

Culture and Emotions in Cultural Criminology: An Alternative Criminological Explanation?

Abstract

Cultural Criminology is one of the most recent developments in criminological theory. Its main argument is that mainstream criminological theories provide inadequate explanations of crime due to its epistemological and theoretical flaws. Cultural Criminology's alternative involves assuming a phenomenological and interpretative approach which focuses on the cultural and emotional components of crime. In this dissertation I shall argue that although CC makes a valid demand for more realistic and complex explanations of crime which include culture and emotions, its own alternative needs to deal with three epistemological and theoretical challenges. The *first* key issue I will discuss is the adequacy of Cultural Criminology's *explanation* of crime. I will argue that in order to provide a cultural explanation of crime with no epistemological contradictions, cultural criminologists need to avoid two problematic antagonisms: understanding vs. causal explanation; and universal nomothetic explanations as opposed to ideographic descriptions. Cultural Criminology should focus on explaining retrospectively through identification of specific causal mechanisms rejecting universal and predictive pretensions in line with recent developments in philosophy of social science, particularly social mechanism approaches. However, explanation through the identification of specific causal mechanisms demands precise explanatory categories. Therefore, the *second* key issue I will discuss is how cultural criminologists define and incorporate *culture*. I will argue that despite culture's central explanatory role, its excessive amplitude, diversity and heterogeneity of meanings weakens its explanatory value. Its problematic definition involves risks of tautology and axiomatic definitions which might weaken its empirical assessment. Its vague conceptualization of culture also undermines an adequate inclusion of structural determinants in the explanation of crime. Finally, the *third* key issue I will discuss is Cultural Criminology's inclusion of *emotions*. I will argue that although cultural criminologists rightly question the emotionless character of most criminological explanations, they lack an articulated alternative conceptualization of emotions to explain crime. There is a tendency to rely on an intuitive and vague definition of emotions excessively general and insensitive to differences among specific emotions and their connections with crime. Its excessive emphasis on emotions' transcendent and intentional character underestimates irrational and uncontrolled components of emotions, threatens its possibilities of empirical evaluation, and dismisses other possibilities of causal connections between emotions and crime, notably: its deterring effect over crime and its role as motivational antecedent. I will conclude synthesising the results and claiming that Cultural Criminology needs to avoid unnecessary oppositions with mainstream criminology, assume the relevance of causal explanation and refine its concepts and categories in order to achieve its main goal: include emotions and culture as key dimensions in the explanation of crime.

I. Introduction

Cultural Criminology (CC) is one of the most exciting recent developments in criminological theory (Carlen 2011). Inspired by a range of sources (phenomenology, ethno-methodology, symbolic interactionism, sub-cultural theory, labelling approach, moral panic theory, neo-Marxist critical theory), the attraction resides in its ambitious goal, that of providing an explanation of crime which gives particular emphasis to cultural and emotional dimensions. Emotions are a neglected topic in criminology (De Haan & Loader 2002) and particularly in the explanation of crime.¹ However, CC involves more than merely including emotions in the explanation of crime. It constitutes an epistemological and theoretical challenge to orthodox criminology² synthesized in two clear 'nemeses'; *scientific positivism* and *rational choice* (Ferrell et al 2008).

On a *theoretical* level, CC questions one of the central assumptions of most mainstream criminological theories. Crime is a mundane, routinized and instrumental activity. Criminals are depicted as either rational individuals who maximize available opportunities (Clarke & Cornish 1985), or they are individuals driven to crime owing to deficits in varieties of psychological and social control (Gottfredson & Hirschi 1990; Felson 1998). Both alternatives assume an individual lacking moral interpretation of social norms and criminal actions. Crime is merely an instrument and has no intrinsic meaning for the offender. Therefore explanations of crime are theoretically weak, involving a poor or null account of deviant motivations (Fenwick & Hayward 2000; Young 2004).

