

Editor's Introduction: Legacies of Radical Criminology in the United States

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IN NOVEMBER 2010, JONATHAN SIMON GAVE A TALK, "GIMME SHELTER: THE 'FEAR Years' of the 1970s and the Rise of Incapacitation as the Central Purpose of Imprisonment in California," at the University of Edinburgh's Law School in Scotland. Though we live in the same town (Berkeley), have similar criminological interests, and share left-of-center views about the criminal justice system, until that moment Jonathan and I had not discussed our points of unity and disunity.

This changed when Jonathan emailed me his paper for my comments. In January 2011, I sent him a critique (developed with Ruthie Gilmore) based on our different perspectives on the 1970s. I didn't share his Good Left vs. Bad Left dichotomy, or his conclusion that the ultra-left prisoners' movement drove off well-meaning liberals and facilitated the Right's hegemony over criminal justice policies for the next 30 years.

When Jonathan returned to Berkeley after a semester in Edinburgh, we sat down and continued the argument in person, a recovering liberal and a recovering leftist trying to find common ground. This resulted in a course, "From Community Control to Mass Incarceration: Legacies of 1970s Criminology," that we offered in the fall of 2012 at the Berkeley Law School. It was not only an experiment in co-teaching competing ideas, but also in pedagogy, with a mix of students from different universities, countries, and class backgrounds, and different degree programs. The seminar was attended by Berkeley law students, graduate students in Justice Studies at San Jose State University, master's and doctoral students, with occasional participation by visiting scholars and local professors.

Those who were hoping that the seminar would turn into an ego-driven pissing match and exercise in academic one-upmanship must have been disappointed. The tone was serious, civil, and respectful. We did not duck arguments, but we did not make them personal or try to score points. It would be an overstatement to say that as a result of the course we achieved an *entente cordiale* on all the big issues. Jonathan continues to have more faith than I do in the reformist interventions of enlightened liberals, and I continue to have more faith than he does in leftist movements. Yet, I

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would say that we share a similar outrage at the injustices of the justice system and a similar appreciation of the legacies of activist struggles in the 1970s.

This special 40th anniversary issue of *Social Justice* hopefully recreates the spirit and debates that took place in the class, without pandering to a nostalgic vision of the 1970s. *Legacies of Radical Criminology in the United States* is divided into two sections. The first part includes four essays by participants in the seminar, and two interviews with leading activist-intellectual veterans of the civil rights and black power movements.

Jonathan Simon's effort to "recover some pure strains of the left-liberal criminology of the 1970s" invites a reconsideration of the Black Panther Party's (BPP) program for self-defense and Susan Griffin's important essay on "Rape: The All American Crime." Simon calls for a regeneration of the criminological imagination and new forms of radical praxis.

Alessandro De Giorgi, a fellow member of *Social Justice*'s editorial board and faculty member in Justice Studies at San Jose State University, argues in his essay that despite political affinities and a shared critique of "mass imprisonment," significant theoretical and strategic differences between liberal and radical perspectives persist.

It was an unexpected pleasure to have Dario Melossi, on leave from his job in the law school at the University of Bologna, as a participant in the class. In his contribution, Melossi, a leading figure in radical criminology in Europe, reflects on his time in California in the late 1970s, his work with the editorial collective of *Social Justice* (then known as *Crime and Social Justice*), and the Marxist tradition in penal history, to which he has made significant contributions.

David Stein, a doctoral student in American Studies and Ethnicity at the University of Southern California, not only contributed to discussions about history and theory, but also shared his experiences as an anti-prison activist. His essay provides a detailed account of the syllabus (including readings and bibliography) and a vivid sense of the lively arguments that permeated the class.

In 1975, I interviewed Angela Davis for *Crime and Social Justice* (No. 3, Summer) about her optimistic views on the prison movement, political prisoners, women prisoners, and socialism. In 2012, she visited our class to reflect on her political past and respond to questions about her ongoing activism with Critical Resistance, a US-based anti-prison organization. A transcript of this interview appears in this issue (and if you would like to compare it with the 1975 interview, please visit www.socialjusticejournal.org/wp-content/uploads/2014/04/3Davis.pdf).

We also invited Ericka Huggins, an important leader of the Black Panther Party and ongoing activist for nonviolent reconciliation, to respond to our questions about her political development, assessment of 1970s struggles, and views on the prison system. This dialogue, plus a conversation with historian Cecilia O'Leary about how she would like the BPP to be represented in the Smithsonian's National Museum of African American History and Culture, are included in this issue.

The second section of this special issue includes foundational documents from the 1970s that give a sense of the organizing issues and theoretical eclecticism of the radical criminology movement. Although the era ushered in a reorganized and increasingly repressive state apparatus, it also generated political and ideological challenges to long-standing liberal and conservative conceptions of justice, as well as a radicalization of academia, including the seemingly impenetrable field of criminology.

Radical criminology was born as an activist movement, committed to public education about the political and cultural biases of the legal system, to making the police accountable through “community control” and civilian review boards, to provision of resources for battered and raped women, to exposing racial prejudice in death penalty sentencing, and especially to supporting the prison movement. In “The San Quentin Six Case: Perspective and Analysis” (1976), Karen Wald provides an overview of the history and depth of prison activism, and explains why this case mobilized so much attention to the “racism and inherent injustice of the criminal justice system.” It was the practice of the radical criminology caucus at Berkeley that prompted the university to close down the whole program and place the surviving faculty under the ideological guardianship of the Law School. An editorial written by the journal’s board in 1976, “Berkeley’s School of Criminology, 1950–1976,” describes our failed efforts to build “a progressive alternative to what is perhaps the most reactionary field in the social sciences.”

