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Cultural Criminology: An Invitation… to What?

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Abstract Since the mid 1990s, a strand of criminology emerged that is concerned with the co-constitution of crime and culture under the general rubric of 'cultural criminology'. In the titles *Cultural Criminology Unleashed* and *Cultural Criminology: An Invitation,* criminologists spearheading this brand of criminology make claims for its originality and its status as a subversive alternative to conventional criminological approaches to studies of crime and deviance. The basis for the 'new' cultural criminology is its ostensible ability to account for the culture and subcultures of crime, the criminalization of cultural and subcultural activities, and the politics of criminalization. This paper offers a comparison of cultural criminology to 1960s and 1970s labeling theory to assess whether or not cultural criminology has developed a grammar of critique capable of resolving fundamental contradictions that haunt critical criminology and contesting contemporary administrative criminology. Points of comparison are made through ontological categories of power and criminal identity and a consideration of the epistemological categories of the respective bodies of literature.

Introduction

Within critical criminology, there are two tendencies in terms of critique. The first is a critique of the constitutive role of legal apparatuses in the social production of crime and an indictment of these apparatuses for the harms that they commit against criminalized populations and victims. This form of critique is also put forward against the administrative (correctionalist) criminologists that support regulatory agencies (Pavlich 2000). A second form of critique within critical criminology is where scholars remain committed to the first form of critique, but put forth criticisms towards other critical criminological scholars. This article is geared toward the latter. Within critical criminology, there is often an effort to negate other criminological perspectives, often in the effort to buttress one's own position.

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This article takes another tact: herein I trouble many of the approaches of cultural criminology as an invitation to develop a grammar of critique capable of responding to the late modern conditions that critical criminologists must confront (see Pavlich 2000).

Bearing this in mind, this paper takes the 1960s and 1970s emergence of labeling theory as *axiomatic* in terms of developing grammar of critique capable of effectively contesting contemporaneous social injustices committed by administrative apparatuses. Critical criminologists within this era engaged in an 'ontological politics' (see Law and Urry 2004) insofar they not only described the world, but enacted or created realities. Labeling theorists rapidly became current and widely influential in political and social debate and their interrogations of the stigmatization of the powerless and criticisms of total institutions worked to create policies of de-institutionalization (Pavlich 2000; Law and Urry 2004). In terms of its world-changing impact, labeling theory is one of the best measuring rods for which subsequent critical criminologists should be judged.

In this paper, I compare labeling theory and cultural criminology to illustrate some of the weaknesses of cultural criminology. I engage with criminological literature that formally claim the banner of labeling theory or cultural criminology to describe the contours of these bodies of thought and their central propositions. The following is both an external and internal critique of cultural criminology. In regards to the former, I offer an *external* critique to cultural criminology by comparing their oeuvre to labeling theory. In regards to the latter, I offer an *internal* critique that shows some of the fundamental contradictions in and analytical problems associated with cultural criminology. Despite their claims to originality and filling a critical space that is putatively absent in the field of criminology (Carrier 2010), cultural criminology has not developed a grammar of critique that is adequate to the task of combating administrative criminology. In what follows, I aver that in their attempt to integrate manifold literatures, there is, in some cases, a failure to adequately adhere to these theoretical perspectives (postmodern, poststructural, and feminist theory, cultural studies, amongst others) and at other points, by integrating opposing positions into cultural criminology, fail to recognize and resolve fundamental ontological contradictions. Leading from this critique, one of the central claims herein is that to date cultural criminological remains a theoretical soup that has not condensed into a criminological analytic that moves beyond previous criminologies. In terms of their claims to novelty there is a failure to adequately demonstrate in theory and practice, how they move beyond previous criminologies, resolve past criminological problems, and offer new (critical) epistemological and methodological positions.

Remembering Labeling Theory and Introducing Cultural Criminology

Labeling theory enjoyed its greatest popularity in the 1960s and 1970s and was foremost characterized by a firm rejection of functionalist, positivistic, genetic, psychological or multi-factoral accounts of crime and deviance that stressed the absolute nature of the causes of criminality and deviation. Referred to as a paradigm in criminology, labeling theory in many ways re-constituted the study of crime and deviation and stood as a radical rejection of the positivistic nomothetic project (Trice and Roman 1970). This school of thought grew out of symbolic interactionism, primarily influenced by the work of George Herbert Mead and to a lesser extent phenomenology, specifically the work of Alfred Schutz. More than anything else, labeling theory provides a processual account of the formation and continuation of deviance, concentrating on the definitions and reactions to rule-breaking behaviour. This theoretical position illustrates the ongoing patterns of

deviant comportment as engendered by, or as outcomes of, the process of being apprehended in a deviant act, the subsequent degradation ceremony associated with criminal processing (Garfinkel 1956; Goffman 1961, 1963), and the resultant public labeling as a deviant person (Thorsell and Klemke 1972). On one end, labeling theory has been conceived of as a full social theory of deviance, while on the other end it has been seen as a sensitizing perspective (see Schur 1971). In the latter sense, it challenged previous criminologies approach to crime, that is, to the cultural relativity of their subject matter. For labeling theory, deviance is not a quality inherent in particular forms of behavior, rather it is a quality conferred upon these forms by the audiences that directly and indirectly witness them (Becker 1963; Erikson 1964; Kitsuse 1964; Schur 1969).

