiming at the deconstruction of 'the meanings of crime and criminal justice so as to expose the relationships between social structural inequalities, criminal justice, laws and human identities' (Carlen and França, 2018: 4). But again, the term 'alternative criminology', we are warned, could well apply to reactionary counter-reformers who advocate savage punishments and gross violations of human rights. Frequently, the adjective alternative is followed by the pluralized 'criminologies', which not only engage in providing competing interpretations of crime and criminal justice, but also pursue social justice. The neologism 'criminologies' intends to describe the array of diverse perspectives and the cutting-edge topics addressed, while suggesting how creativity and sensitivity to problematic social issues can bring an academic discipline into unpredictable labyrinths of knowledge. In this respect, a rapid journey through contemporary debates would bring to enriching encounters with a variety of

innovative perspectives focused on gender, sexuality, post-colonialism, the environment, corporations, war, peace and much more (Brisman, 2019).

Critical alternative criminologies, unlike their conservative counterparts, are also said to absorb concepts from jurisprudence, law, economics, sociology, anthropology and psychology. They are inspired by history, feminism, cultural studies, politics, urban geography and, finally, they place increasing emphasis on imagination, emotions, aesthetics, cinema and fiction. This 'creative fragmentation' could be interpreted as a sign of enrichment and growing efficacy, proven by the favourable reception of critical views by practitioners and lawmakers. Because of this expanding efficacy, it is argued, 'the utility of the current academic practice of analyzing crime theories in terms of their conservative or radical potential becomes ever more questionable' (Carlen and França, 2018: 9).

This article proposes that it is fundamental to keep on distinguishing critical from conservative positions. With this purpose, it identifies the radical potential inherent in the choice of concepts that critical criminologists can address today, arguing that by prioritizing such concepts critical criminologists position themselves at a distance from their conservative counterparts. Particularly, key concepts such as 'distance', 'power', 'mercy' and 'troublemakers' are dealt with in the following pages. Throughout, the article analyses these notions by unearthing their original philosophical conceptualization, their use by early critical criminologists and the potential use that might be adopted today for a revitalization of the discipline.

### **The implications of the concept of 'distance'**

For early critical criminologists, 'distance' alluded to their dissociation from mainstream colleagues engaged in positivist analysis and the measurement of criminality and its control. Critical criminologists distanced themselves from official definitions of crime, contending that the unequal distribution of power and of material resources provided their unifying point of departure (Friedrichs, 2009; DeKeseredy, 2011). Their focus on criminalization processes was meant to reveal how 'difference' was associated with social or psychological pathology and deviance with sheer departure from statistical norm. Certain individuals and groups were stigmatized and punished because depicted as 'distant' from a satisfied and orderly society. The task was 'to create a society in which the facts of human diversity, whether personal, organic or social, are not subject to the power to criminalize' (Taylor, Walton and Young, 1973: 282).

Critical criminologists, while deconstructing generally accepted values, were influenced by ascending social movements equally dissatisfied with aspects and cornerstones of society: work, the family, the nation and affluence. These movements reduced the distance between the different social groups by amalgamating collective aspirations and radical political programmes.

'The world of criminology was touched by these upheavals, as was each discipline of social sciences, but perhaps more so – occupying as they do the crossroads of order and disorder – were law and morality' (Young, 1998: 15).

The outburst of radical intellectual work in the period 1968-75 was not the result of the ferments characterizing academic life, but the expansion onto the academy of the tumults shaking civil society. Law and morality, as in Jock Young's quote above, were the arenas in which critical criminologists attempted to 'reduce the distance' that separated them from other sectors of society. Where does this notion of distance come from? A classical notion of 'ethical distance' emerges from the juxtaposition made by Aristotle (1991) of natural law and particular law. In his view, just and unjust are general ideas derived by nature rather than human-made legislation. Something forbidden can be naturally just, as for instance the burial of Polynices, prohibited by Creon, but unlawfully carried out by Antigone. The tragic juxtaposition between the two is a celebration of human freedom, allowing the heroine to struggle against the authority (Steiner, 1984). Public duty, in sum, clashes with private sensibility, the latter inspired by unwritten general laws whose existence Aristotle deemed self-evident, totally unnecessary to demonstrate. Human law is the law of day, known, visible and masculine, contrasted by Derrida (1974) to the law of night, natural or divine, hidden and feminine.