CC provides a theoretical alternative based on three components. Firstly, crime is conceptualized as: 'seldom mundane, frequently not miserable – but always meaningful' (Ferrell et al 2008: 67). It should be understood as creative motivated behaviour expressing issues of identity, lifestyle and resistance and is embedded in particular sub cultures (Hayward & Young 2007). Deviant subjects' attempts to make sense involve a political 'rebellion', a capacity to resist, defy and distort meanings and images assigned by dominant power

¹ Most criminological work that explicitly involves emotions has focused on topics unrelated to the explanation of crime such as: emotions in public discourses referred to public criminal policies and punitiveness (Krohm 2009; Johnson 2010, Loader 2011); public opinion's anxiety, panic and fear (Hale 1996; Skogan 2011); emotional reactions in communities in relation to anti-social behaviour (Cromby et al 2010); the role of emotions in transition periods during peacemaking processes (Brewer 2011; Scheff 2011); the role of emotions in prison officers' job (Crawley, 2004; 2011) and in police officer's job (Van Stokkom 2011); the role of emotions in prison research (Liebling 1999; Boswarth et al 2005); the role of emotions in restorative justice processes (Harris et al 2004; Rossner 2011; Sherman & Strang 2011); the role of indignation, anger and shame in criminal justice processes (Barbalet 2002; Karstedt 2002); the role of shame in secondary victimization of offender's relatives (Condry 2007); the role of shame and indignation in informal control and recidivism (Morris 2002; Van Stokkom 2002); the affective character of desistance (Maruna 2001; Calverley & Farrall 2011), and the emotional component of rituals of degradation in criminal justice institutions (Maruna 2011).

² There is a tendency in most CC papers to argue against a vague opponent variously labelled mainstream, conventional, positivistic or orthodox criminology. Under these terms, CC includes statistical empirical studies, criminological theories based on quantitative empirical assessment (e.g. self control theory), rational choice and routine activity theories, and neoconservative approaches (e.g. Wilson & Herrnstein).

groups (Presdee 2000; 2004; Ferrell 2007). Therefore, the idea of culture should play a decisive role in the explanation of crime. Secondly, emotions play a key role in motivating deviance. CC assumes Katz's project of opening the explanatory black box between traditional background factors and crime by exploring the emotional foreground (Katz 1988; Hayward 2002). Without an adequate phenomenology of transgression focused on emotions, it is impossible to make sense of many crimes and border behaviours such as joyriding, drug abuse, football hooliganism, binge drinking, etc. (Hayward 2007). Thirdly, cultural and emotional understanding of deviance should include the conditions of late modernity and an analysis of the structural, institutional and material conditions of inequality and power relations dismissed by Katz (Young 2003; Hayward & Young 2004).

On an *epistemological* level, CC and its 'intellectual lawlessness' is assumed as 'an anathema to the project of criminology as a science of crime' (Hayward & Young 2004: 269). Four elements are particularly in question. Firstly, universal and abstract explanations insensitive to the diversity of criminal experience should be replaced by a more specific, phenomenological and interpretative approach capable of apprehending the symbolic and cultural dimension of crime and crime control (Katz 1988; Hayward 2004a). Secondly, CC opposes the idea of prediction and causality based on the correlation of objective and material factors which ignore diverse individual responses based on their interpretation of the situation (Young 2004; Ferrell et al 2008). A different notion of explanation as *understanding* is required. Based on Weber's (1949) epistemology, on Geertz's (1983) interpretative notion of social science, and on the naturalistic tradition in criminology (Becker 1966; Matza 1969), CC assumes an approach based on the idea of 'criminological *verstehen*', which enables an empathic interpretation of subject's situation, motivations and actions (Ferrell 1999; Ferrell et al 2008). Thirdly, CC criticizes the mainstream obsession with quantitative methods based on sophisticated statistical testing, considering them an 'intellectual prison' which wipes out creativity (Ferrell & Sanders 1995b; Ferrell 2004a). The most adequate methods to be used in criminology are the combination of ethnography (Ferrell 1999) and media and textual analysis (Ferrell 1999; Hayward & Young, 2007) through the accumulation of in-depth case studies as opposed to frequent use of official data or surveys (Ferrell & Sanders 1995a). In particular, ethnography enables the type of horizontal, flexible and negotiated relationship between the researcher and the subject of research (Ferrell 2009). Ethnography is more a 'sensitivity', a 'way of life', or even a political option, rather than a method which blurs the distance between the researcher and the setting, access to meanings and direct involvement (Ferrell 1999; 2004a).³ This type of approach is better suited to the dynamic and volatile character of crime and deviance (Presdee 2004). In other words, 'sociology of correlation' should be substituted by 'sociology of skin' (Hayward & Young 2004: 268).

