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Article

# Reawakening Our Radical Imaginations:
# Thinking realistically about utopias, dystopias and the non-penal

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**Abstract:** *In this introduction we consider the relationship between the* European Group for the Study of Deviance and Social Control *[European Group] and the promotion of non-penal real utopias. The article begins by considering the historical connections between the New Left, utopian ideas, abolitionism and critical criminology, highlighting the role played by the European Group in the development of utopian thought. It then considers the utopian imagination in critical criminology, paying particular attention to Penal Abolitionism and Zemiology as utopia. It briefly analyses the crisis of utopia undergone by critical criminology in the 1980s before moving on to discuss the recent reawakening of the utopian criminological imagination and discussing the normative framework on which it should be based. Finally, it highlights the importance of developing of an emancipatory politics and praxis.*

## Introduction: The utopian imagination

Since the publication of Thomas More's *Utopia* (1516) some 500 years ago, the concept of utopia has been applied in widely different ways. It has taken on both a negative and positive meaning (Malloch and Munro, 2013). When used negatively, it is so as an insult: it is a way of ridiculing an idea as unrealistic, impractical and hopelessly idealistic. This dismissive use of the term draws upon the original Latin meaning of utopia as 'nowhere'. It regards utopia as the impossible dream, something/ somewhere which does not exist. This view was particularly marked with the advent of neoliberal consensus politics

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following the failure of utopian experiments across the world in the post-war period. This led to a 'crisis of utopias' (Duménil, 2016) and the assertion of TINA politics[2] advancing neoliberalism as the only possible programme adapted to the new realities of globalised capitalism.

However, there is an equally strong tradition using the term utopia in a positive sense. In this tradition, which unites thinkers from a broad range of perspectives such as feminism, anarchism, socialism and religious beliefs such as Christianity, the word 'utopia' is defined as 'a good place', as an ideal and desirable potential alternative to the present. The French economist, Gérard Duménil, describes utopias as follows:

> Highly optimistic projections towards a future of emancipation and humanity. Only utopias are capable of mobilising activist energies beyond societies based on class distinctions and neoliberal desperation, whilst recognising that the process will be long and that perfection does not exist. From the Enlightenment and the French revolution through to the formation of the workers' movement, a tremendous wave of hope rose up – only to turn to tragedy in countries which called themselves socialist. We need to start from scratch after having understood the reasons for this failure (Duménil, 2014)[3].

So, although utopia is seen as a positive, emancipatory alternative to current injustices, it must be realistic. Those proposing utopian visions must be aware of their potential pitfalls and capable of critique, not just of the present, but also of past utopian experiments, in order to provide concrete, realistic utopian futures. We therefore strongly adhere to Wright's idea of '*real* utopias':

> utopian ideals that are grounded in the real potentials of humanity, utopian destinations that have accessible waystations, utopian designs of

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institutions that can inform our practical tasks of navigating a world of imperfect conditions for social change (Wright, 2010: 4).

A real utopia is something which already exists. Yet, whilst it is part of the present landscape, it is grounded in principles and values that can be considered as going against the countervailing norms of our advanced capitalist, neo-colonial and patriarchal society. We argue that this concrete and already existing real utopia can help feed our imagination and help inspire us to formulate radical alternatives to society and its institutions. In this sense the real utopia can help us 'visualise' new possibilities and foster a dramatic break with the present. It can provide a conduit in which we can transform everyday life and promote emancipatory change (Levitas, 1990). Like the 'good place' of the utopian imaginary, a real utopia provides us with a vision of an alternative, but this alternative is not simply in the mind – it is one which is rooted in concrete realities. The realism of this utopian vision adds plausibility and feasibility to its promotion. It indicates that the proposed alternative is possible within our given historical conjuncture: the alternative is historically immanent and potentially ripe for further development or expansion. For Erik Olin Wright (2010 and this volume) the idea of 'real utopias' embraces this tension between dreams and practice. It is grounded in the belief that what is pragmatically possible is not fixed independently of our imaginations, but is itself shaped by our visions.

Thus, and hugely significantly, the real existence of the utopian practice can disrupt the ideological closure of the dominant institutions and practices of the present. It highlights how we can influence the present and realise a new 'good place' (Levitas, 1990). A currently existing utopian practice can provide a firm basis for critique and illuminate a pathway to radical change. Significantly, focusing on such a 'good place' – a real utopia – also provides an opportunity for critics of the existing society to define themselves positively in terms that this is something that they are for, rather than just

what they are against – the bad place. This has underscored what David Scott (2013) has called an 'abolitionist real utopia' which envisages non-penal alternatives that are present in the here and now that can be drawn upon as a means of facilitating radical transformations of handling conflicts and responding to problematic and troublesome behaviours. Such as position is abolitionist because it based upon a clear set of normative principles and values; it uses this normative framework to assess, evaluate and critique the legitimacy of existing institutional practices and social structures, and where appropriate call for change; has a strategy for transformation grounded in emancipatory politics and praxis; and, finally, has a vision of non-penal 'real utopian' alternatives that are consistent with its normative framework (Scott, 2013).