Engendered by labeling theory's position on the ontological status of deviance is a focus on determining how and why various types of people came to the attention of others (see Orcutt 1973; Gove 1970). This included a presumed likelihood of attention being conferred upon those individuals that are less socially powerful, a member of a group or subculture whose values were in contradiction to those in power or were relatively isolated. Labeling theory focuses on two main effects of labeling: the way in which the initial labeling may receive the attention of a broader audience and will in turn, result in a further attention apportioned to deviant persons and the continuance of the labeling of the individuals. The label can also have the effect that the labeled person *may* internalize the label and accept a deviant self-concept (Goffman 1961/1991, 1963; Young 1971; Becker 1963; Wilkins 1965; Lofland 1969; Trice and Roman 1970; Schur 1971, 1983).

In 1995 Ferrell and Sanders published *Cultural Criminology*, an edited volume displaying the "emerging, collective conversation among its contributors, an ongoing exploration of (and disagreement over) the many ways in which cultural and criminal processes come together" (Ferrell and Sanders 1995a: ix). Scholars working in this area have cited Ferrell's (1993) study of hip-hop graffiti writers in Denver, Redhead's (1993) study of rave culture and Presdee's (1994) discussion of youth culture and crime as precursors to, and typifications of, the increasing attention to the intersections of culture and crime and consequently, the necessity of a 'new' cultural criminology.[1] Over the last decade or so, numerous edited volumes, journal articles and books have been published bearing the name of, or ascription to, cultural criminology.

As connoted in the apostrophes around the word 'new', the authors within this body of criminological literature make claims to the area's novelty and innovation and in addition, its emergence as a legitimate and necessary area of study in criminology. Cultural criminology is proposed as having manifold theoretical underpinnings drawing together interactionist, constructionist, critical, postmodern, poststructural and feminist theory, and cultural studies, and strands of criminology, including constitutive and news making criminologies and earlier trends a la labeling theory and the 'new criminology' (Taylor et al. 1973). The synthesis of these bodies of thought and praxis into a criminological amalgam are put forth as necessary to an understanding of the nexus of crime and culture in contemporary life (see Ferrell and Sanders 1995b; Ferrell et al. 2004, 2008).

The above descriptions offer the contours of the respective oeuvres and to indicate the underpinnings of the respective bodies of literature. To be clear, labeling theory is utilized in this paper for demonstrative purposes and I am not advocating a 'return to labeling theory'. Whether as a theoretical approach or a sensitizing concept, labeling theory remains a salient, but certainly not infallible, approach to crime and wrongdoing. As noted, its

[1] In addition, Katz (1988) and O'Malley and Mugford (1994) are oft-cited as part of the paradigmatic shift towards an engagement in discussions of the intersection of culture and crime.

radical impact upon thinking regarding crime is indubitable. I make comparisons of cultural criminology to labeling theory distinctly to show analytical problems with cultural criminology. The remainder of this paper is structured in three main sections. In the first two sections I invoke two categories that have been, on ontological grounds, been contested within criminology: power and identity. In the first section, I compare how cultural criminologists and labeling theorists conceive of power. In the second section, I elucidate how these bodies of literature explicate identity formation. In the third section, I compare the epistemological positions of these two oeuvres.

Power

Historically, power has been a contested concept in the social sciences. The conventional view of power has held that it was something held by one group over another (Scott 2001; Westwood 2002). Power is conceived of as the group of institutions and mechanisms that ensure the subservience of the citizens to authorities (state, etc.). This view argues that actors seek to make others do what they would otherwise not do, and they resist the attempts of others to make them act in ways contrary to their own preferences.

Discussions of power have also led to conceive of domination as structured into the stable and enduring social relations that make up large-scale social structures (Althusser 1971; Lukes 1974; Giddens 1982). Structure is often counterposed to agency, that is, the ability to act against or in contradistinction to structural determinants. Structure has been conceptualized in disparate ways. Structural functionalists conceptualize structure the discernible patterned, durable social practices that comprise social systems. For structural Marxists, the economic structure is sum total of the relations to the means of production and stands as the fundamental principle that patterns overt practices.

Scott (2001) identifies a second stream of approaches to power that can be labeled as the post-structural approach to power. The emergence of this approach can be associated with the later work of Michel Foucault and some of his contemporaries who avoided the tendency to associate power *singularly* with sovereignty. Foucault (1978) questioned the notion that power was something to be revealed or abstracted from its situations of use, or abstractly defined or measured. For Foucault (1978: 93), power is omnipresent and it is "produced from one moment to the next, at every point, or rather in every *relation* from one point to another. Power is everywhere."