³ Ethnography is adapted to late modern conditions in two ways. Firstly, the ephemeral character of crime and crime control strategies demands changing the long-term involvement with actors into an 'instant ethnography' that focuses on the contextualized moments where illegal situations and their control are negotiated. Secondly, a 'liquid ethnography' is needed to explore actors with fragile and ambivalent relationships with destabilized communities and associations (Ferrell et al 2008).

CC has received a mixed response. Some critics have welcomed its revitalization of criminological theory and its provision of a more complex understanding of crime (Friederich 1997; Downes 2005; Maruna 2008, McLaughlin 2008; Coyle 2009). Other authors find it difficult to identify what is new in CC and label it as merely 'reinventing the wheel' (Tanner-Smith 2004; Hallsworth 2006; Farrell 2010; Carlen 2008). Finally, some have questioned CC as a real explanatory alternative due to its theoretical insufficiencies and epistemological contradictions (Hall & Winlow 1997; O'Brien 2005; Webber 2007; Martin 2009).

Pat Carlen identifies two characteristics in CC; an inclination to avoid positive definitions and to rely on opposing other perspectives under a general umbrella category (mainstream criminology), and a tendency to preach about how things should be done rather than doing them (Carlen 2011). CC makes a valid demand for more realistic and complex explanations of crime. Yet its excessive emphasis on antagonizing a 'fuzzy' opponent, mainstream criminology, and its evangelizing about what should and should not be done has obstructed the development of an articulate alternative explanatory framework. In this dissertation I shall argue that although CC's cultural and emotional explanation of crime is not merely 'old wine in new bottles', it needs to deal more adequately with some epistemological and theoretical challenges. The analysis will focus on discussing and making sense of three key components: *explanation, culture and emotions*.

The first key issue is the discussion of the adequacy of CC's *explanation* of crime. Although it clearly opposes the idea of causality and explanatory law associated with a behaviourist natural science model which dismisses culture, it remains ambivalent about its own alternative which oscillates between descriptive and explanatory goals. Critics have questioned this ambiguity and called for a distinction between two epistemological options; either assign culture a key role and resign explanatory goals under an interpretative approach, or retain explanatory pretensions under a causal law like universal model where culture becomes a product of material and structural conditions (O'Brien 2005). I will argue that this criticism and CC's weak responses assume two problematic antagonisms; understanding or interpretation as opposed to causal explanation, and *universal* nomothetic explanations as opposed to ideographic descriptions. I will explore how the 'Social mechanisms approach' (Swedberg & Hedstrom 1998; Elster 2007) provides CC with an intermediate alternative which enables it to focus on explaining retrospectively through identification of specific causal mechanisms rejecting universal and predictive pretensions. This approach provides culture with a relevant explanatory role and also makes sense of multiple implicit causal connections present in CC analysis which avoid nomothetic universal causal statements. However, the explanation of crime and crime control through the identification of specific causal mechanisms demands precise explanatory categories. Therefore, CC's key and distinctive explanatory categories (culture and emotions) need to be analyzed.

CC challenges the idea of crime as a mundane and instrumental behaviour and seeks to incorporate its *cultural* dimension. How is this theoretical claim

effectively put into practice? What is specifically different about CC in relation to previous cultural perspectives in criminology? And, related to previously mentioned explanatory issues, how does CC frame explanatory connections between culture and crime? Despite culture's central role, CC lacks clarity and precision around its definition and application. I will explore amplitude, diversity and heterogeneity in the concept of culture and how it affects its descriptive and explanatory value. I will also discuss how CC's conceptualization of culture deals with risks of tautology and axiomatic definitions which might weaken its empirical assessment. Another relevant issue is how CC's explanations of crime connect culture with behaviour and with structural determinants.