The word 'dystopia' – which literally means 'bad place' – was introduced into the modern lexicon in 1747 by Henry Lewis Younge. Dystopia is often presented as a vision that is in direct opposition to 'utopia'. However, there is no neat separation between utopias and dystopias. For Terry Eagleton (1999:31) 'all utopia is thus at the same time dystopia' because both the positive and negative possibilities stretching into possible futures inevitably remind us that our current 'bondage' is historically contingent and that we must somehow break from the constraints of our historic conjuncture. Dystopias can also of course justify the present penal state by conjuring an image of an even worse future. They can frighten us into 'no change' and make people look backwards rather than forwards for visons of human communities. But the critical use of dystopia may also facilitate radical change for it can also be seen as a warning of what will happen if we continue to follow current trends and practices. In pointing us towards the worst possible scenario, dystopias provide a warning from the future in our present. They give us new eyes to look at how current developments may evolve. Dystopias then also give us new ways of seeing and critiquing power, domination and exploitation:

> Whereas utopia takes us into a future and serves to indict the present, dystopia places us directly in the dark and depressing reality, conjuring up a terrifying future if we do not recognise and treat its symptoms here and now. Thus the dialectic between the two imaginaries, the dream and the nightmare, also beg for inclusion *together*. (Gordon et al 2010:2)

Dystopic analysis then damns contemporary penal realities by projecting the critics' worst fears onto current penal realities – something which has in recent times been especially associated with the work of Loic Wacquant (2013) and his critique of the penal state, which provides a nightmare vision of a future of less freedom and more penalisation and social control unless we act urgently to stop current punitive developments. In other words, whereas 'utopias seek to emancipate by envisioning a world based on new, neglected, or spurned ideas; dystopias seek to frighten by accentuating contemporary trends that threaten freedom' (Jacoby, 2005: 12).

As Stan Cohen (1988) has highlighted, both dystopia and utopia are part of the tradition of critical criminology with its focus on both the 'dark side' of human interactions – such as social controls, state repression, dehumanising institutional practices – and on the 'light side' of these same interactions – such as the principles of libertarian socialism and visions of a more free society grounded in our cherished 'values and preferences' (Cohen, 1985: 248). The utopia / dystopia coupling is evident in the work of Cohen, and especially his magnum opus *Visions of Social Control*. In this text Cohen (1985) drew extensively upon the dystopian vision of George Orwell's *1984* to provide a vocabulary and imagery of contemporary 'social control talk' in the 'punitive city'. Whilst dystopias such as Orwell's may well breed feelings of despair and sadness they have also brought with them an imagery and vocabulary that can help us understand the present – Orwell's (1949) descriptions of 'big brother', 'Room 101', as well as many of the other euphemisms that permeate his classic text, are now all part of modern-day understandings of state repression and a short-hand way of critiquing current policies

and practices. Yet, in *Visions of Social Control*, Cohen takes care to remind us of the importance of utopian visions. Though highlighting his concerns around 'sentimental anarchism' (Cohen, 1985: 35) and the 'flaws in beautiful theory' (Ibid: 268) he tells us that much can still be done. Indeed, his 'preference is to be pragmatic about short term possibilities but to be genuinely utopian about constructing long-term alternatives' (Ibid: 252). In fact, despite his often dystopian tone, Cohen never loses his desire for building a new more 'utopian' society on the principles of mutual aid, fraternity and good-neighbourliness (Ibid: 267).

The task that all the contributors to the current volume have set themselves is to develop practical alternatives to dystopian penal futures. This entails imagining non-penal alternatives to current repressive policies which fail to address the underlying inequalities leading to social harm. In an attempt to better understand these visions, we situate them in their recent history, that is the development of critical criminology (also referred to as the 'new criminology'[4]), notably within the European Group, from the 1960s onwards.

