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Criminology and Violence: Reflections on Elliott Currie's *The Roots of Danger*

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The Criminology of Violence

Imagine if you will, we wish to write a book about violence. We know do we not what violence is. So, what we wish to examine in this book is the question 'Why do people commit violent acts?' Or, perhaps, if we are North American, 'Why is North America peculiarly violent?' Because we know, do we not, that this is true. Because we know what violence is we don't have to be too critical in defining our terms; we could cite Oberwittler and Hoffer, for example, when they talk about "violent crimes that harm the physical integrity of the individual" (2005, p. 469). Or we may decide to follow Currie in saying as he does in *his* book on violence that he looks specifically at:

> violent *crime,* rather than collective forms of violence, like civil wars or revolutions. [And he focusses] on the kinds of violent crime that take place on the streets and in the homes – not on violence committed by, say, governments or corporations – which can be terribly destructive in its own right, as well as criminal. [He also focuses] on *serious* violent crime: not on everyday fights in the schoolyard or shoving matches in the local bar, but on the kinds of violence that can cause great physical and emotional harm – murder, rape, serious assault, robbery (pp. 6-7).

So, we have, an ostensive definition of violence, and a *speci*-fication for the kind of violence that is worthy of our attention. Or so it would appear. In fact, we have a *speci*-fication of the kind of violence that we think can be more reliably talked about.

Imagine further, now that we have specified the boundaries of violence, we can talk about its distribution and dimensions (pp. 8-33). It will be necessary for us to outline the problems with assessing the distribution and dimensions of violent crime, paying particular attention to contingencies in reporting and recording practices across jurisdictions and to the variations in the weight accorded by those doing the recording, to the reporting of the experiences of different 'kinds' of persons from place to place; in other words, the weight accorded to each individual in their subjectivity. We will wish to make note of the vagaries of different ways of attempting to count violence from assessing hospital admissions to victim surveys. We will reveal, of course, that despite our specification of violence, that violence is a very slippery thing to measure. We will be able to say, however, that rates of violent crime differ markedly from country to country with Honduras having a per-head of population homicide rate 300 times that of Japan (p. 23). We will be able to say that most violent crime is committed by men, and we will be able to say that by-and-large it is the poorer members of humanity that suffer most from, and we will claim, commit more violent crime (p. 27) and that this is true even in wealthy societies like the USA (p. 51), where the highest levels of violent crime are to be found (currently) in Gary Indiana. Or perhaps our *speci*-fication excludes the kinds of violence conducted by the wealthy.

Having identified the dimensions and distribution of violent crime we would be in a position, then, to address the meat of the book, explanations for violent crime, and ideally we would first look at those explanations that don't work. These explanations according to Currie include genetic explanations, lenient sentencing, diversity, and prosperity. In each of these latter three cases, the United States is manifestly on the wrong side of the correlation for these explanations to universally, or simply, make sense of the problem of violent crime. So, then, we should move to the explanations taken by Currie, and other, main-stream criminologists to be efficacious in making sense of violent crime. These include inequality, marginal work, weak social supports, strained families, harsh and ineffective criminal justice systems, and easy access to firearms. We should almost certainly agree with Currie when he says (and I make no apology for quoting such an eloquent passage at length)

> The societies that are routinely torn by violent crime … are harsh societies – and they are harsh in many ways at once. They foster economic policies that create insecurity and deprivation at the bottom and that concentrate wealth, resources, and opportunity at the top. They offer few social protections for vulnerable people, and they allow the struggling or the unlucky to "fall through the cracks." They are typically punitive in their approach to offenders, and often their approach to child rearing as well. They are likely to enforce, or at least tolerate the social and economic subordination of women. They are neglectful societies that tend to ignore social problems until they explode into conflict and violence. They are *societies characterized by what we might call a "culture of disregard", in which people feel little sense of public responsibility or solidarity toward others, and a "me first" ethic* of personal gain often dominates public and private life (p. 93my emphasis).