The other crucial component in CC argumentation is the inclusion of irrationality and *emotions* in the explanation of crime. CC rightly questions the emotionless character of most criminological theories and its incapacity to explain irrational crimes and border line behaviours. However, what is the conceptual alternative offered by CC? Based on Katz's work, CC seeks to adapt his analysis to the conditions of late modernity. The central idea defended by Hayward, Ferrell, Young among others, is that individuals get involved in crime because it enables them to experience emotions. Crime offers an exciting liberation from an alienated and mundane reality and the opportunity to obtain sense and transcendence. However, CC lacks an articulated alternative conceptualization of emotions. I will discuss what are the different ideas associated with emotions by cultural criminologists and how specific emotions are dealt with. Additionally, I will discuss CC's emphasis on the emotions' meaningful and intentional character in terms of the possibilities they offer for empirical evaluation. I will also compare CC's instrumental perspective with rational approaches to emotion and how uncontrolled and irrational components of emotion are included. Finally, I will analyze how adequately CC's approach integrates two additional analytical possibilities of causal connection with criminal behaviour; the role of emotions as deterrents and their role as motivational antecedents.

Although CC is not a unified paradigm, cultural criminologists share an important number of theoretical, methodological, and substantive orientations (Ferrell 1999). The idea of CC as more than a loose collection of criminologists is also implicitly present in discussions and debates where both cultural criminologists and their critics refer to CC, assuming that there is much internal commonality. Whenever necessary I shall distinguish arguments or visions among different cultural criminologists, while my focus will be a discussion of CC's basic shared assumptions, claims and goals in relation to the explanation of crime.

II. Explanation, understanding and causal mechanisms in Cultural Criminology

Social scientists face two main challenges. Firstly, how can the dualism between social determinism and freedom be resolved? Should social theories focus on objective structures and macro level entities, or should the emphasis be placed on the micro level, giving agency and the subjective dimension a central role? (Giddens 1984; Alexander et al 1987; Hollis 1994). Secondly, what

type of epistemological model should social science assume? Should social scientists emulate the natural sciences and identify general law – like causal explanations? Or is the nature of social affairs so different that it requires an ideographic – interpretative approach focussing on exploring the contextualized meaning of human practices? (Machlup 1994; Rosenberg 2008).

In Criminology, CC proposes a theoretical framework which claims to overcome the structure/agent dualism (Ferrell 1995b, 2007; Hayward 2004a) by assuming an interpretative approach and rejecting a natural science model (Hayward & Young 2004). However, CC's theoretical solution has been seriously questioned due to its dismissal of structural determinations, its politically biased account focused exclusively on transgressors, and its problematic oscillation between ideographic/descriptive and nomothetic/explanatory approaches. I will focus mainly on the last problem and show how this criticism is based on two problematic oppositions: i) understanding vs. causal explanation, and ii) description through ideographic approaches vs. explanation/prediction through nomothetic approaches. I will argue that understanding is not an alternative to explanation but a specific way of explaining through the inclusion of antecedent motivational states. Despite its anti causality rhetoric, CC is full of causal statements at different levels of analysis and I will illustrate it with some examples. Next, I will challenge the second opposition and argue that a 'social mechanisms' approach can help to reframe CC so as to use culture to search for causal explanations without falling into nomothetic approaches as critics have argued. Finally, I will discuss four characteristics of this approach which clarify how this more modest explanatory goal can be achieved and their coherence with fundamental CC goals.

CC's solution to the dilemma of structure and agency has been seriously challenged. CC assumes a position which emphasizes the individual foreground dimension which is excessively sympathetic towards transgressors, glorifying resistance and underestimating actor's limited choice (Hall & Winlow 2007; O'Brien 2005; Webber 2007; Martin 2009). This claim has been supported on theoretical, political and epistemological bases.