Another related notion proposed by Aristotle was 'social distance,' which influences our emotional relationship with victims of crime, as we tend to pity 'those who resemble us in age, habits, position or family', while thinking that 'their misfortune may befall us as well' (Aristotle, 1991: 227). Moreover, there is 'distance in space' which leads to indifference, or at least to the weakening of pity but also of guilt. Think of the question posed by Chateaubriand (1866) whether a person would wish the death of a wealthy inhabitant of China as a condition to inherit her wealth. The question is reformulated by Balzac (1966) in *Le Père Goriot*, when Vautrin and Rastignac fantasize about a magic gift by which, through simply pressing a button, every wish one utters will be immediately granted, but at a price: every time the button is pressed, one Chinese will die (Ruggiero, 2015a). Distance in space exempts one from observing moral obligations, including the most basic ones: in India, Balzac writes, the English were killing thousands of people while at home they were placidly enjoying their cup of tea (Ginzburg, 1994).

The question is, can distance be a crucial variable for the revitalization of critical criminology today?

First, the variable distance can be used by critical criminologists today in the analysis of financial crime, which victimizes invisible individuals through operations conducted from a keyboard and visualized on a screen. Drone operators also keep a distance from their targets and exercise their Zeus-like power to hurl thunderbolts from the sky, obliterating untried victims with impunity. War, thus, becomes invisible and its spectacle never enters the public domain. Since 1991 Western countries led by the US have fought in Iraq, Bosnia, Somalia, Serbia, Afghanistan, Iraq again, Pakistan and so on. Yet, we may feel that we have never been at war.

Second, critical criminology today may choose to advocate proximity to the problematic situations described as crime. Distance annuls the causal relation between action and its effect, causing disorientation and diluting the importance of events. It erases moral imagination while increasing the fragmentation of experience and the depersonalization of relations. Distance determines frames of interpretation, which shapes the nature and characteristics of what we observe

(Christie, 1996). In an example provided by Hulsman (1986), different interpretative frames are tested in relation to an event such as a road accident in which one driver is injured. One interpretation could be that the driver causing the accident was drunk. However, adopting a fatalistic frame of interpretation, one could argue that accidents happen from time to time like one happens to catch a cold. Shifting the focus on the variable risk, one understanding of the event might lead to the choice of avoiding cars and using public transports instead. Individualistic interpretations would place blame solely on the responsible for the accident, while societal understandings would blame organizational factors causing dangerous car driving (Hulsman, 1986; Ruggiero, 2010). Therefore, distance determines whether conduct is deemed an act or a crime, it clarifies or dims our grasp of a problematic situation as experienced and simultaneously caused by people interacting.

Third, critical criminologists may want to diversify the vocabulary used to refer to problematic situations so as to avoid being trapped in immutable definitions. This is because distance leads to the appreciation or the neglect of the harm being produced. Knowledge of the events observed from a long distance is limited and encourages observers to opt for precise linguistic choices. This was one of the problems encountered by Erving Goffman (1961), who soon realized that the language for describing the people confined in the mental hospital he was studying 'embodied just one voice and one perspective, that of the people who had the power to confine others' (Becker, 2007: 227). On the contrary, critical criminologists may want to imitate the mad man in Canetti's (1987) *Auto da Fé*, who designates the same object with a different name each time he touches it, so that he is not imprisoned by fixed and immutable definitions. Close distance from the social reality he studied allowed Goffman to describe what were repellent practices without using judgmental language. Similarly, when studying marijuana smoking and smokers, Becker (1973) deliberately avoided using the word *addiction* and spoke of "marijuana use". 'Many readers understood that minor linguistic variant to imply that the people who smoked marijuana were actually engaged in a harmless practice and therefore should not be harassed legally' (Becker, 2007: 224). Names given to the things we study have consequences: if conventional thinking and language require the identification of Good Guys and Bad Guys, along with the apportioning of praise and blame, 'the real job at hand is to figure out how things work and present an accurate account of that understanding' (ibid: 223). Ultimately, distance from events influences the perception of facts and reflects political and philosophical choices in describing and evaluating them. In sum, the adoption of the concept of proximity may lead to a substantial revitalization of critical criminology.