I have highlighted part of the last sentence in this quotation. I hope to show in this paper that this is the crux of the matter of violence. We might, then, albeit less skilfully, elegantly, and with somewhat poorer mastery of the complexity and detail of this criminological problem, arrive at a book something a little like that of Currie.

The Violence of Criminology

Or we might not. We might ask some other, or additional questions. We might ask, for example, whether the 'defining out' of psychological violence in intimate-partner relationships in our *speci*-fication of violent crime is material to our inquiry, or whether brawling in a bar is material. Is the psychological violence done to critics of various states around the world material, or the

subjective violence inflicted upon the poorer members of society in the limitation of their capacities for self-actualization material? Is slavery violence? Indeed, we might question the *whole* materiality of our *speci*-fication of violence. Violence *speci*-fied in this way merely evokes *eidos*: surface or appearance, mere presence to sight. This is not the surface of some entity or phenomenon 'out there' waiting to be discovered, but it is the surface attributed to the phenomenon by the observing investigator: the criminological researcher. The specification contains not that which is true, or has been observed as traits or qualities of violence by the criminological observer, but is created (*speci*-fied) as a part of a symbolic order that is a tool designed or at least used to make *criminological* sense of the world. These boundaries are not set because they *are* the boundaries of violence but merely because, ostensively, they more readily permit criminological talk about violence and hence make the violent subject thus identified available to governance. However, these boundaries do not permit sense making talk about violence *per-se* they merely permit talk about the phenomena (more or less) arbitrarily encompassed by them: *speci*-fied by them. This modernist *doxa* pre-circumscribes attempts to make sense of the problem at hand since what is says, in an inverted kind of logic, is that the problem is 'violence' and we know what violence is do we not. It then accepts the criminological *doxa* concerning what violence is and sets about describing violence in more detail. That is, it wishes to ask what is *mater*-ial to violent crime, and in order to render the *problem of researching* the problem of crime more malleable, it prescribes certain conditions of materiality before it starts. We may mangle Hulsman (1986, p. 71) here – thus specified –violence has no ontological reality, it is the product, not the object of criminological research. The kind of violence of which we speak as criminologists is not autopoietic, it is defined into existence by criminologists *for* criminologists.

This, I believe, is a problem about which criminology remains in denial. The problem is a modernist one. For the Ptolemaian, the Copernican revolution spoke the death of faith, and since it is faith that dissolves the power of paradox, in the absence of faith the Ptolemaian required a new means of making sense of the world, and a new belief in his powers to reveal the truth; the birth of a radical self-knowledge-belief that is one of, if not *the*, defining feature of Modernity. Without being too rigorous, solutions were devised, most famously perhaps by Linnaeus; a system of classification: of division or *speci*-fication. This *process* of classification remains at the core of criminology today and it aids and abets states in their tyrannical violence over their subjects: it does not discover; it *creates* governable subjects.

If, as we believe, the universe is infinite then it must be made up of entities of *all* scales, and if this is so, then the relationship of scale that entities have to one another are rendered simultaneously infinite and infinitesimal. We assume, for example that the scale of difference that separates animals from humans is greater than the scale of difference that separates individual humans from one another. Which of these scales of difference is taken to be material, depends on the problem of which we are trying to make sense. However, the problem of which we are trying to make sense is, itself, defined by our existing specification of the differences between entities. If we wish to speak of a problem generated by the 'feckless poor' we need to define the 'feckless poor'. So, we ask the question 'who are the feckless poor?' Of course, comes the answer, they are those who are causing this problem. 'And what problem would this be?' 'Well, obviously, it is the problem of the feckless poor' comes the reply. This kind of tautologous mystification is at the heart of the mobilization of public opinion by those with the power and the desire to do so. More pertinently to this discussion is the fact that criminology operates by the same tyrannical processes (Crewe, 2015). What this means is that the solution to any criminological problem depends upon the success of the *definition* of the materiality of the differences, or boundaries between entities used to *specify* the problem. The criminologist specifies both the problem, and the entities that constitute that problem, from his sphere of ownness; he, like the Ptolemaian God, assembles the world in his own image.