Theoretically, radical criminology was anything but doctrinaire, borrowing from muckraking journalism, civil libertarian and neo-Marxist critiques of the state, the sociology of deviance, and revisionist history. The range of perspectives is apparent in the essays included in this issue. Herman and Julia Schwendinger’s “Defenders of Order or Guardians of Human Rights?” (1970) challenged criminology’s dominant managerial paradigm and called for a break with positivist, technocratic definitions of “crime.” In “Intellectuals for Law and Order: A Critique of the New ‘Realists’” (1977), Tony Platt and Paul Takagi argue that leading liberal and conservative criminologists shared the same political assumptions about the need for new forms of social control, in effect laying the groundwork for the neoliberal consensus that shaped “law and order” and “mass imprisonment” for the next 30 years.

Peter Linebaugh’s essay on “Karl Marx, the Theft of Wood, and Working-Class Composition” (1976) calls for a reconsideration of Marxist ideas about crime—“capital’s most ancient tool in the creation and control of the working class”—and returns to Marx’s ideas about communal and private property. In “Street Crime” (1978), Tony Platt argues that the Left needs to take twentieth-century intra-working-class crime more seriously and not concede this terrain to the Right.

Feminism was central to radical criminology’s early development. Drawing upon Susan Griffin’s 1971 *Ramparts* essay on “Rape: The All-American Crime,” Herman and Julia Schwendinger’s “Rape Myths” (1974), and second-wave feminism,

in “Any Woman’s Blues” Dorie Klein and June Kress summarize contemporary research on women’s crime and patriarchal justice.

Most of radical criminology’s analytical work focused on the state. Paul Takagi’s “A Garrison State in ‘Democratic’ Society” (1974) locates his groundbreaking exposé of police violence against black men in the control of “surplus labor” and the rise of new forms of domestic counterinsurgency. Takagi’s ideas form an important basis for *The Iron Fist and Velvet Glove: An Analysis of the U.S. Police* (1975), an analytical handbook written for community activists by Berkeley School of Criminology radicals (available at www.socialjusticejournal.org/?product=the-iron-fist-and-the-velvet-glove).

The work of 1930s German leftist Georg Rusche was highly influential in radical American ideas about the origins and development of the prison. His book, *Punishment and Social Structure*, coauthored with Otto Kirchheimer in 1939 and reprinted in 1968, was more influential in Berkeley circles than Foucault’s *Punishment and Discipline*. Rusche’s first attempt to present a coherent materialist analysis, “Labor Market and Penal Sanction: Thoughts on the Sociology of Criminal Justice” (1933), was translated and published by *Crime and Social Justice* in 1978. It is included in this issue, followed by Dario Melossi’s 1978 assessment of the significance and influence of Rusche’s work.

We hope that this special anniversary issue of *Social Justice* will provoke a reassessment of the American radical criminology movement in the 1970s. Although the “punitive turn” and “mass incarceration” still prevail, there are signs of ruptures and fissures within ruling policies of “crime control” that provide an opportunity to articulate a progressive vision of criminal justice. There is no reason to abandon the demands of the 1970s: massive decarceration, closing of youth prisons, abolition of capital punishment, and ending the racial double standard of arrest and incarceration. Add to that the minimum penal standards adopted by the United Nations, such as eliminating the widespread use of solitary confinement, providing “compulsory” educational and job-training programs for those in need, and implementing restorative justice programs. The adoption of these proposals in the American prison system would be a radical break with the past.

A different world requires new analysis, plus learning from our mistakes: such as underestimating the Right’s ability to stake out crime as a governing strategy, ignoring splits between the feminist and antiracist movements, and minimizing the importance of comparative analysis. Moreover, we now face very different forms of repression and social control: the “fear of terrorism” has effectively normalized what we formerly called the “exceptional state.”

It is not enough to simply resurrect 1970s radicalism. Today’s feminism, for example, not only relocates women from the margins of the 1970s narrative to a central place in our understanding of the deep impact of imprisonment on impoverished families and communities, and of the interconnections between personal and institutional violence.¹ It also helps us understand imprisonment and

welfare as constitutive elements of interrelated disciplinary regimes, with jails and prisons primarily containing and punishing unemployed men, and welfare agencies primarily regulating and punishing poor women and their children.

Moreover, we should keep in mind that the maintenance and reproduction of structural inequality takes place primarily in a variety of non-penal institutions—the educational system, job market, urban planning, and welfare—as well as in discursive practices that, in the words of Stuart Hall and the Birmingham school, are “as much part of social control as breaking up crowds or imprisoning offenders.”² Therefore, reforming the prison and reducing the incarcerated population will require not only a broad political alliance, but also the incorporation of carceral issues into a broader agenda for social justice and economic equality.

NOTES

1. See, for example, Megan Comfort, *Doing Time Together: Love and Family in the Shadow of the Prison* (Chicago: University of Chicago Press, 2008); and Beth E. Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York University Press, 2012).

2. Stuart Hall et al., *Policing the Crisis: Mugging, the State, and Law and Order*, 2nd edition (London: Palgrave Macmillan, 2013, xii).

*** Reflections from the Seminar ***