Firstly, owing to theoretical insufficiencies, CC constitutes an unbalanced approach which underestimates the role played by background structural and material conditions (Hall & Winlow 2007; Webber 2007; Martin 2009). This argument assimilates CC with Katz (1988), when CC has placed explicit emphasis on the inclusion of the background conditions of capitalism to complement cultural analysis in order to understand the operation, reproduction and resistance to these structures (Ferrell 2007; Ferrell et al 2008). For example, Ferrell's (1996) explanation of graffiti writing includes structural conditions of capitalism under which urban public spaces are increasingly privatized and institutional reactions play a key role in criminalizing and enforcing the political character of the transgression. However, the integration of structures strongly depends on the specific definition of culture and its connections with structures. Therefore, I will discuss the validity of this criticism in the next chapter.

Secondly, owing to political reasons CC employs its 'criminological verstehen' unevenly, providing a detailed, multidimensional and sympathetic account of the transgressors' narrative, ignoring other actors' voices (notably the criminal justice system and its workers), and offering a one-dimensional characterization (Hallsworth 2006; O'Brien 2005; Girling 2008). If CC is a theoretical solution to the dual structure, and if actors play a key role in our understanding of how power structures are produced and resisted (Ferrell, et al 2008), arbitrarily eliminating some relevant actors will render the analysis empirically incomplete and biased.

Thirdly, despite CC insistence on its 'intellectual lawlessness' and its emphasis on assuming a phenomenological and interpretative criminological approach, its analysis reveals a confusing use of ideographic and nomothetic approaches (Fenwick 2004; O'Brien 2005; Webber 2007). O'Brien questions CC's understanding and use of Clifford Geertz's concept of culture. CC develops ideographic thick descriptions (apropos Geertz's perspective) to support nomothetic general statements (apropos Marvin Harris's perspective), ignoring its methodological, theoretical and epistemological contradictions (O'Brien 2005). This criticism revives the social sciences' challenge between ideographic and nomothetic approaches. On the one hand, nomothetic approaches assume the natural sciences model, envisaging abstract universal laws in which particular cases can be subsumed, and causality plays a key role in achieving its goals of explanation and prediction of social phenomena (Little 1991; Machlup 1994; Rosenberg 2008). O'Brien shows how this approach in anthropology, notably Harris's cultural materialism, looks forward to examine the cultural '*contents*' (values, norms, rituals, etc.) of community members in order to obtain cultural '*forms*', that is, 'general laws of cultural development'. Culture is conceptualized as a finite, patterned and specific response to certain external, environmental and material conditions (O'Brien 2005). On the other hand, ideographic approaches oppose natural science models, consider general social laws as either impossible or inadequate, reject prediction and causal explanation as valid goals, and seek specific knowledge and detailed descriptions of social reality in order to understand human practices (Taylor 1967; Little 1991). In anthropology Geertz's dense descriptions are a paradigmatic example in which 'cultural forms' are not the final goal, but a means of understanding its 'cultural contents'. Culture has a central role, but the goal is to explore its infinity and its novelty (O'Brien 2005).

Due to a confusing use of the anthropological tradition, it is argued that CC shows contradictions on three levels. Firstly, while it criticizes general criminological theories for assuming a natural science approach, the type of explanatory statements employed by CC exhibits similar levels of abstraction and generality (Fenwick 2004).⁴ Secondly, CC employs a questionable method of obtaining these nomothetic or general conclusions. They are directly derived from ideographic approaches (O'Brien 2005). Finally, CC's explanation of crime

⁴ CC assumes a generalist approach when it proposes a similar theoretical construct based on emotions and subversion to explain all types of crimes and transgressions (Fenwick 2004). Other examples might be: Young's (2007) connections between cultural inclusion, social exclusion, emotional experience and crime or Presdee's (2004) connections between state or authorities' intervention and stimulation and increase of transgressions.

involves theoretical contradictions, stating simultaneously that i) agents are deliberate and creative and their cultural practices produce the structure, and that ii) structural constraints determine agents and their cultural interactions. In other words: 'human culture cannot be simultaneously finite and infinite, fundamentally free and fundamentally constrained, programmed and willed because this makes no sense' (O'Brien 2005: 607). Therefore, according to O'Brien, CC has to choose either Geertz's tradition and produce rich and dense criminological descriptions of subcultures, assuming that individuals play the decisive role, refusing explanatory and predictive goals as to why crime takes place, or assume Harris's tradition and develop general nomothetic causal laws with explanatory and predictive power over crime, assuming that individuals play a weak role, and reducing culture to a dependent variable shaped by material circumstances.