The problem being addressed in Currie's book is violence, a process specified by him as being criminal, and hence the subject of the law. It is not new to suggest that the law is a product of the Modern mind (Goodrich, 1986); it is the product of the radical self-knowledge-belief of the Enlightenment. This radical self-knowledge-belief is also the ground for the *claims* of epistemological privilege evident in law. Hence, the product of the law and its *claims* to authority justify each other on the same grounds: A Modern arrogance that appears to know few bounds. As Schinkel would have it "[t]he nature of its self-deceit, or of its definitional self-referentiality ... lies in an abstraction that is due to a misrepresentation of itself ..." (2002, p. 135), and, we might add, '*to* itself'. Thus, the object of the law is subject to the violence of the law, because she is *absent* from the law. This is because it is impossible for one subject to be fully present to the subjectivity of another; the Other-as-she-is-for-herself is always available to her before any kind of intellection of mine (privileged access). Hence the object of the law is also constructed by the law. Criminology is a species of violent modernity in that it is that study that tyrannically *makes available* the criminal Other as the *possible* object of governance by constituting her in her absence. Criminology criminologizes. Categories such as 'criminal', 'delinquent', 'sex offender', or 'serious' violence, for example are empty signifiers, yet their processes of formation are the true *sub*-stance – the methodological *hypokeimenon* or *subject*[1]-um – of the edifice, and practice of criminology: the very meat and drink of 'crime science'[2].

Violence without criminology

Let us look now at ways of conceiving of violence outside the bounds of criminology. We have suggested above that criminological study rests on the operationalization of difference, however, should one accept what I have said above we should also be aware that such operationalizations are *more or less* arbitrary. It is necessary, to identify violence outside of criminology, for us to step outside of criminology into the realm of the un-*speci*-fied. Without crossing over into the metaphysical, we can dip our toes into the transcendent, so to speak, in that we can begin from the position of the human subject. The nature of our subjectivity is unique to each of us, furthermore, every human possesses some kind of subjectivity[3] in that it is inextricably bound up with the capacity to represent ourselves to ourselves as ourselves: or the *experience* of being a subject. This condition persists at the highest possible level of generalization of the nature of the human, and what Mead contests is what constitutes the very process of self (2015 [1934]) in view of our capacity for intentionality[4]. Moreover, it is this capacity that permits us to 'measure' the similarity and difference between ourselves and others, because we can represent both to ourselves. Further to this, however, we might strongly suggest we have 'privileged access' to *our* subjectivity. In Levinasian terms, we exist for-ourselves before any intellection of any other, or as Sartre says, our observation of the subjectivity of another is always undertaken from our own subjectivity (1967 [1957]). What this means, just as in the case of criminology and the law, is that the object of our perception is absent from our construction of her. In other words, what we see we do not discover, we make, and this of course, is itself a form of violence. This kind of violence is, to my mind, related to a more insidious kind of violence that is powerfully implicated in the kind of violence on which Currie wishes to concentrate. Currie's violence is partial, that of which I spoke a moment ago and of which I now speak are universal. Let us return to The Subject and to the question, apparent in Husserl, 'how is the intentional content of our experience of other minds constituted'? (1969).