## The 'New Criminology' and the 'New Left'

The 'critical' criminology that emerged from the 1960s onwards was very much a product of its time. Like the new social movements that were developing, it set itself against the prevailing norms of patriarchal, authoritarian, capitalist society, questioning the status quo and promoting radical democratic alternatives to existing repressive practices. It was

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[4] The 'New Criminology' was a title coined by Ian Taylor, Paul Walton and Jock Young in 1973 for their book-length critical review of the development of criminological thought. This distinguished the text from the 'new deviancy' approach which had been adopted by Jock Young and Stan Cohen a couple of years previously when adapting labelling theory from the USA to the British context. In 1975 the same three authors (Taylor et al, 1975) edited a collection of critical readings in a book entitled *Critical Criminology* which made the connections to Marxist political economy much more explicit.

highly critical of institutionalised criminological endeavours which reinforced existing power structures by accepting state-defined definitions of 'crime' and deviance. Rather than seeing 'crime' as a phenomenon just waiting to be discovered, it argued that it is political in nature, defined and responded to by those in power. As such, it has no ontological reality – like deviance, it is a social construction reflecting the interests of the powerful, especially by deflecting attention from the social harms produced both directly and indirectly by the political and economic elites.

The new criminologists thus sought to develop their own understanding of 'crime', deviancy and social harm, independent from those promoted by individuals in positions of power. Feeding off the new sociological studies of the 1960s, notably in America, which aimed to understand deviancy from below by working closely with the so-called deviants in an attempt to understand their behaviour from within, they followed Howard Becker (1967) in deliberately 'choosing sides'. Rather than lining up with the rule-enforcers, whose viewpoint tends to be disproportionately represented on account of the fact that they sit at the apex of what Becker described as the 'hierarchy of credibility', the new criminologists attempted to give a voice to the subjects of the rule-enforcers in order to discover new social worlds or at least develop a new understanding of those we previously thought we were familiar with (Becker, 1967: 105). The new criminologists explored lived realities and experiences, engaging directly with people to understand their world view, thus contributing to an entirely new conception of deviancy. Their new studies of deviancy adopted an interactionist approach to the analysis of deviant behaviour, displacing the emphasis on individual pathologies towards the wider social and structural context in which the deviant acts.

The critical approach adopted by new deviancy criminology was largely a reaction against positivism, notably its claims to scientific neutrality or what Bourdieu described

as 'the falsely rigorous observations of positivism' (Bourdieu and de Saint Martin, cited in Bourdieu and Wacquant, 1992: 27-8). Taylor, Walton and Young, the radical proponents of what they called the 'new criminology' explained:

> The evocation of natural science presents the positivist with a powerful mode of argument. For the system of thought which produces miracles of technology and medicine is a prestigious banner under which to fight. It grants the positivist the gift of 'objectivity'; it bestows on his pronouncements the mantle of 'truth'; it endows his suggestions of therapy, however threatening, to individual rights and dignity, with the air of the inevitable (Taylor, Walton and Young, 2003 [1973]: 32).

The positivist approach which had dominated criminology since at least the end of the 19th century was in many ways more akin to a religion than a science (Gouldner, 1968: 116) to the extent that it tended to reify empirical data thought capable of revealing the truth. It ignored the fact that data is often detached from reality since it ignores the cultural and ideological contexts in which it is collected, leading to 'abstracted empiricism' (Mills, 2000 [1959]).

The new criminology specifically reacted against abstracted empiricism, attempting to place social problems in their political context. For David Matza, the study of 'crime' and deviance necessarily had to be linked to the study of the State given that it is the State alone that has the power to criminalise and construct 'deviance' (1964; 1969). It was necessary to situate individual acts in their historical and structural context in order to develop a political economy of 'crime' (Taylor et al., 1973) capable of recognising that criminalisation is not a simple response to 'crime' but rather a means of exercising social control and neutralising resistance. For Taylor et al., 'the wider origins of the deviant act could only be understood... in terms of the rapidly changing economic and political contingencies of advanced industrial society' (ibid.: 270).

Consequently, the new criminology did not limit its focus to the marginalised and 'deviant'. It also directed its critical gaze upwards in an attempt to understand the

*political* need to control deviance. In *Policing the Crisis*, Stuart Hall et al. (1978/2013) argued that state reactions to 'crime' could only be understood in the context of the social and political crisis of the 1970s, namely the 'crisis of hegemony' that was in the process of undermining the political legitimacy of the State and its agents. 'Policing the crisis' meant attempting to stem the tide of unrest and to seek political legitimacy by scapegoating 'deviants' – often young black men – for contemporary social problems. Such work, often considered prophetic in its dystopian vision of the rise of 'iron times' and authoritarian populist policies retrenching the welfare state, was taken forward by long-time European Group member Phil Scraton in the important edited text *Law, Order and the Authoritarian State* (1987) which furthered understanding of the discriminatory and often brutal practices of the criminal justice system by placing them in the context of the Thatcher governments' need to strengthen the power of the State as a means of containing the unrest resulting from their social and economic policies. This entailed a significant reframing of the terms of the debate about 'crime' by situating 'crime' control in the wider context of political crisis and social divisions (Sim et al, 1987).