## **Power**

In this thematic area, critical criminology today will find inspiration from a range of radical insights offered by social and political theories. This indeed was also the perspective of early critical criminology. Power was distant from the majority of early critical criminologists who studied it, nor would proximity have generated their solidarity with powerful offenders. Thus, early critical criminologists attempted to move out of their 'artificially segregated specifics' and 'face the same problems that were faced by the classical social theorists'

(Taylor, Walton and Young, 1973: 278). Power was seen as inherent in class divisions, but also in the 'unequal class, race/ethnic and gender relations that control our society' (DeKeseredy, 2011: 7).

In a full-blown theory of deviance, a theory derived from Marxism, early critical criminologists asked who makes the rules, who defines crime and why? In the replies they offered, the defining agencies were found 'not only in some general market structure, but quite specifically in the relationship [between] the overweening structure of material production and the division of labour' (Taylor, Walton and Young, 1973: 220). Deconstructing the concept of crime was, therefore, tantamount to identifying the ability of the dominant classes to criminalize those who react 'to positions held in an antagonistic social structure' and try 'to resolve those antagonisms' (ibid: 234).

A different formulation of the variable power can help revitalize critical criminology today. Power and its crimes have been the object of study and contestation in the past and still are in current times. An expansion of the field of study today suggests exploring evolutionist theories, classical authors such as Durkheim and Weber and variables such as networks, location of power, imitation, admiration, secrecy and terror.

First, we can dig into evolutionist perspectives which appear to leave no space for criticism: if power is destined to promote growing solidarity and cooperation through trade and industry (Comte, 1953), the consequent decline of social conflicts will make criminology, let alone critical criminology, redundant. What would be the purpose of this discipline when a secular civil religion will bind people together in peaceful cohabitation? However, if power is described as an 'unethical aggregation of minority elites' (Pareto, 1966: 67), critical criminologists can include this description into their etiological inquiry.

Second, we could look into Durkheim and Weber, who were rarely regarded as theoretical allies by most early critical criminologists. And yet, the focus on sudden change and the transitional character of societies invites critical scholars to investigate the unregulated desires and the unlimited aspirations impelled by instability and constant, unfettered, economic growth (Durkheim, 1960; 1996). It is curious how critical scholars who analyze the effects of neoliberalism fail to connect their arguments with this crucial Durkheimian understanding. As for Weber (1947), one could read an ante-litteram intuition of labeling theory in his description of economic power as the ability to influence the enactment and interpretation of the law. Weber's distinction between power and domination offers yet other critical possibilities: the former is defined as the probability that a person 'is in a position to carry out [her own] will despite resistance', while the latter as 'the probability that a command will be obeyed' (ibid: 53). This distinction is a clear suggestion that the analysis of power should be expanded beyond the variable coercion to cover the area of internalized norms of conduct.

Third, the network perspective is often used in the analysis of conventional criminal organizations. Critical criminologists, instead, may prefer to follow Simmel (1950; 1971; 1978) in studying official elite networks. Elites reproduce themselves through molecular relationships and a multitude of day-to-day, minute, inconspicuous episodes of interaction (Harrington, 2005). Early critical criminologists were less interested in the molecular, daily constitution of power than in overweening, predominant structures, as we have seen. And yet, the ties identified by Simmel shape elite networks in which what constitutes proper and

improper conduct is established and where predators often find hospitality. Predatory conducts, however, are not simply the result of uncontrolled coercive forces, as they may also be tolerated by virtue of some degree of social consensus. The crimes of the powerful are visible and yet they are granted an invisible, silent, complicit legitimacy of sort: at times, they lead to tolerance or even imitation. It is what Wright Mills (1956: 343) described as 'higher immorality', which is not to be understood as a matter of corrupt individuals in fundamentally sound institutions. 'Political corruption is one aspect of a more general immorality [...] and its *general acceptance* is an essential feature of the mass society' (ibid, *my italic*).