If we are to grasp this other-centred constitution of meaning, we must establish the facticity of the *Other-as-she-is-for-herself*; as it were, the '*first movement*' in our exploration of the object - subject relation. This cannot be done by invoking any *speci*-fication or difference (particularly difference from me as encouraged by Husserl (1969, p. 107)) since such a *judge*-ment – or measurement – would have to arise from *my* sphere of ownness. In the face of this solipsism of

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[1] Thrown under – *under*-standing
[2] For the most extreme version of this see the FBI's 'Unified Crime Reports' crime categories.
[3] See Thomas Nagel *What is it Like to Be a Bat* (1974).
[4] Not intent, but directedness (aboutness) of mind

Husserl's, Sartre (1967 [1957], p. 302) encourages us to begin with the way we experience *our* selves as the *object* of the Other. According to Sartre, should we inhabit the world as a monad – in our absolutely singular ipseity – we would be able merely to *consume* its *isness*[5]. We would not be able to *speci-*fy it since there would be no other with whom to negotiate meanings[6]: the world would *have* no aboutness. This is emphasised in Sartre by his insistence that our first encounter (our first movement) with the Other manifests itself in the form of shame. When another approaches me in my role as mere consumer of the isness of the world, says Sartre, I am cast by her merely as a voyeur (1967 [1957], p. 353) but her arrival brings the possibility of meaning. These meanings, for Sartre, are a species of normativity, and clearly relate the existential (intersubjective[7]) nature of the world to its normative structure in that they arise from the freedom present in the separation of the *en soi* from the *pour soi* (Sartre, 1967 [1957]). However, we may observe of Sartre's relation of freedom and normativity that normativity is constraint, and, we take it, freedom is its absence. How then should we proceed in the face of this paradox? The answer is to be found in Levinas.

For Sartre, the Other brings with her a law, the establishment of normativity that defines my freedom by showing its limits, since it reveals a contest between two *competing* claims for freedom. The claim of the Other, however, can only be recognized by me from my own subjectivity[8]. Hence (because it arises from *my* subjectivity) Sartre says that this must be the *second* movement (1967 [1957], p. 382), however, our attempt to identify the foundation of the structure of the intersubjective must begin with the nature of the *'first movement'*. Levinas addresses this problem by insisting that the Other brings with her not a law but a command, and she brings this to the relationship before I have any intellection of her what so ever. A command does not merely come into conflict with my freedom as would a law, but it creates an obligation from which I cannot resile, because it arrives while I have mere singular isness: before I possess any subjectivity. The command revealed by (the face[9] of) the Other is "thou shalt not commit murder" (Levinas, 1969, p. 199). Levinas notes elsewhere that this command "is the end of powers" (op. cit. , p. 87) the end of my freedom, my 'I can'[10]. That is, not that my freedom can be done away with nor that my freedom no longer conflicts with the freedom of others but that my freedom has a limit and that limit is set by a command in a way that a law cannot. Of course, one may argue, I can commit murder and one would be right; however, this does not eradicate the command, this simply means that were I to kill, I would have chosen to ignore or transgress the command: neither the command nor the obligation goes away. In killing I have failed in my obligation, not eradicated it. The command reveals an irrevocable asymmetry that is a phenomenologically necessary quality of my relationship with the other in that she constitutes me in *my* experience by *my response to the command emanating from her, prior to her in any way entering my experience*: my '*hineni*'[11] – *me voici*. My first experience of myself is formed in my obligation to her before *any kind* of communality. Hence the command (the obligation) uncovers the normative structure of the intersubjective; the ethical and the mode of experiencing anything as anything at all (normativity[12]) are disclosed as being inseparable: ethics is shown to be first philosophy.

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[5] Indeed, even its haecceity – its *thisness* – would be unavailable to us.

[6] Witness Wittgenstein's (1976 [1953]) 'Private Language' argument.

[7] C.f. Heidegger, '*Being and Time*' (1996 [1926]) for the relationship between the existential and the intersubjective.

[8] We should point out that as a monad, i.e. before the arrival of the Other, we can *have* no subjectivity.

[9] There is not room here to examine Levinas' concept 'The Face'. For a discussion of this concept see Peperzak (1997); Morgan (2011); Perpich (2008).

[10] For an examination of the relationship between 'power' and capacity ('can') see my 2014 (pp. 137-164 Chap. 7) or my (2010).