The conventional tradition has been principally concerned with the episodically exercised power that one agent has over another. The second stream of power research focuses on the dispositional capacity to do something. Conventional views concentrate on what in French is called 'pouvoir', while the secondary, post structural stream has concentrated on 'puissance' (Scott 2001). The conventional and structural view of power and the secondary, post-structural view of power form a fundamental division that manifests itself in many social scientific disciplines. In both cultural criminology and labeling theory, power has been a significant area discussed and is the basis by which labeling theory was criticized by the 'new criminology' (see Taylor et al. 1973).

In labeling theory, power is understood as one group's ability to impose rules on another group. Whether in formal or informal forums, this is the power of one segment or group in a society to discursively produce and in turn, impose rules on another segment or group in society. Labeling theorists focus is on the ways in which real rules are manufactured, established, enforced, disputed and broken by actual people, usually in situations where cultural consensus cannot be assumed. Becker (1963: 17–18) explains this view of power:

"Who can, in fact, force others to accept their rules and what are the causes of their success? This is, of course, a question of political and economic power…Here it is enough to note that people are in fact always forcing their rules on others, applying them more or less against the will and without the consent of those others". Becker lays out the various groups or factions that cut across society and how sides of these divisions manufacture and 'force' rules on the other in the division. Becker (1963) also notes the gendered, racial and classist basis of division in society and how these divisions result in heteronomy of certain factions over another. Power differentials are cited as the basis or cause of the success of these rules and being efficacious at controlling subordinated groups.

Within cultural criminology, the inquiry into the politics of culture and crime is along the lines of power relations and the emergence of social control within the culture-crime nexus (Ferrell and Sanders 1995b; Ferrell 1999; Ferrell et al. 2008). In a characterization that is reminiscent of labeling, the criminalization of cultural processes is the mode by which those with power come to characterize and shape forms of social life and give them specific meanings. Moreover, it is the means by which the powerful have the capacity to define both how and what we view and the fashion in which we perceive the social behaviours of others. On this basis, the criminalization of culture is seen as the legalization of prejudice and moral beliefs held by the powerful over and against the powerless, the poor and the dispossessed (Presdee 2000: 16–24). Based on this discussion of power in cultural criminology and labeling theory, both see power as manifested in the process of labeling or characterizing a certain form of comportment as deviant or criminal. The affinities between the two literatures are obvious. In addition, similar to Foucaultian conceptualizations, power is conceived of as having a direct relationship to the production of discourse. In this case, there is recognition that crime is the product or result of particular episteme that have particular effects on those that are subject to such discourses.

In other discussions of power in cultural criminology, capitalism is posited as exerting a level of power over crime. In discussing the commodification of criminal activities, Presdee (2000: 59) argues that the power of capitalism lies in the extent to which "its processes of production, distribution and consumption include emotions and actions especially in the realm of cultural creation which becomes dominated by commodification. In this case it is the commodification of the excitement of crime alongside human emotions and values". Here capitalism is positioned as having the power to commodify emotions and actions 'especially in the realm of cultural creation'. With the commodification of human emotions, especially excitement, crime and violence become commodified and pleasurably consumed. Later, Ferrell et al. (2008) present a similar approach to power and capitalism to Presdee. They state that "to reify 'capitalism', to assign it a sort of foundational timelessness, is to grant it a status it doesn't deserve. Whatever its contemporary power, capitalism constitutes a trajectory, not an accomplishment, and there are other trajectories at play today as well, some moving with consumer capitalism, others moving against and beyond it" (Ferrell et al. 2008: 14; see also Hayward 2004).

A similar (structural) approach in cultural criminology is in Young's (1999, 2003, 2004) work. He locates the source of inequality contemporary society in the shift from an inclusive society of the 'golden age' of modernity to an exclusive society of late modernity. This is a shift from a society that assimilates and incorporates to one that separates and excludes. The resultant exclusive era is titled the "Bulimic" society, because the poor are culturally embedded but are systemically excluded from participation in the job market, in their day-to-day contacts with the outside world and consumer endeavours (Young 2003: 394). The bulimic society both absorbs and rejects as it is characterized by massive cultural inclusion through mass media and is accompanied by systematic structural exclusion.

Young (1999: 12) describes this configuration as a system where "they are barred from the racetrack of the meritocratic society yet remain glued to the television sets and media which alluringly portray the glittering prizes of a wealthy society".

The etiology of crime in this structural formulation is, in a Mertonian fashion, derived from relative deprivation. The high incidents of crime and the punitive reaction to it, flow from the same source. That is, the material precariousness and ontological security fostered by late modern, bulimic society effects both rich and poor and breeds anxiety and results in overt intolerance. Relative deprivation of those that most acutely face the brunt of bulimic society and the stress on individualism, hedonism and self actualization in late modern society lead to humiliation and resentment and especially amongst men, leads to violence and other crimes (Young 1999, 2003, 2004, 2007). Young (2003) in "Merton with energy, Katz with structure: The sociology of vindictiveness and the criminology of transgression" marries the Mertonian-inspired notion of the bulimic society to Katz (1988) phenomenological analysis of the emotional experience of crime.[2] Here, in addition to the previously articulated Mertonian structural analysis of crime, there is an integration of a consideration of the sensuality of the criminal act itself.