Fourth, we can now approach a key aspect that early critical criminology has only partially addressed in its arguments: where is power? The 'general acceptance' noted by Wright Mills is developed into an interest for social relationships in which it is hard to single out individual power holders. Aron (1964), for instance, intimates that privilege and inequality are achieved through the dispersion of power rather than its concentration. With Foucault (1977; 1986) the analysis of such dispersion is brought to its most radical consequences and, among his rich repertoire of concepts, the 'production of truth' may be a central concern for critical criminologists. Truth must be produced like wealth and it is the monopoly in its production that creates domination among subjects in their ordinary interactions. Thus, power circulates, it is never localized here, there or in someone's hand. Individuals circulate too, as they simultaneously endure and exercise power: 'They are not only its inert or consenting target; they are always also the elements of its articulation'. In other words, 'individuals are the vehicles of power, not its point of application' (Foucault, 1986: 234).

By rigidly focusing on processes of criminalization, early critical criminologists failed to see the conformism of both powerless and powerful offenders, both being 'vehicles of power'. The former were often seen as pre-political actors who expressed a confused desire to fight domination. Quinney (1971: 180), for instance, detected a strong political element in conducts that become labeled as criminal, arguing that

'Crime is thus becoming more political in two senses. First, the actions of many criminally defined persons are actually political behaviours. And, second, the actions taken in the labeling of behaviour as criminal are political actions'.

It should be noted that when some early critical criminologists embraced 'realism', they ridiculed similar arguments, previously their own, as naïve glorifications of conventional criminality (Young and Matthews, 1992). What was not considered (and should be today) was how that criminality contained deeply conformist aspects that made it less a form of transgression than one of disfiguration of power. 'General acceptance', the 'dispersion of power' and the 'production of truth', together, allude to hegemonic discourses that prompt a paradoxical similarity between powerless and powerful offenders, who imitate, disfigure and admire one another (Ruggiero, 2015b).

The concept of 'imitation' is then central to bring power into the discussion on criminalization. Imitation is a key classical concept in criminology, addressed by Gabriel Tarde (1903) as 'contagion' that spreads among groups and classes

through 'rays' carrying values and norms of conduct. He asserts that 'the vices and crimes located today in the last ranks of the population have fallen there from on high' (Tarde, 1890: 53). In Girard (2005), it is the very mimetic nature of human societies that brings both harmony and conflict. Hegemonic cultures are emulated and powerful others are seen as role models: often the disadvantaged, while striving to change their condition, may be attracted to the privileged *other* and detest their own peers, the *other other*. (De Castro Rocha, 2019).

Fifth, other related concepts come to the fore. Imitation implies visibility and requires ostentation, however, power is also denoted by an opposite attribute: secrecy. Critical criminologists today should not overlook this as another possible variable. Secrecy characterizes many operations in contemporary global markets, with companies being constituted by multiple layers of concealment. A company may be based in a tax haven, be controlled by a sister company in a western European country, possess large interests in another company in Asia and be managed by one located in the US. Secrecy describes not only the financial aspects of operations, identifiable as the concealment of profits and the evasion of taxes, but also the very productive processes in which companies engage. Resources, practices, peoples, monies, entire productive operations are 'moved from one national territory to another, and they are wholly or partly hidden from the view of the public and/or public authorities' (Urry, 2014: 9). Democracy itself can become an off-shore entity, as decisions affecting all may be made by invisible groups in contexts impermeable to public scrutiny (Ruggiero, 2017).