[11] Abraham's response to God following God's command that Abraham spare his son – the offer of *total* availability to the command: of total sublimation of the ego.

[12] For a brief statement of the relation between normativity and the origin of intersubjectivity see my (2015), also Perpich (2008). In detail, of course, Sartre (1967 [1957]).

We must first state when speaking of Levinasian ethics, that Levinas is not in the business of constructing an ethic like Rawls 'fairness' or Kant's 'Categorical Imperative' for example. Levinas is not interested in some ethical prescription or test, he is interested in the *place* of the ethical in the intersubjective relationship: how I, the subject, stand *vis-a-vis* the Other. This is in no manner a code or set of rules. What this means to us in our consideration of violence is that we do violence to the Other every time we fail in our obligation to the Other, which obligation is elicited by her command. This, of course is not just limited to murder. The obligation to the Other is infinite and manifests itself, according to Levinas, in a universal responsibility. Levinas' insistence that rather than Sartre's 'law', the Other brings a command, and that a command imposes an irrecusable obligation, the question 'Who am I?' cannot be answered by recourse to my own experience. It must happen by examining *my* response to the obligation to the Other before I have any communality with her whatsoever, and this response discloses my *respons*-ibility for the other: I can, therefore I *must* respond.

Responsibility, however, has more dimensions than we generally imagine. I may speak of responsibility to myself, responsibility for myself, responsibility for myself to others, and responsibility for others[13]. It is the latter of these which is of interest here. Conventionally when we speak of responsibility for others we have in mind the kind of relationship that frequently occurs between children and parents in virtue of the perceived deficiencies of childhood. Levinas, in contrast, has in mind not an 'accounting for' oneself or 'answering for' another, but where the responsible self is an *irreplaceable substitute* for the Other: *any and every Other.* Hence, axiomatically, and without any possibility if things being otherwise, I sublimate my responsibility for myself or to myself into responsibility *for* the other, resulting in the erasure of my '*ego*'. Now this ego is the self-replicating bunker from whence modernity launches its violence: the violence that constrains the freedom of *all* others solely from my sphere of ownness, the erasure of this ego is the erasure of violence.

All violence is of this form, and Currie's 'serious' violence is therefore merely a subset (although a particularly nasty one) thereof. What this further means it that violence is universal and that any attempt to *speci*-fy it is in itself an act of violence upon those thus specified (c.f. inter alia, Becker, 1963) and, perhaps more importantly, upon those excluded from the specification (victims of intimate-partner psychological violence or slavery for example). This, for me, is an important aspect of Currie's text. One might suggest that acts of *'serious'* violence axiomatically must involve a *'serious'* abrogation of the perpetrator's responsibility for the Other-as-she-is-for-herself, however, a similar abrogation occurs in queue (line) jumping, illegal parking, dropping litter, playing music too loud, promoting climate change, imposing low wages, people trafficking, high bonuses, poor safety standards, *et cetera ad infinitum*; indeed, all those behaviours (and more) that critical criminologists have struggled for decades to bring under the banner of conventional (administrational, evaluative, scientistic) criminology. Violence does not have to "harm the physical integrity of the individual" (Oberwittler & Hofer, Op. cit.) violence is universal, it is embedded in the impossibility of *fully* satisfying our obligations to the Other: the inescapable limitation of the finitude of humanity. Indeed, we discover that Currie's "societies characterized by what we might call a 'culture of disregard', in which people feel little sense of public responsibility or solidarity toward others, and a 'me first' ethic" (Op. cit) is not a *description* of the social conditions for violence or an explanation thereof, but a statement of the very *thisness* of violence.