Although O'Brien correctly identifies an imprecise and contradictory use of the concept of culture in CC, his conclusions are incorrect due to two connected problematic antagonisms that both O'Brien and CC implicitly assume for the social sciences:

i) either the social sciences includes human intentions and motivations and makes its goal understanding and making sense of social behaviour, or it assumes as a goal causally explaining social behaviour but needs to exclude human intentions and motivations.

ii) either the social sciences explains and predicts social phenomena through general law-like statements, or it abandons explanation and prediction and produces detailed and idiosyncratic narratives/descriptions of social phenomena.

In relation to the first problem, in criminology and more generally in the social sciences causal explanation and interpretative understanding tend to be seen as antagonistic. In Von Wright's terms: 'Explanation involves identifying general causes of an event, whereas understanding involves discovering the meaning of an event or practice in a particular context' (1971: 5). In the same vein is Geertz's notion of understanding as 'thick description' of how meaning is assigned by individuals in a specific cultural context. A deeper knowledge of their perceptions, purposes, values, practices enables *making sense* of their actions or making them *intelligible* (Geertz 1983). Therefore: 'interpretation is the beginning and the end and *causal analysis is out of place* in social inquiry' (Little 1991: 74). In its more theoretical writings (Ferrell 1999; Presdee 2000; Young 2004; Hayward 2007; Ferrell et al 2008), CC follows this approach and rejects causal explanation as simplistic, deterministic, behaviourist, empiricist, and lacking methodological validity, and proposes understanding as an epistemological alternative. However, although CC rejects terms such as 'cause' or 'causal', it remains ambivalent in relation to its explanatory goals and occasionally employs terms such as 'explanation' or 'explanatory' without clarifying its specific meaning or how are they connected with the interpretative approach in a non-causal way. CC's opposition to causality is more rhetorical than real and is based on stating an unnecessary antagonism between understanding and causal explanation. Geertz's epistemological approach is

inspired by a Weberian perspective characterized by the combination of understanding and causal explanation. Sociology's goal was to understand social action in order to causally explain its development and effects (Weber 1951). Therefore, describing the pattern of meanings in a particular cultural context can be the first step towards considering how this motivational base causally influences individual actions. Garland argues that in order: 'to move from the analysis of culture to an explanation of action we have to show how culture relates to conduct, how symbols, values or ideas come to be a motivational force...for action' (2006: 438). Davidson claims that mental states such as beliefs and desires are not only 'reasons' for action but also 'causes' of action. If an individual has a *reason* for acting in X way, that reason for acting can be understood as a *cause* for his acting in X way. In this way, mental entities can be used to causally explain behaviour (Davidson 1963). Therefore, it is problematic to see criminology as having to choose between either understanding or explaining causally, as '*to interpret is to explain*' or in other words '*interpreting an action is to explain it in terms of its antecedent motivational states*' (Elster 2007: 52), and more importantly, using causal language does not require paying the price of determinism or ignoring actors' purposes and values under some variant of behavioural positivism. In this sense, despite the opposition to the idea of 'causality', CC's approach implicitly includes the notion of causality through background factors and structural conditions that operate indirectly through actors' motivational states or narratives to produce crime or deviance. CC's empirical analysis includes many examples of causal statements at different levels of analysis.