Crucially, the study of 'crime' and deviancy entailed the study of power relations. As such, criminology became political. The criminologists seeking to understand the power relations which underpinned social control practices could not be 'bureaucratic intellectuals' (Merton, 1945), 'servants to power' (Christie, *this volume*) or 'social engineers' (Bourdieu, 2000) working to please state institutions and serving simply to 'rationalise the practical or pseudo-scientific knowledge that the powerful have of the social world' (ibid.)[5], providing ideological programmes with scientific legitimacy (Chomsky, 2008 [1966]: 55) and masking state repression. The new criminologists were

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[5] Translated from the French by the authors: '*une rationalisation de la connaissance pratique ou demi-savante que les membres de la classe dominante ont du monde social*'.

politically engaged and their studies inextricably linked to the politics of the new left and its project to link the personal and the political and to and formulate a political programme capable of challenging existing power structures. They did not just promote radical social change in the criminal justice system but also in broader power relations, engaging in a socialist critique of harms, power and repression that demands the organisation of society along the lines of solidarity, equality and mutuality (Tifft and Sullivan, 1980). The new criminologists adopted an explicitly normative position entailing the abolition of inequalities of wealth and power in order 'to create the kind of society in which the facts of human diversity…are not subject to the power to criminalise' (Taylor, Walton and Young, 1973: 282). This entailed joining with other social movements in order to bring the 'outsiders' in, thus promoting social, racial and gender justice.

**Bringing the 'outsiders' in**

Feeding off the civil rights movement of the 1960s, the new criminology was especially concerned with race issues. Stuart Hall and his colleagues highlighted the racialisation of street 'crime', notably mugging, demonstrating how the demonisation of black youths by the institutions of the State and the media created an authoritarian consensus around repressive state power (1978). *Policing the Crisis* effectively demonstrated how 'race' issues were tightly bound together with questions of power and legitimacy. Along with other seminal texts, such as Paul Gordon's *White Law* (1983), the book helped to highlight the institutionalised racism endemic to the post-colonial British state long before the publication of the Macpherson Report (Macpherson, 1999).[6] Hall et al's work helped to

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[6] The Macpherson Report published the findings of an official inquiry into the police investigation of the racist murder of black London teenager Stephen Lawrence in 1993. It noted that racism was 'institutionalised', pervading 'processes, attitudes and behaviour' throughout the English police service.

spark a whole range of studies into the disproportionate criminalisation of people of colour which highlighted the racialised bias inherent in official state definitions of 'crime'. Paul Gilroy (1987), in particular, investigated the myth of Black criminality which has been used to justify the over-representation of Black and Minority Ethnic (BME) communities in detention and in police stop and search statistics (see, for example, Equality and Human Rights Commission, 2015). Picking up on the earlier work of Paddy Hillyard on the Irish (1993), Pantazis and Pemberton (2009) have drawn attention to the existence of Muslims as new 'suspect communities' in the UK, considered as an 'enemy within' and specifically targeted by state surveillance on account of their ethnic appearance rather than on the grounds of their behaviour.

Carol Smart's ground-breaking *Women, 'crime' and Criminology* (1976) helped to bring feminist issues to the forefront of critical criminology. The text highlighted the limitations of 'malestream' criminological and penological thought and noted that criminological analysis had been in the main be 'written for men, by men and about men'. The ontological and epistemological assumptions of 'malestream criminology' could not just 'add in women' to address its defects. Rather, there needed to be a new feminist epistemology, asking very different questions and grounded in sometimes very different values and principles. Feminist thought opened the pathway for thinking more critically about gender and sexuality – it opened up neglected dimensions not only about the experience of women but also started to ask questions about what it meant to be a man (Heidensohn, 1985; Collier 1998). By placing new emphasis on both concerns about the role of law, societal expectations and power relations regarding both masculinities and femininities, the feminist critique led to a new openness and creativity when thinking about knowledge production and mechanisms of social control.

Critical criminology has continued its connection with feminisms and broader social movements fighting against various forms of injustice and discrimination. Most recently, for example, the specific issues affecting LGBTIQ[7] groups, notably the use of the law to reinforce normative gender roles, have been highlighted by queer criminology (Dwyer, Ball and Crofts, 2015). Following on from the National Deviancy Conferences[8] of the late 1960s and early 1970s, the European Group has been particularly concerned to connect to contemporary social movements, linking concerns about the repressive apparatuses of the state with wider issues of social justice and equality.