Finally, visibility returns in another component of power through spectral manifestations of force, that can be named as 'terror'. Power entails the exercise and the threat of terror, creating another key area for critical criminological enquiry. The established 'semantic hegemony' suggests that terror, including synonyms and cognates such as fear, dread and horror, are directed against the state (Simpson, 2019). Critical criminologists today should address non-state as well as state terror, in an attempt to uncover the relationships between the two. By contrast, early critical criminologists shied away from violent non-state actors, preoccupied as they were with the labeling effect that their own analysis might have. However, terror cannot be disjointed from power, in both the religious and the secular domain: Eve and Adam were terrorized by the wrath of God, and the 'power of terror' they recognized in the divinity testified to their profound religiosity. States aspire to this sort of recognition, when they calibrate the terror they inflict and imply that they could potentially inflict more, though they refrain from doing so. The constant and unpredictable possibility of suffering and death is closely associated with sovereignty (Hobbes, 1946), which 'becomes a force for disciplining and schematizing otherwise inscrutable feelings' (Simpson, 2019: 45).

In a mythological genealogy of the gods, terror (*Deimos*) and its twin fear (*Phobos*) are the offspring of an adulterous relationship: Aphrodite, the goddess of love and beauty, intimately encounters Ares, the god of war (Curi, 2016). The duplicity of the newly born indicates that power annihilates but at the same time protects its subjects, particularly when it renounces the full deployment of its violence. This duplicity is also conveyed by the notion of the uncanny, which is simultaneously familiar and unfamiliar, and characterizes anxiety as a state of mind. It is the state of mind, among others, of potential victims of invasions, wars, torture, police brutality and sexual violence (Ruggiero, 2020).

## Mercy

Early critical criminology was political. From its perspective, laws are made to serve particular class interests, and those who break them adopt pre-political means while being driven by latent ideological reasons. Against positivist determinism, deviants were not deemed the inert result of socio-political conditions but actors endowed with free will. In this, early critical criminologists were (unwittingly?) influenced by Sartre, whose existentialism emphasized the ability of humans to make choices. Existence precedes essence, argued Sartre, and human beings create their own nature through their individual decisions (Sartre, 1957). Similarly, acts of deviance, in Walton, Taylor and Young (1972: 221) are seen as 'acts of men in the process of actively making, rather than passively taking, the external world'. Therefore, responding to these political (or pre-political) acts with benevolence, in the form of treatment and rehabilitation, was judged inappropriate, condescending and ideological, a manifestation of the therapeutic state.

'At times it was liberalism itself that was under attack, and bewildered liberals were told that their humane victories against conservatism (of which they were so proud) were no more than new forms of coercion' (Cohen, 1988: 15).

What early criminologists saw as benevolence could be reformulated as mercy, a key component of power, the other face of terror. Torturing a prisoner a bit less than one potentially could is an example of mercy, as are all harmful acts routinely carried out by the authority which cause less harm than they could. Early criminologists were more inclined to see power in its totalizing manifestations rather than as simultaneously guided by a series of restraints. Critical criminologists today may instead look at power as a sovereign who aspires imitating God, who does not neglect the seriousness of the sin being committed but shows indulgence towards the sinner, who would otherwise deserve a harsher punishment. The exercise of mercy puts the authorities in a benevolent light, proving that they deserve the power they wield. See for example how in eighteenth-century England many of those sentenced to death were never executed, so that the terror of capital punishment turned into gratitude on the part of the reprieved (Hay et al, 1977). Enlightened reformers, not by chance, located clemency in earlier, primitive eras, as punishment in their view had to be mild, rational, predictable and expeditious. Mercy wins the loyalty of the people, argued Seneca, and power becomes acceptable when it is not exercised to the full (Bull, 2019). As Nobel Prize winner for literature Naguib Mahfouz (2019) claimed, the most powerful people of all are those who forgive.