A problem with cultural criminology's engagement with power, as it is put forth in Young's work, is that it does not address or resolve the fundamental contradiction between idealist/social constructionist criminology and realist criminology. Young presents a realist criminological view of structure and an etiology of crime characteristic of post-1973, revanche criminology (Melossi 2000). This Mertonian influenced approach views and places emphasis on crime as real and harm inflicted by criminals on individuals and communities as 'real'. Evincing the realist underpinning to Young's position is particularly important. It runs counter to what has been called the left idealist basis of labeling theory.[3] This division has been a specter in criminology and remains a main point of contention (see Lippens 1995). Young being part of the initiation of revanchist criminology in the 'New Criminology' (Taylor et al. 1973) is well aware of this division. And yet, this division is eschewed or more significantly it remains unresolved insofar as at other points labeling theory is very much part of the cultural criminological approach. Rather than a concerted move towards resolving this division, as some have called for (see for example, Lippens 1995), this division stands as point of contradiction in the cultural criminological project. As such, on these grounds cultural criminology fails to construct an innovative or more formidable criminology that moves beyond past divisions.

Another problem with the conceptualization of power put forth in cultural criminology, one that has no real parallels in labeling theory, capitalism is endowed with the power to commodify not only emotions, but also crime and transgression itself (see Presdee 2000; Ferrell et al. 2008: 14). While careful not to make the error of 'reifying capitalism', there is an internal contradiction regarding the 'power of capitalism'. The assertion that capitalism commodifies emotions—the experiences of *social relations* (see Heidegger 1962; Barbalet 1998; Ahmed 2004; Collins 2004)—is at odds with the notion of capitalism as a historically particular economic system ultimately comprised of exploitive *social* relationships. The attendant emotions related to transgression *may be embedded* within capitalist social

[2] Even the addition of Katz (1988) is in line with the realist position, insofar as the bad ass is real and dangerous (see, Melossi 2000: 310).

[3] In a recent defense of symbolic interactionism, Dennis and Martin (2005) have suggested that past attacks on symbolic interactionism and ultimately labeling theory, have been from a position exterior to this theoretical and methodological approach and as such, traditional conceptualizations of structure are imposed on the framework and fail to understand the anti-dualistic, *pragmatic* heritage of symbolic interactionism (see Melossi 1985 on this point with regards to labeling theory).

relationships but certainly not something that can be bought and sold like a commodity. This is, in fact, according a status to capitalism that it *does not* deserve. In addition, if capitalism determines and commodify transgression and emotions, as it does for cultural criminologists, what forms the exterior and the transgressive *potential* (puissance) of resistance for those caught in the putative web of criminalization?

The 'Criminal' Identity

Over the last 30 years, identity has been of particular importance for post structural and postmodern theory, strands of feminist thought and cultural studies. The emphasis on 'the subject' in these literatures has been based on a move away from the unitary modern subject of the Enlightenment. That is, a dismissal of a reliance on a Cartesian metaphysics of substance that is predicated on natural, essential attributes relating to identity. Furthermore, this involves a rejection of the modern subject as disembodied, unified and rational and a move towards a conception of the subject as textual, embodied, contradictory and in process (Ahmed 1998). Interrogations and debates over the identity formation in these bodies of literature have led to an examination of how identities are formed and reformed, absorbed and abandoned. For instance, Butler (1990, 1993) has studied the process by which we become subjects when we take on sexed, gendered and 'raced' identities which are constructed for, and to a lesser extent by us, within existing power structures. To Deleuze and Guattari (1977: chapter 1), identities are only partial objects that are essentially fragmentary, always in the process of becoming. Bauman (1996, 2000) falls in line with this view, suggesting that in today's consumer society, there is an intrinsic volatility and unfixity to all identities and that there is a cornucopia of identities in the identity supermarket in which the only imperative is to continually make and remake one's identity.

In the aforementioned approaches, the formation of identities is understood as being process-oriented. That is, they are formed through social processes. In addition, identities are understood as constantly in-flux in late modern or postmodern society. Cultural criminologists make claims for the impact of, or emphasis on, incorporating post-structural and postmodern theory, strands of feminist thought, and cultural studies into their analysis of the intersection of culture and crime and as such, this integration, especially in relation to their conception of identity formation, should materialize in their work. That is, *there should be a rejection of a metaphysics of substance* in relation to identity, insofar as claims to the naturalness of 'criminal' identity should be eschewed and a grammar used to overcome such a tendency in criminology *should* materialize. In what follows, I consider how cultural criminologists have conceptualized identity and identity formation and the degree to which it adheres to the ways in which identity is approached in the aforementioned bodies of thought. In addition, I consider in what ways, if at all, cultural criminology builds on or is different from labeling theory's approach to identity and identity formation.