**The European Group, critical criminology and social justice**

The European Group was the brainchild of three well-known radical social theorists: Stan Cohen, then at Durham University, England; Mario Simondi, from the University of Florence, Italy; and Karl Schuman from Bielefeld University in Germany (Gilmore et al, 2013). They proposed the formation of an alternative critical criminology forum which would not just cover topics and hold debates marginalised or ignored by mainstream, administrative criminology but also establish a new network that could support, and provide solidarity with, emerging social movements (Swaaningen, 1997). Recognising the dominant influence of Anglo-American criminology, this new forum was to be characterised by a distinct European focus. The sense of place was to be significant on a further level, linking the conference theme with the conference location and offering support to local political activists, for example through press releases and resolutions and sometimes even joining them on demonstrations. Part of the very first conference held in

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[7] Lesbian, gay, bisexual, transgender, intersex and queer.
[8] The first National Deviancy Conference was first held in York, England, as a dissident group in opposition to the mainstream criminology promoted by the Institute of Criminology at the University of Cambridge. For discussion of the connections to radical social movements see Sim et al (1987); Cohen (1988) and Gilmore et al (2013).

Florence in 1973 (on the theme of *Deviance and Social Control in Europe: Scope and Prospects for a Radical Criminology*) was suspended so that participants could join a demonstration of 15,000 people against the overthrow of the democratic Chilean government of Salvador Allende. The conferences have thus always sought to move beyond the purely theoretical and outside the fixed boundaries of academia, joining together with activists to seek to bring about concrete political and social change. The Group was significantly inspired by, and in regular contact with, other radical activist groups such as: the radical German lawyers' group; the *Groupe d'Information sur les Prisons (GIP)* founded by Michel Foucault in 1971 in order to give a voice to prisoners and inform the public about their daily lived experience; and the abolitionist movement led by the Norwegian criminologists Nils Christie and Thomas Mathiesen which aimed to bring together activists, academics and prisoners to explore means of conflict resolution outside the logic of the formal criminal justice system (Christie, 1981; Mathiesen, 1974). In common with all these movements, the European Group was shaped by an unequivocal commitment to social justice (Scott, 2012).

By emphasising the study of *deviancy* and *social control*, the founders fashioned the political and theoretical priorities of the European Group (Scott, 2012). Through the notion of deviancy, they highlighted, among other things, the importance of understanding the essentially contested notions of 'crime' and disorder. Stan Cohen and colleagues pointed to the political nature of the construction of 'legitimate' protest and the intricate relationship between private troubles and public issues. In other words, the European Group set about to critically explore how understandings of human biography were fundamentally located within the historical and structural contexts of a given society (Mills, 1959). Further, by scrutinising the 'organised ways in which society responds to behaviour and people it regards as deviant, problematic, worrying,

threatening, troublesome or undesirable in some way or another' (Cohen, 1985: 1), manifestations of social control such as migration and border controls, policing, the judiciary, detention and authoritarian statism, were placed firmly in the spotlight (Swaaningen, 1997). This focus on deviancy and social control has continued, albeit in modified form, for over 40 years and is clearly reflected in the contributions to the present journal.

In September 2010 Stan Cohen indicated that in the early days of the European Group, there was 'a strong anarchistic and libertarian ethos' (personal correspondence with David Scott). As time has passed, the philosophies of Marxism, phenomenology, penal abolitionism, feminism, anti-racism and the insights of Michel Foucault, among others, have also proved influential. What unites such diverse and potentially contradictory philosophies are their *critique of hierarchies of power* and the call for *progressive and emancipatory change* rooted in *alternative critical normative values* (Swaaningen, 1997). Whilst the critique and transformation of class hierarchies remains important, the focus has gradually expanded to address much wider concerns around nationalism, heterophobia, racism, ability, ageism, hetero-normativity and sexual divisions. The European Group therefore aims to foster '*emancipatory knowledge*' (Wright, 2010) which has the explicit political and theoretical intention of not just understanding individual and social problems, but also challenging and transforming existing power relations (Gilmore et al, 2013). It has thus consistently sought to feed a radical and utopian imagination.