Within the 'creative fragmentation' alluded to in the Introduction, several contemporary 'criminologies' appear to rely on the variable mercy. In most cases, however, mercy is not criticized but invoked. When siding for the powerless, criminologists may be guided by the indignation they experience for the injustices these suffer, although emotions may prove insufficient to produce action for change. Giving voice to the excluded while translating their needs into terms that refer to the common good may be a solution, otherwise there is a risk



that criminologists end up choosing their interlocutors among the included. In concrete terms, the risk is that experts working in academia limit themselves to seeking the help of experts working in adjacent areas and, while begging for their benevolence, try to improve the lives of others, namely non-expert actors. This 'plea to be nice' addressed to policy-makers betrays a missionary or paternalistic attitude, which is prepared to stand by the underdogs as far as they remain such. This type of criminology echoes the call for *clementia* that Seneca (2009) addressed to Nero, elevating clemency (not justice) as the ruler's cardinal virtue. Seneca supported autocracy as a virtuous form of government, and clemency, namely the capacity to grant mercy or pardon, as the prime prerogative of autocrats. Academics acting as mere 'mediators' between the socially excluded and the authorities perpetuate the 'mechanism of dominance' enacted through the expropriation of speech. Unwittingly, such mediators may 'destroy the communicative infrastructure that constitutes the basis for a cooperative mobilization and elaboration of feelings of injustice' (Honneth, 2007: 88). Critical criminology today, without involving those who suffer, does not refer to the common good, but to its own good, namely the criminal justice apparatus that gives it an occupational context and an academic identity. Critical criminologists today might opt for a different type of allies.

## **Troublemakers**

Early critical criminology is not only assumed to have 'troubled' the official landscape with an oppositional paradigm, 'but also opened up questions regarding the role that criminologists could be expected to play in the broader realm of political activism' (Muncie, 1998: 6-7). But how can academics be simultaneously political activists?

Politics is constituted by a repertoire of techniques for the seizure and conservation of power, but it also amounts to a range of strategies and tools aimed at limiting power and pursuing justice. Early critical criminologists were fortunate because they found themselves immersed in an effervescent political climate that aimed at social change on a large scale. The opportunities seemed unprecedented for all sorts of individuals to 'express their views, steer the course of events, and make decisions emerge from *all the places*' (Badiou, 2019: 14-15, *my italic*). One of these places was the space occupied by critical criminologists, who did or did not play a part in such events, nevertheless joined the pursuit of justice to its logical end: the common good.

Critical criminology today should similarly aspire to be a criminology of conflict, as its contentious claims may enable it to glimpse a path that leads to social transformation and to locate itself in a counter-hegemonic coalition. This coalition (or bloc) works for the promotion of

'the political, moral, cultural, and intellectual authority of a given worldview – and the capacity of that worldview to embody itself in a durable and powerful alliance of social forces and social classes' (Fraser, 2019: 46).

The phrase 'social classes', today, cannot just refer to male factory workers, miners, oil drillers and construction workers, who possess what Fraser describes

as an Anglo-macho ethos (ibid: 52). Classes are profoundly diverse aggregations constituted by paid and unpaid workers, those who sell burgers as well as those who sell sex, stateless and nomadic groups who roam the globe hoping that somewhere they will be given the charity of survival. The fact that such aggregations are more or less equally harmed by the metastasis of finance, the expansion of precarity and the upward redistribution of wealth does not automatically entail their ability to coalesce in a united political entity. Advanced forms of apartheid, with the social and spatial closures that separate groups, draw a distance between them and, most crucially, between them and the elite, thus warding off the emergence of such an entity. And yet, just as the official landscape was 'troubled' in the 1970s, trouble today is apparent in the forces that criticize, obstruct, transform or attack the social order through disturbance.

From Thomas Hobbes to Karl Marx, this force of disturbance is concentrated on the abstract figure of the *puer robustus*, the strong child who breaks the rules, is unabashed, placeless, at times feared and often punished. This is the troublemaker, who is located on the edges, on the threshold of social classes, who keeps moving, collecting experiences and muddling through, hoping that 'everything will turn out fine in the end' (Thomä, 2019: 3).