Labeling theorists stressed the complex processes involved in deviant identity formation (see Becker 1963; Schur 1971). Lemert's (1951, 1967) conceptualization of the distinction between primary and secondary deviation is viewed as central to the work of labeling theorists (see Schur 1971: 10). Primary deviation is seen to arise in a wide variety of social, cultural and psychological contexts and possesses only minor implications to the psychic structure of an individual. This singular act and attendant ramifications does not lead to a symbolic reorganization at the level of identity regarding outlook and social roles. Secondary deviation is viewed as deviant behaviour and/or the social roles founded on it that

becomes the means of defense, attack, or adaptation to the overt and covert problems manifested by the societal reaction to primary deviation (Lemert 1967: 17).[4]

Deviancy amplification is the process by which small incidences of deviant behaviour are inflated in the mass media and this amplification incites mimicry from others, which creates a mutually reinforcing loop of deviance. Social reactions to and repression of deviant behaviour by various agencies, particularly the police, leads to the concretization of the deviant identity and subculture (Young 1971; S. Cohen 1972). Two processes are at work: first, there is an intensification of the deviancy of the subject through the consolidation and accentuation of their deviant values in the process of deviancy amplification. Second, through a change in the lifestyle and reality of the deviator, the deviant subject becomes the embodiment of the stereotypical deviant identity. The media fantasy in this case becomes reality.

One of the main modes of inquiry is into how individuals take on deviant and/or stigmatized identities and how particular elements of their identity take on a master status (Becker 1963). Master status denotes when a central trait to an individual becomes or is predominant and foreshadows other characteristics of a person. In the case of deviance, 'criminal' becomes the master status and other characteristics, of equal importance become secondary or auxiliary traits. Related to the concept of master status and deviancy amplification, and significant to scholars in the labeling school, is stereotyping. Both in general and as an aspect of deviance and control, stereotyping has a two-fold significance (see Schur 1971; Scheff 1966, 1975; Goffman 1963). In the former sense, it is seen as a mode of mental ordering, whereby an individual can predict the actions of others or at the least, to an extent adequate for logical organization of their own comportment. In the main, the latter case is when stereotyping is selective perception of the other which results in inaccurate assessments of the individual and accordingly, negative social reaction.

One main impact of labeling on an individual can come in, what labeling theorists called role engulfment (Becker 1963; Schwartz and Skolnick 1964; Kitsuse 1964).[5] This is a situation where an imputed deviant becomes immersed in the label, and as such, it becomes integral to their overall concept of self. The labeled individual focuses on the role and fulfils the socio-cultural expectations of the role. The deviant label then, becomes the individual's way of life. Accordingly, the labeled person may experience rejection, contempt, withdrawal, fear, and hatred towards those imposing the label (A. Cohen 1966).

A prime indicator of role engulfment is the immersion of the labeled person into a deviant subculture. This form of subculture is viewed as organized around a specific form of deviation and fulfills a two-fold function in the lives of labeled individuals. Through

[4] Secondary deviation is the mode by which the deviant identity is created. Secondary deviation follows eight stages (Lemert 1951: 77): the first is the primary deviation and the attendant societal penalt(y/ies). The third step is further primary deviation that is followed by harsher penalties and social rejections. The fifth step is further deviation with hostilities and resentments instigated upon those that are conducting the penalizing. The sixth and crucial step is a crisis is arrived at in the tolerance quotient that in turn is articulated by a formal action by the community stigmatizing the deviant. This is followed by an intensification or strengthening of the deviant comportment as a rejoinder to the stigmatization and formal penalties. The resultant of these occurrences is the ultimate acceptance of the deviant social identity or label by the person and efforts are made to adjust based on the associated role. In the process of the secondary deviation, there is a continual dialectic between the labeled subject and the audience labeling him/her. As such, labeling theorists aver that the secondary deviation would not occur if not for the initiation of the labeling process. As an outcome of this labeling process, there are manifold implications for the identity of the person labeled as deviant.

[5] This concept has affinities to Tannenbaum's (1938) 'dramatization of evil' in terms of the labeled subject conforming to the cultural expectations of the role.

involvement in the deviant subculture, the labeled individual gains access to and finds acceptance in deviant roles of the subculture that members view as a necessity or pleasurable. On the other hand, subcultures serve as a defense mechanism, shielding its members from the reactions of broader society (Thorsell and Klemke 1972).

The various elements that are integral to the production of the 'criminal' or deviant identity in cultural criminology include consumer culture, style and subcultural membership, and the emotional experience of criminality. Young (2003, 2004, 2007; see also, Young 1999) offers perhaps the most integrated analysis of the impact of consumer culture on identity formation within cultural criminology. As noted earlier, late modern consumer society culturally includes through the media and other sources, but systemically excludes those that do not have the financial means to participate. In such a system, living in poverty, characterized by both material deprivation and ontological insecurity engenders an intense experience of humiliation. Crime and transgression within this view are modes by which impoverished individuals are "breaking through restraints, a realization of immediacy and a reassertion of identity and ontology. In this sense, identity becomes woven into rule-breaking" (Hayward and Young 2004: 267). In this sense, crime is the mode by which individuals construct their identities.