**The radical imagination in critical criminology**

Although critical criminology, as it emerged in opposition to mainstream criminology and the broader injustices it helped perpetuate, initially focused on critique of existing

institutions and power structures, it soon began to propose radical and utopian alternatives to hegemonic visions of justice. This became increasingly necessary as dystopian visions of justice began to gain ground as the post-war welfarist consensus collapsed, only to be replaced a neoliberal consensus predicated on the logic of exclusion and rising social inequalities. Central to such a radical and utopian imagination in critical criminology has been a desire to promote justice, human flourishing and dignity, ethical responsibilities and reciprocal awareness, sympathy, mutuality and community (Tifft and Sullivan, 1980). Importantly, this entails finding new ways of framing issues and expanding our imagination regarding what is possible in the here and now. Below, we discuss two examples of what we mean by the radical and utopian imagination in critical criminology: Penal Abolitionism and Zemiology.

*Penal Abolitionism and the radical imagination*

Abolitionists recognise that prisons are inherently problematic institutions – they are places of interpersonal and institutional violence and legal, social and corporeal death – and these terrible outcomes are structured within the very fabric of penal institutions (Scott and Codd, 2010; Scott, 2013, 2015). It is possible that prisons can offer a place of reflection and refuge for a few people when all other options have failed but, given the deprivations, pains and iatrogenic harms that underscore daily prison regimes, these cases are the exceptions that prove the rule. Abolitionists, in common with anarchist thinkers such as Kropotkin (1976) and Tifft and Sullivan (1980), highlight the impossibility of reforming such dehumanising institutions: 'A prison cannot be improved… there is absolutely nothing to do but demolish it' (Kropotkin, 1976:45). It is indeed entirely illogical to hope to be able to respond to harms by coercion and violence

which do nothing to address the problems that may have led to such harms in the first place, merely exacerbating them. As Rene van Swaaningen has argued:

> At its core, criminal law … is based on … repressive assumptions … From the beginning it has been seen to create problems instead of solving them. A penal reaction after the fact is not preventive but de-socialises an ever-increasing number of people. Therefore it would be better to abolish penal means of coercion, and to replace them by more reparative means. This briefly is the abolitionist message (1986:9).

Similarly, Hulsman argues that the criminal justice system has an extraordinarily narrow focus, based as it is on limited state-defined notions of 'crime', that ignore the broader reality in which harmful behaviour may occur (Hulsman, 1986). He thus recommends studying strategies for abolishing criminal justice, namely 'how to liberate organizations like the police and the courts [from] a system of reference that turns them away [from] the variety of life and the needs of those directly involved' (1986: 80) This 'liberation' may only occur, however, once we move outside that frame of reference. It is therefore necessary to empower ordinary people – be they victims or offenders – involved in conflict to ensure that they may help to construct new frames of reference, ensuring that the authorities do not 'have a monopoly on how to define what goes on in the relevant life world' (Mathiesen, 2008: 61). It is thus imperative to challenge the very definition of 'crime'.

*Zemiology and the radical imagination*

Critical criminology has indeed constantly challenged traditional state-defined notions of 'crime' and criminology which tend to ignore the existence of a considerable number of harms such as those perpetrated by the State itself, notably environmental, economic and social harms. The European Group, from its inception, has been involved in this task. Following on from the work of Tifft and Sullivan in the USA (1980), who sensitised us to

the importance of thinking about how *harms* (not just formally-defined *crimes*) prevent people from being fully human, researchers closely involved with the European Group, namely Paddy Hillyard, Steve Tombs, Christina Pantazis and Simon Pemberton, explored the alternative conception of 'social harm' (Hillyard et al., 2004). After discussions at a European Group Conference in Greece, Paddy Hillyard later adopted the term 'Zemiology' (drawing on the Greek word for harm), as an exhortation to academics and others to move beyond criminology which focuses on harm as defined by the criminal law towards a study of all forms of social harm, including those caused by the State.

Neither of these examples of the radical imagination offer concrete alternatives to existing penal solutions but they do contribute to opening up utopian spaces in which new visions may be presented and enacted. They follow Mathiesen's exhortation to sketch out alternative visions rather than providing elaborate blueprints for change (Mathiesen, 1974). They may both be considered 'utopian' in the sense that they provide visions of a 'better place' (Malloch and Munro, 2013): for Penal Abolitionism, this good place is where there is an end to penal harms; for Zemiology it is when harms – whether they be harms of (state or corporate) power directed against people, the ecological system, or non-sentient beings – have been curtailed (Walters et al, 2013). Yet, whilst utopianism and the radical imagination may be considered as one of the strengths of critical criminology, allowing it to go beyond the limited analyses of mainstream criminology, it has also been a source of tensions.