Troublemakers can be egocentric, eccentric or nomocentric. The first are against order and pursue their own interests, the second bring similar disturbance but are uncertain of their own pursuit, while the third 'fight against the political order in anticipation of a different set of rules that will one day take its place' (ibid: 8). Nomocentric troublemakers hide among masses and act collectively, like Siegfried and Wilhelm Tell. The former understands the language of the birds and ignores contractual agreements led by the thirst for gold, while the latter, although initially a placeless loner, at the end finds other troublemakers who act along in synergy.

Critical criminologists today will find their *puer robustus* (and *puella robusta*) in civil society, which does not limit its action to the periodical expression of voting preferences, but is likely to put forward demands and, in so doing, exercise a form of surveillance or vigilance over institutional decisions. A public sphere distinct from the state apparatus is the ideal arena for critical criminologists today, a sphere characterized by political action from below. By joining non-state aggregations, including independent media and professionals, pressure groups, non-governmental organizations and social movements, they will work side by side with actors who manifest collective needs and sentiments while expressing implicit judgments on elites and their activity. In brief, critical criminologists today may, of course, interact with peers occupying institutional positions with a view to improving social justice, but their natural peers are challengers engaged in collective action, along with the very individuals and groups who suffer injustice and formulate demands.

The emphasis on agency and will, highlighted above, is a crucial legacy that critical criminologists today may want to inherit. Social change does not simply occur because structures, guided by laws and animated by forces, determine it. (Boltanski and Chiapello, 2018). The volition of those participating in public action is paramount, as choices are not simply the outcome of ready-made programmes inscribed in structures. Action is intentional, it signals the willingness of participants to assume risk and to pursue their own normative principles. In sum, critical criminologists today cannot limit themselves to

supporting or helping others, although this may be a moral obligation. The object of their obligation or even 'generosity' may retort: 'If you have come to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us work together' (Thompson, 2019: 6).

## Conclusion

Recent publications around critical criminology are, on the one hand, celebratory accounts of the past and, on the other, optimistic assessments of its contemporary strength. This paper has attempted to link the optimistic stance with the suggestion that by working in a number of thematic areas may allow critical criminology today to find revitalization.

First, the variable *distance* has been focused upon, as it determines whether conduct is deemed an act or a crime and clarifies or dims our understanding of a problematic situation. Moreover, distance leads to the appreciation or the neglect of the harm being produced in human interactions. The variable *power*, that early critical criminologists mainly identified with the ability to promulgate laws and define crime, has been discussed as consensus (Gramsci), general acceptance (Wright Mills), dispersion (Aron) and the production of truth (Foucault). Other components of power, identified as imitation, secrecy and terror, have completed a picture that is perhaps more visible today than in the heydays of critical criminology. An analysis of *mercy* has helped locate power in a more complex framework. Finally, the variable *troublemakers* has been dealt with in order to suggest an expansion of a new critical criminology to the area of policy and social movements, with the understanding that social change does not occur solely through the use of new conceptualizations but also, or primarily, through the mobilization of, and contentious action by, sectors of society.

Powerful theoretical models can determine large-scale social change and some intellectual traditions are more powerful at that than others. Interpretative frameworks may become predominant and then decline, they may temporarily atrophy or be permanently 'falsified' (Dooley and Goodison, 2020). This process is far from straightforward in criminology, a discipline that accommodates plurality and invites interdisciplinarity, while facing constant mutations of its object of study (Farrall and Sparks, 2020). It is true that the triumph of some theories makes rival interpretations invisible, particularly if that triumph is achieved through the influence of networks that grow and achieve a degree of hegemony. Great discoveries and novel ideas may at times be ascribed to individual talents, although normally they are the result of collective processes involving networks of people and interdependent social groups (Collins, 2009). Disagreement with competing schools of thought and commitment to debate and dialogue mark the vitality of a worldview, but an additional quality is crucial for critical criminology today to be revitalized. This quality is illustrated by Simmel (1997) in his musings on the adventurers, whose restlessness is both a deviation from their life routine and an element of its continuity. Adventures treat the incalculable aspects of life as if they were calculable, insoluble problems as if they were soluble.

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