Style and subcultural membership is integral to the criminal identity in cultural criminology. This is a focus on the aesthetic texture and stylization of subcultures. Ferrell and Sanders (1995b: 15) argue that style "constitutes the turf over which young punks and old authorities, street corner toughs and street-wise cops, alternative artists and anti-obscenity campaigners battle. And as they engage in these aesthetic turf wars, the combatants continually negotiate the boundaries of culture and crime" (see also, Ferrell 1995; Ferrell et al. 2008). Style and subcultural meaning take on a central place in this oeuvre and is one of the prime modes of identity formation. Physical markers of subcultural membership and argot are then key facets of examination. It is through subculture style youth resist their marginality, that is, in and through their audacious styles they celebrate and confront their marginality and in effect, challenge moral and legal heteronomy (Ferrell 1993, 1995, 2006; Ferrell and Sanders 1995c; Presdee 2000). Ferrell and Websdale (1999: 7) cite this focus on stylization of self in relation to subcultures as bringing a 'postmodern sensibility' to the study of crime (see also, Ferrell 1995).

In Presdee's (2000, 2004) work, emotions take center stage. Crime is viewed as equally about emotions as it is about poverty and other background factors. The criminal identity is the result of being exposed to broader consumer culture and concomitantly, excluded due to not having the economic means for participation. In addition, emotions are viewed as at odds with an overly rationalistic late modern society. It is through crime and emotions—hatred, anger, frustration, excitement and love—that criminalized subjects express themselves. Presdee (2000: 4) asserts that "[I]n a society such as ours where emotion stands against the rational and material world, those without wealth are left only with the world of emotions to express their hurts, their injustices and their identity".

In cultural criminology, late modern consumer society is viewed as endowing individuals with particular identities and in the case of those in poverty, crime is the mode by which individuals speak back to such a system and construct their identities (Ferrell et al. 2008). Style and subculture membership is seen as a central feature in identity formation, as physical markers act as significations of particular (criminalized) identities. In addition, the emotional experience of subordination and crime as depicted as integral to identity formation. Be that as it may, criminalized individuals within cultural criminology are locked into a dialectic between structures and situations of crime (see Ferrell 1993). Their identity is created and fixed by this dialectic; their choice in identity is delimited by their

postitionality as criminalized persons. In this way, in the area of identity formation, cultural criminologists inadequately integrate postmodern, post-structural and feminist theory and cultural studies. This is somewhat in variance to the conceptualizations put forth by labeling theorists, who both developed manifold concepts (a grammar of critique) regarding identity formation and were essentially process oriented. Despite the tendency for the deviant label to be the master signifier, some labeling theorists actually conceptualized the ways by which people actually shed deviant labels, thereby remaking their identities (see for example, Trice and Roman 1970).

In his critique of cultural criminology, O'Brien (2005) asserts that they fall into the tendency of the zoology of criminals in the study of crime. O'Brien (2005:610) also comments that being the 'zoo keepers of deviance' may be a fixture that will continually be a part of criminology. Here, I envisage a different criminological future. In contradistinction to a metaphysics of substance, a grammar of critical criminology could be based on a language of singularity and individuation. This move denotes the primordial uniqueness of (criminalized) bodies and their qualitatively discrete character. Our being or 'humanness' is not an internal essence, but the product of difference, not just of linguistic signifiers but heterogeneous bodies. *Singularity is derived vis-à-vis being a body that differs from other bodies.* The singularity of experience itself is something that defies and resists repetition (Derrida 2002). Individuation is predicated on the contact with and between bodies. Individuation is the process that testifies to and tries to unthink the individual as a discrete gendered/'racialized'/criminalized category (see Nancy 2008; Manning 2007; Derrida 1998). In the strict application of a stable, unchanging identity upon singularities, we ignore bodies in movement and bodies in communal relations of contact with other bodies. In the claim to and reliance on strict identity categories, bodies are signified *in toto*. Bodies must be stilled, frozen in time and space, to be characterized into stable categories. Such 'stilling', characteristic of a considerable portion of administrative criminological analysis, disregard the fact that bodies move, change and interact in a multitude of ways. Individuation is achieved in the intermixing of bodies characteristic of sociation. Singularities individuations are always collective and as sensing bodies they are always in movement *in relation* to other bodies, interfering with the stability of matter. In such an approach to identity, singularities within criminalized subcultures are not reduced to selfsameness, but the heterogeneity of each subculture is emphasized. This position stands in opposition to administrative (correctionist) criminological approaches that seek to fix the identities of those criminalized (through statistics, etc.) in order to intervene in their lives in detrimental ways. In this approach to identity, the 'zoo animals' escape their confines and resist classifications that fix them to their criminalized identities.