**Critical criminology and the 'crisis of utopias': from left realism to real utopias**

In the 1980s, critical criminology underwent its own 'crisis of utopias' as some of its more utopian aspects were criticised by the 'left realists' (Lea and Young, 1984; Young and

Matthews, 1986; Matthews, 2014). In some critical criminological writings, there was a certain utopian idealisation of those who broke the law. In rejecting deterministic and pathological explanations for 'crime', Taylor et al. regarded criminality as a form of resistance to the dominant capitalist order:

> So long as authority takes the form of domination, [...] authority will always be problematic, and [...] any acts of deviance or dissent must be taken to be acts of resistance (however inarticulately expressed or formulated) (Taylor et al., 2003 [1973]: 252).

In this, there appeared to be a return to the classical criminological view of the criminal as a perfectly rational actor with the important distinction being that s/he does not choose 'crime' but resistance. S/he was even considered as a sort of working class hero or Robin Hood (Cohen, 1996: 4). The real problem was not considered to be that of 'crime' or the harm it caused, but of criminalisation.

The left realists argued that this focus on the social harm caused by criminalisation, whilst important, tended to deflect attention from the harm caused by criminal acts. Jock Young, one of the original authors of the *New Criminology* (1973), together with John Lea, argued that 'crime' must be taken seriously, especially by the Left since it is a problem that disproportionately affects poor communities. Instead of presenting the fear of 'crime' as an ideological construction without ontological reality, they aimed to measure the real extent of the problem through victims' surveys. This was thought to be a way of making critical criminology policy-relevant and ensuring that law enforcement attended to social inequalities and was democratically accountable.

The idea that the 'crime' problem should not 'belong' to the Right was taken up in Britain by Tony Blair in 1996 when he declared: 'Law and order is a Labour issue. We all suffer from "crime", the poorest and vulnerable most of all' (Blair, 1996: 68). Yet, New Labour appeared to be more influenced by 'right realism' when it came to discussing the

causes of 'crime'. Following the conservative American sociologist Charles Murray (1996), it considered offenders as an 'underclass' that was culturally isolated from the mythological 'law-abiding' majority (Bell, 2011: 94-5). This image of the offender was radically opposed to that of the 'left idealists' (Young, 1979) but it was also very different from that originally proposed by the 'left realists'. Indeed, in focusing on pathological causes of 'crime', New Labour ignored one of the key principles of 'left realism', namely the idea that capitalism itself can be criminogenic on account of its tendency to engender economic inequalities which feed feelings of relative deprivation.

That the structural causes of 'crime' should be ignored by politicians claiming to be inspired by left realism was no surprise to those who criticised the theory. Hillyard et al (2004) argued that the left realists' disproportionate focus on street 'crime' meant that other forms of harm, were neglected. Indeed, Zemiology emerged as a reaction against this focus on the most visible forms of 'crime'. Contrary to what left realism seemed to suggest, Hillyard et al argue that critical criminologists did not want to play down the 'crime' problem, above all for the poor, but they aimed to show that white collar 'crime' and harms perpetrated by the State and private corporations could be just as harmful as street 'crime' (Hillyard et al., 2004). Zemiology and Penal Abolitionism do not ignore the victims of 'crime'. On the contrary, the proponents of both critical approaches argue that taking harm seriously mean that the notion of 'victim' must be understood in a much broader sense to include victims of social injustice rather than just of harm.

The turn towards realism was perhaps understandable in a dystopian political context, but it lost too much of its radical 'utopian' imagination and ended up being co-opted by mainstream politicians in the 1990s who used it to justify penal repression. Today the 'criminological imagination' is threatened by a revival of positivism and a 'realist' agenda promoting more evaluative research defined by the interests of policy

makers and government (Young, 2011) and thus placing a 'straightjacket' on critical and independent thought (Barton et al, 2006). The recent move towards taking *harm* seriously is not radically opposed to the left realists' exhortation to take *crime* seriously but by reframing the terms of the debate, it permits a much broader focus on all forms of injustice. It also allows us to go beyond the somewhat idealistic notion of criminals as political actors by showing that those who cause harm are as likely to be situated at the top or the bottom of the social hierarchy. It is the social harm approach that lays the groundwork for a reawakening of a critical criminological imagination (Barton et al., 2006; Copson, 2013) which may be capable of moving towards a new form of realism: *the real utopia*.

**Reawakening our radical imagination**

There is a pressing need to develop non-penal real utopias to provide a new cultural script and resources for a radical imagination to inspire transformative justice and emancipatory politics and praxis capable of moving beyond repressive penal dystopia. Inspired by abolitionism and the social harm approach, a non-penal real utopia should promote visions of radical alternatives. What is required is an alternative space designated to foster *self-empowerment* which utilises a holistic approach based upon principles of self-help and mutual aid. Non-penal interventions should help troubled individuals understand and, as far as possible, lessen or overcome their psychological, social and/or emotional issues and difficulties. It requires a *democratic* impulse aims to foster a balanced and *supportive dialogue* between clients and staff where agreement and consensus can be reached. Radical alternatives can aspire to engender respect for the self, the environment and other people and develop new skills for inter-personal communication and action.

