

BOOK REVIEWS

Travels of the Criminal Question: Cultural Embeddedness and Diffusion BY DARIO MELOSSI, MAXIMO SOZZO & RICHARD SPARKS, eds. [United Kingdom: Hart Publishing, 2011. ix + 233 pp. Paperback: US\$44.00]

This collection of workshop presentations refined into critical articles is excellent evidence of the service provided by the International Institute of the Sociology of Law (the “IISL”) to the global community of socio-legal scholars interested in the sociology of law (online: IISL, Oñati <<http://www.iisj.net/iisj/de/about-iisl.asp?cod=5186&nombre=5186&prt=1>>). For many years, the IISL has drawn together an elite band of researchers and thinkers in a summer workshop programme; the topics for which are selected to stimulate the broadest cutting-edge consideration around the intersection of law and society.

Even an initial examination of authors who have contributed to this collection suggests that the workshop must have been a unique experience. The workshop leaders have selected the timely focus of cultural embeddedness and diffusion to examine what they have enigmatically referred to as ‘the criminal question’. From the introduction, it is clear that the editors wrestled with not only an appropriate title for the collection, but also with “finding a form of words that in some way encapsulates a theme or an ambition or which at any rate that does not misrepresent the concept of individual contributions too grievously” (at p. 3), as one of the perils and privileges of editorship.

The ‘criminal question’ reflects a connection with a newly established journal of the same name and proposes an agenda for critical criminology. This journal and subsequent work by Tamar Pitch (Tamar Pitch, *Limited Responsibilities* (London: Routledge, 2007)) have emphasised the fact that sociologists and criminologists themselves contribute to the construction of the criminal question through their analyses, discourses, political interventions and debates. More than this, the collection of papers from this Oñati workshop is specifically interested in the cultural situation of the criminal question. Perhaps as a reflection of the research interests of the contributors rather than any deficiency in the coverage of the issue in this volume, the criminal question is largely approached through a penal lens.

The first essay proffered by David Garland gives him the opportunity to revisit and expand some of the themes on culture which he earlier formulated in his influential monograph, *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford: Oxford University Press, 2001). In recent years, Garland’s use of

the analytical technique *culture* has been criticised as being too static and failing to understand the nuances of cultural specificity and location. In this essay, Garland delivers the understanding that “culture encodes and is encoded by economic and political forces and [that] the analysis of culture is not a distraction from the study of penal power’s controlling effects, but is on the contrary, a vital component of such study” (at p. 3). Garland is not interested in culture as a theatre for control and its idiosyncrasies. Rather, his essay returns to consider the earlier, perhaps more expansive imaginings of cultural analysis by writers such as Stan Cohen (see e.g. *Visions of Social Control* (Oxford: Polity Press, 1985)). With a more expansive lens, Garland seeks to integrate cultural meaning and social action to explore the aims and objects of cultural analysis.

In the essay by Dario Melossi which considers neoliberalism’s *elective affinities* in the context of penalty, political economy and international relations, the author emphasises the importance of seeing the criminal question carrying in the weight of its history and displaying the obdurate legal/institutional and linguistic particularities of the political culture within which it is an intrinsic component.

The editors pay tribute to a celebrated article by Mark Granovetter (“Economic Action and Social Structure: The Problem of Embeddedness” (1985) 91(3) *American Journal of Sociology* 481 [Granovetter]), which considers economic action and social structure to introduce a ‘theory of embeddedness’. Perhaps it is an indictment of contemporary sociology that the rediscovery of embeddedness is seen to be both contemporary and unique. Anthropology and its new offshoot of cultural studies have never lost the essential understanding of embeddedness for any general assessment of critical cultural indicia.

Although it similarly applies to any social science analytical enterprise, Granovetter castigates the overwhelming analysis of economic action for failing to see this feature:

Under and over-socialized accounts are paradoxically similar in their neglect of ongoing structures of social relations, and a sophisticated account of economic action must consider its embeddedness in such structures. (Granovetter at p. 481).

The second part of the collection looks at Post-Fordist penalty. The two papers presented here connect in a fashion not dissimilar to what was done more than a generation ago, by George Rusche & Otto Kirchheimer in their emblematic work, *Punishment and Social Structure* (New York: Columbia University Press, 1939), which emphasised the important connection between penal systems and labour markets and the manner in which disciplinary social control is essentially constructed by economic paradigms within any culture. More recently, Michel Foucault in *Discipline and Punish* (London: Penguin Books, 1975) advanced the work from a labour-value paradigm to a transition of securitisation from the body to the mind. Michael Ignatieff in *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978) looked at the manner in which institutional embeddedness represented by the penitentiary took punishment from pain to penitence. Each of these transitions can be uncovered in the cultures of punishment in modernised ‘rule of law’ societies.

The third part of the collection takes us back to the origins of modern criminology in an evocative reintroduction of Cesare Lombroso, Guglielmo Ferrero & Douglas Morrison's *The Female Offender* (New York: Appleton, 1895) and moves that analysis into a surprisingly convincing critique of penal modernity in England, the USA and Italy. The three essays in this part take culture and globalisation as revelations of both rather than tensions within each, and do so to reveal the manner in which cultural embeddedness takes the researcher on a journey through cultural dynamism. The essay on the governance of crime and Italy uses local peculiarities to reveal the reasons behind global tendencies in the translation of crime problems from local to global.

The final essay invites a consideration of the manner in which crime prevention has become a determining feature of cultural transition in rapidly developing political economies such as Argentina. Each essay in this part emphasises that respecting cultural embeddedness is not an invitation to cement knowledge within static cultural arrangements, but rather to see crime, its control and its influence on the place of the law in cultural regulation as a potentially exciting analytical journey.

It is impossible to do justice to a collection as rich as this within the limits of a journal book review. I can do no better than to encourage the reader to lay their hands on this anthology and explore the depth and breadth of each different analytical format, as presented by the various contributors. They do not represent an easy read. In fact, several of the papers could be criticised as elitist if one is not well versed in the diverse literature which they digest. However, the themes which are presented in the papers in this collection are essential for a developed understanding of the future of criminology, and in general to understand analytical sociology. In addition, cultural richness acts as a springboard for deciphering the sociology of law, which can open windows of understanding into the exploration of cultural differences historically, economically, politically and ethically.

If I had a criticism of this collection, it would be that the papers read in various stages of development. But perhaps this is not a criticism at all. One would expect with scholars such as those represented in the collection, and considering the scope of theoretical challenge posed by the topics selected for analysis, that many of the more interesting issues presented in the papers will be works in progress for some time to come.

The collection is a credit to the editors and to the Oñati workshop tradition. It would also be remiss not to compliment Hart Publishing for their adventurous collaboration with the IISL, which enables much wider access to what would otherwise be a limited and even monastic research experience. This is one of the best collections in the Oñati series to date, and merits the careful consideration of those interested in cultural theorising as it relates to law, criminology, anthropology and applied sociology.

A final observation is that the collection and the authors represented therein evidences the reality that scholarship can no longer avoid cultural location if it is to engage the most thoughtful and pressing questions of contemporary political economies. In addition, this collection speaks volumes for the inevitable importance of cross-disciplinary research when examining the evolution and future of social control. In the spirit of comparative cultural embeddedness, as we are at once

citizens of the local and the global, research such as that presented in this book should stimulate the reader to question the essence of disciplinary myopia, as well as cultural abstraction.

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