Epistemology

Epistemology guides knowledge production and is integral to knowledge claims. In criminology, arguably more than anything else, epistemology has been and continues to be a main source of division. Whether it comes under the guise of debates around positivist versus anti-positivist or naturalism versus anti-naturalism, these divisions have cut across the intellectual space of criminology (Melossi 2000; Lippens 2006). The qualitative, anti-positivist versus quantitative, positivist divide, as it may be called, finds its purest expression in approaches to the criminal or criminalized populations. Historically, this divide is, for the most part, premised on a sympathetic (anti-positivist) representation of the criminal in contradistinction to an antipathy (positivist) towards the criminal (Melossi

2000). With these disparate attitudes towards the criminal being a central pillar of criminology, the issue in relation to cultural criminology becomes whether they provide a more critical, opposition to the positivist approach as compared to labeling theory.

Labeling theory is an anti-positivist position, rejecting 'official' statistics as an untenable description of the story of deviance. As an epistemological position, labeling theorists returned to a focus on Weber's (1947) principle of *Verstehen* as the point of engagement with the labeled subject (see Schur 1971: 34). That is, this is an engagement with explanations that exhibit adequacy at the level of meaning and causal adequacy. This is understanding, or an engagement with, criminalized populations on their own terms and a call to criminologists to take on an empathetic and participatory relationship to their subject matter. In addition, in Becker's (1967) "Whose side are we on?", there is another, equally radical, position proposed. Becker argues that epistemology is never innocent and that criminologists will inevitably have to take a position when representing a particular criminological phenomena.

Kitsuse and Cicourel (1963) in their examination of juvenile delinquency data, argue that this form of official statistics are not valid indicators of the actual distribution of deviant acts, but rather, reveal more about the procedures of criminal justice agencies. They assert that, from a labeling perspective, statistics as integral to the production of deviance. In Douglas' (1967) analysis of the label of suicide he confronts the very assumptions of positivistic, quantitative studies of deviance and shows the complexity of factors that are not (and cannot be) considered in the generation of quantitative data. He shows how the category of 'cause of death' is the resultant of a complex interaction process between the event itself, those witness to such an event, and various officials who impugn the category of suicide. Douglas' analysis of suicide also shows the malleability of labeling theory for studying wide-ranging subject matter.

Following from this rejection of quantitative methods is the reliance on ethnographic methods, specifically the deep immersion in the worlds of deviance through participant observation (Becker 1963; Polsky 1967; Cicourel 1968). Polsky's (1967) work is both instructive in this regard and a typification of empirical studies influenced by labeling theory. Polsky (1967) called for a rugged and complete engagement with criminalized subcultures in their natural settings. His study of the lives of pool hustlers and their relation to mainstream society stands as a refreshing example of the deep understanding that can be gained through participant observation. While in the main labeling studies utilized participant observation, they also engaged in media analysis and historical research. In Young (1971) and Cohen (1972), we find a particularly insightful analysis of the media through the concept of deviancy amplification spirals and moral panics. Here the processes by which the media inflates or calls attention to certain forms of behaviour are analyzed. In addition, Gusfield (1963) engages in historical research on the temperance movement mapping the development, political character and influences that shaped the movement.

The epistemological position of cultural criminology is, arguably, best embodied by Ferrell's (1998) 'Criminological Verstehen'. This methodological orientation seeks to bridge the gap between researcher and researched subject and capture the lived experiences and realities of criminal subcultures. This results in a dialectic where the subjectivities of the research and research subjects intertwine. In addition, in a way that has obvious affinities to Katz (1988), the criminological verstehen rests on a specific etiology of crime, one that locates the origins and meaning of crime principally inside the criminal event. Cultural criminologists consistently reject the use of quantitative methods as a basis for studying the intersections of culture and crime. Due to statistical techniques' utility as a mode for producing objective, quantifiable, comparative data, quantitative methods are

viewed as ill-suited for studying the particular meanings of legal authority, situated symbolism, and interpersonal style in the lived experiences of everyday criminality (Ferrell and Sanders 1995c). Administrative, positivistic criminologists stand accused of being the technical arm of the State and displacing social justice as the central agenda in criminology (Presdee 2004; Young 2004).

Cultural criminology remains tied to ethnographic methods. Ferrell and Hamm (1998: 9) argue that "field research remains, no matter what its risks, the essential research method for uncovering the situated meaning of crime and deviance, for exposing the emerging experiential web of symbolic codes and ritualized understandings which constitute deviance and criminality." Ethnographic research is posited as necessary for the uncovering of the cultural and experiential realities of particular criminal subcultures and criminal events. The ethnography is directly engaged with the subject matter, immersing her/himself in social groups, getting to intimately know the social processes of a given milieu. They come to know the nuances of symbolism, style and meaning of specific subcultures and expose the political orientations, cultural codes and existential predilections of researchers and research subjects (Ferrell and Hamm 1998).