By promoting values and principles, such as empowerment, participatory democracy and mutual aid, we can also point to the defects of the existing operation of the criminal law and to social injustice. Working backwards so to speak, the non-penal real utopia can be a way of proposing ideas and principles upon which the penal apparatus of the capitalist state can be judged. The daily workings of the intervention can help inform a normative framework challenging the pain, suffering, harm and death characterising the prison place. It thus gives us a solid and principled moral platform from which we can critique the failures of the penal law. Following Scott (2013), non-penal real utopia must be grounded in the following five normative principles that build upon continuities and possibilities in our historical conjuncture (see also Scott and Gosling, *this volume*).

- Non-penal real utopias must *not* be predicated upon the penal rationale – the intervention must *not* aim to penalise – it must be therefore be non-punitive. Because a non-penal real utopia must stand outside the criminal process, it should also reflect the need for radical restructuring and transformation rather than merely tinkering.

- Non-penal real utopias must compete with, and contradict, current penal ideologies, discourses, policies and practices. Those in power must find it difficult to ignore or dismiss the proposed radical alternative but at the same it must be impossible for them to re-appropriate the alternative within the logic of the penal-rationale.

- Non-penal radical alternatives must be plausible and something that can be considered *in place of* a prison sentence.

- Non-penal radical alternatives must have a non-punitive ethos aiming to uphold, respect and protect the intrinsic worth and value of human beings. There must be

no violations of human dignity, nor should the intervention create stigma, injury or harm. Care should therefore be taken to ensure that any proposed non-penal alternative intervention for handling conflicts does not become a form of punishment in disguise.

- Non-penal real utopia must be grounded in lived experience and deeply rooted in the practices of everyday life. They must be examples that already exist and could be developed or expanded (Scott, 2013).

Furthermore, non-penal real utopias should not be considered in isolation. Since the social harm that they seek to address is bound up with a whole range of other contextual issues, they need to be thought of as just one part of a project helping to inform a broader vision of social justice. They may do this by giving people the opportunity to see the world differently and encouraging them to understand the Other. At a time when social and economic insecurities are encouraging scapegoating, it is ever more important to foster a more reflective understanding of the causes of social problems. Indeed, the darker the times, the greater the need for enlightened thinking. The reflection upon the principles and practices of non-penal real utopias present us with a clear ability to reflect upon social injustice in contemporary society. It offers us a template of the 'good life', a space in which we not only challenge but can imagine new radical alternatives. It therefore has *emancipatory* potential, encouraging us to think more broadly about how the principles and values of social justice can work in practice. A non-penal real utopia may help us to see beyond the constraints of the present neo-liberal society that privileges the market above everything else, especially human need.

Thinking about non-penal real utopias must also be a collective endeavour if we are to hope to develop alternatives to current top-down, state-controlled penal practices. It is hoped that this collective exercise in imagination may help foster visions of a society

grounded in mutual aid and respect; democratic participation; communal living and equitable distribution of resources; and where people have a voice that is both heard and listened to. Thus, the radical alternative can provide us with a set of alternative values to neo-liberal capitalism and can inform constructive criticism of the present. The very act of awakening the utopian imagination may be constitutive of wide-ranging change.

**Moving forward: utopias and the non-penal**

The contributions to this special foundation issue of the journal *Justice, Power and Resistance* put forward some concrete examples of non-penal real utopian thinking and practice. They are all guided by a concern with justice, solidarity and emancipation, values which need to underpin any attempt to develop genuine alternatives to current penal practices. Following an abolitionist approach, they all adopt 'an attitude of saying "no"' (Mathiesen, 2008: 58), of critiquing existing dystopian institutions and practices and failed attempts at reform. Following a social harm approach, they focus their attention outside state-defined notions of 'crime' to explore all forms of harm, whether caused by individuals, corporations or state institutions. In doing so, they encourage us to think about these harms, and consequently of means of addressing them, in their wider social context.

It is to be hoped that the (re)awakening the critical criminological imagination in a real utopian direction will provide the basis of an ongoing debate which may lead to transformative, emancipatory change, thus offering a way out of the 'crisis of utopias'. The task of critical criminology, together with progressive thinkers and activists, could not be more pressing.

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