Criminology without violence

This position is interesting for criminology; it suggests that the ethical is at the root of all intersubjectivity – all social relations. It has been suggested to me in numerous conversations that criminology has nothing to do with ethics and *vice versa.* Clearly, however, since criminology is entirely bound up with the social, and should we accept the foregoing, the ethical must matter to it – it must be *mater*-ial. Moreover, because I do not choose this obligation freely I cannot pass

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[13] I have elsewhere referred to these kinds of responsibility as 'mere responsibility' (2011).

on my responsibility to others: I cannot ask another to stand in my shoes. In Levinas' terms, we are held hostage by the other, and of this state of affairs Levinas was wont to invoke Dostoevsky in the Brothers Karamazov:

> I am responsible for the Other without waiting for his reciprocity.... Reciprocity is his affair.... It is I who support all, [... as in] that sentence in Dostoevsky: 'We are all guilty of all and for all men before all, and I more than the others.' This is not owing to such or such a guilt which is really mine, or to offences that I would have committed; but because I am responsible for a total responsibility, which answers for all the others and for all in the others, even for their responsibility. I always have one responsibility more than the others (Levinas, 1985, pp. 98-99).

It is further interesting to note, should we consider atrocities like the Holocaust or Hiroshima and Nagasaki, for example, we may readily say that 'we must not let this happen again'. So to say reveals our responsibility for such events, and moreover, should one have a friend or a relative who was a victim of such an event, that we are responsible even for the acts of our own persecutors.

This realization brings to criminology new obligations, challenges, and opportunities. A commonly held view of the purpose of criminology is that it is intended to help reduce crime. Some say, because the nature of crime is in the gift of power, which criminology should seek to reduce harm[14]. The role of any kind of inquiry must be, where possible, to reduce suffering. Indeed, in a reversal of the Kantian maxim, where 'The Good' is concerned, can implies aught. Any kind of suffering that can be reduced and isn't constitutes violence, if only by omission. Failure to fulfil our obligation to the other, to reduce their suffering, constitutes a derogation of our *duty* as human beings since being in this ethical relationship with Others is what constitutes us *as* human. Since all human experience is unique (identity, one with another, is impossible[15]) and it is not possible to apprehend the content of that uniqueness, since that would involve subsuming one to another. Hence, we can never know why any one person may do any particular thing. Criminology's response to this realization has been to specify groups of problems and groups of persons in the process called operationalization; that is, to make these concepts workable for criminology. In so doing it makes the individual – whose suffering is the real object of criminological study – invisible: it reveals only the 'hive mind' of the criminologist. Furthermore, judgement becomes guilt, guilt becomes blame, and blame a derogation of our axiomatic responsibility for the actions of the other. We must ask ourselves 'how is my life implicated in the suffering of the other?' We cannot say that their suffering is their affair since we are constituted by our intersubjectivity with them and all Others, and this realization is the key to a more just world. A world no longer "characterized by what we might call a 'culture of disregard', in which people feel little sense of public responsibility or solidarity toward others, and a 'me first' ethic" (Currie, op. cit.).

Criminology, then, must cease to do violence and to sponsor the violence of others, by leaving behind its scientist, rational, humanist, and Modern past: it must refuse dualistic modes of thought, it must dissolve all the boundaries it has spent the past one hundred and fifty years assembling. We must recognize that in addition to being unable to grasp the full nature of the other's subjectivity because it originates in our experience, we cannot know the whole of the *assemblage*[16] that constitutes the Other in their being: the trace of everything that they have been, thought, or experienced in any way. Hence we do violence whenever we attempt to judge or categorize, and we do this every time we speak of crime; we seem to wish only to alleviate the suffering of those deemed material to *one side* of the law. We must cease to blame; we must simply bear witness to crime and social justice, as Quinney (2000) would have it. This does not mean that we should *merely watch*, but, should we watch with the kind of understanding that we

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[14] For a discussion on crime harm and responsibility see my (2011)
[15] I am always to the left of he who is to my right.
[16] C.f Delanda (2006), for example.

gain from Levinas, we shall know more precisely what to do to bring justice – not justice-as-we-receive-it – but a constant and unfulfillable mitigation of the suffering of others.

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