Within the cultural criminological literature there has been an emphasis placed on marrying ethnography with media and textual analysis. As cultural criminologists stress the mediated nature of late modern society, they assert that subcultures cannot be studied apart from their representation and consequently, ethnography and textual analysis cannot be separated (Ferrell 1999; Hayward and Young 2004). This multi-methodological approach allows for an examination of the way that media audiences, deviant and criminal subcultures, control agencies, and others appropriate these texts and media images, and in part modify their meaning to utilize them in particular social situations.[6]

More recently, Ferrell et al. (2008) advocate the use of instant and fluid ethnography. Instant ethnography is predicated on the notion that crime can occur in an instant and so can ethnography. Ostensibly freeing the criminological researcher from cumbersome traditional practices of ethnographic research, fleeting moments of crime are to be valued for the phenomenological insights they can offer. Katz (1988) work is deployed by these authors to assert that to understand criminal dynamics, the instant ethnographer must document the situated constructions of moments of criminal transgression. With fluid ethnography, these authors argue that to catch up with the speed of late modernity, ethnography must be attuned to the dynamics of destabilized, transitory communities, it must be immersed in the ongoing interplay of images and must be an ethnography comfortable with the shifting boundaries between research, research subjects and cultural activism.

In both labeling theory and cultural criminology, both bodies of literature utilize Weber's concept of verstehen. Despite Ferrell's attachment of 'criminological' to *verstehen*, in essence, this conceptualization remains the same. Both are making clear attempts to overcome the duality of researcher and research subject and at a minimal level engage with explanations that exhibit adequacy at the level of meaning and causal adequacy. Both bodies of literature utilize ethnographic research methods, critically analyze media sources in terms of their depictions of crime (albeit cultural criminology puts far more emphasis on the media analysis), and both rejected administrative or 'statist' criminology. On these epistemological grounds, cultural criminology can be seen as an *extension* of labeling theory.

[6] Cultural criminology has also engaged in participatory action research, photographic fieldwork, and more traditional approaches such as interviewing and discourse analysis (see for example, O'Neill 2004; Jackson-Jacobs 2004).

While in the aforementioned ways, cultural criminology is something of an extension of or elaboration on labeling theory, their move toward instant and liquid ethnography is entirely their own. In considering Ferrell et al. (2008) development of instant and liquid ethnography, it is odd that they invoke Katz's work as a justification for such types of ethnography. In a work much later than *Seductions of Crime,* Katz (2004) offers a general critique of the contemporary ethnographic practice of fleeting engagements with research subjects. This phenomenon in fieldwork is what Katz (2004) has typified as 'aristocratic' ethnography where the academic on high, in his/her ivory tower, descends to engage in research but stays and engages with research subjects in a cursory way so as to not be dirtied through contact. A further problem that Katz (2004) highlights is that the academic asserts his or her theoretical agenda on the lives of their research subjects, glosses over empirical data that runs counter to their position, and sparingly offers the voices of research subjects in their write up. While in advocating an instant approach, Ferrell et al. (2008) may have the best intentions, putting forth such a position produces the very aristocratic phenomenon that Katz highlights. Rather than standing against the fast pace of 'liquid' modernity, they seem to advocate for a 'McDonaldized' version of ethnography, where the researcher gets in, gets what they need, and gets out. Perhaps a style of ethnography not predicated on speedy delivery, but on extended, thoughtful and caring engagement would be a preferable type of ethnography.[7] A long term ethnography where one's body and soul are immersed in the world one seeks to understand (see Wacquant 2004; Spencer 2009), may lead to a pause and stutter in the administrative criminological engine. After all, it was Becker (1963) that took over 10 years to publish the groundbreaking *Outsiders*.

Conclusion

To conclude, cultural criminological is a theoretical soup that has not condensed into a criminological analytic that provides a grammar of critique. In the rush to be the next big approach in critical criminology, they fail to resolve fundamental contradictions that the emergence of labeling theory highlights or, as shown in relation to instant or liquid ethnography, actually holds the potential to cause the harms that it portends to resist. I have shown that in their attempt to integrate manifold literatures, there is a failure to adequately adhere to the theoretical perspectives they rely on (postmodern, post-structural, and feminist theory and cultural studies). In a certain sense, cultural criminology replicates or is an extension of labeling theory. In other respects, in integrating opposing positions, realist and left idealist criminology, into cultural criminology they fail to resolve fundamental contradictions. This is not a benign issue, as theoretical positions not only describe the nature of social reality, but also ultimately guide research agendas and where we end up (see Katz 2002). This contradiction will remain a specter that will haunt the cultural criminological project until it is resolved. In terms of their claims to novelty there is a failure to adequately demonstrate in theory and practice, how they move beyond previous criminologies.

My hope for this article that it will not be received as an 'inconvenience' to the cultural criminological project. The preceding critique is not intended to cripple or negate the work that is being done by cultural criminologists, but as an *invitation* to reconsider some of the

[7] Prior to discussing instant and liquid ethnography, Ferrell et al. (2008) praise the work of early ethnographers like Anderson and Thrasher for their embedded, long-term ethnographies. Advocacy of instant ethnographies seem at odds with such nostalgia.

problems associated with *unleashing* such positions in criminology. In considering the sum total of theoretical gerrymandering in cultural criminology, one has to wonder, what is cultural criminology (to a certain extent, what is it not)? In this way, I am answering an invitation (see Ferrell et al. 2008) with an invitation to develop a novel grammar of critique that moves beyond previous criminologies.

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