A micro level example is the idea that individuals get involved in graffiti writing because it enables them to experience powerful emotional and visceral sensations such as pride, pleasure and recognition (Hasley & Young 2006). Involvement and continuity of those practices is causally produced by these specific emotional states. At the meso level an illustrative example is the idea that formal institutional policies unexpectedly stimulate transgression (Morrison 1995; Presdee 2000). Three basic causal connections are present: i) authorities under a mistaken belief (youths are deterred by the increasing probability of being arrested) apply policies oriented to dissuade potential offenders; ii) youths irrationally motivated by the desire to challenge authority perceive these policies and feel encouraged to defy them; iii) therefore they commit more crime. An example of causal statements that involve the macro level is Young's (2007) explanation of crime in 'bulimic' societies: i) background factors such as lack of wealth, prestige, capacity to consume, related to social exclusion and lack of opportunity, are only causally efficient to produce crime if combined with ii) cultural inclusion through multiple institutions (mass education, media, criminal justice system, market, etc) that propagate the values of equality of opportunity and of 'turbo – consumerism'. And they are operative through individual motivations, particularly: iii) individuals have to perceive and experiment with this dislocation between cultural and social structures, iv) and additionally they have to feel some specific emotions (misrecognition, stigma, humiliation, anger, etc.), which will 'energize' their criminal response.

Making explicit the explanatory causal statements in CC does not necessarily imply ignoring the role played by institutions in the construction of criminality.

Ferrell's (1995a) research on graffiti shows how: i) urban changes under late capitalism involve the rising privatization of public spaces and help to generate ii) a perception of graffiti writers as an 'aesthetic threat to cities' economic vitality', and therefore, provokes iii) that authorities' implement different policies (e.g. high tech surveillance systems) and 'cultural wars' to criminalize graffiti writers as violent vandals and remove them from the public space, which in turn, aggravates the problem, producing; iv) an increasingly more organized and politicized resistance by these groups.

The epistemological opposition between CC and conventional criminology based on causality is more rhetorical than real. The examples provided show that the idea of explanation as the search of causal antecedents is present. Basically, some type of event (crime, transgression, or its criminalization) is being explained (*explanandum*) and other types of events or entities at different levels of analysis are used as causal antecedents to explain them (*explanans*). The difference is that, rather than focusing exclusively on objective and material antecedents, CC gives a central role as causal antecedents to motivational and mental states. Statistical analysis and control theories ignore the dimension of motivations, either by correlating background risk factors with no subjective content in the first case (Young 2003), or by assuming that crime is unmotivated and is the result of deficits of inner or external controls in the second case (Ferrell et al 2008). In rational choice theories, motivation is included but in a very simplistic way. Offenders are depicted as 'pallid creatures calculating the best manoeuvres in order to minimize risk and maximize contentment' (Young 2003: 391). It can be argued that CC ignores mainstream criminological explanations which include motivations. For example *Social Learning Theory* (Akers & Jensen 2006) includes sub-cultural motivations through the concept of 'favourable definitions' of crime. However, these approaches demand a restricted and simplistic concept of cultural motivations susceptible to being tested through surveys. Therefore, the inclusion of motivational states as causal antecedents is still better accomplished by CC.

However, if CC can be expressed in terms of causal connections and particularly, culture is used through motivational states as a causal antecedent, does this mean, as O'Brien (2005) claims, that CC has to assume a more abstract law-like approach following Harris's model? Or should it give up any explanatory pretensions and return to Geertz's deep descriptions of crime and deviance? This second problematic antagonism can be framed in more general terms: 'Are there law like generalizations in the social sciences? If not, are we thrown back on mere description and narrative? In my opinion, the answer to both questions is no' (Elster 1989: 32). There is an intermediate alternative that has been defended by analytical sociologists and philosophers of social science which centres explanations on the identification of '*social mechanisms*' (Little 1991; Hedstrom & Swedberg 1998; Boudon 1998; Mahoney 2001; Hedstrom 2005; Elster 2007; Hedstrom & Bearman 2008). This approach allows reframing CC as a more precise, articulated and coherent explanatory option in relation to both inadequate contemporary alternatives (statistical explanations, rational choice models, social and self control theories, etc.) and simultaneously avoids O'Brien's two unattractive possibilities. Four characteristics are relevant in this type of approach to social phenomena directly connected with CC's goals.

Reductionist strategy

There is a '*reductionist strategy*' which seeks to 'narrow the gap between cause and effect' and which strongly opposes covering law explanations and variable/factor – statistical explanations (Hedstrom & Swedberg 1998: 25). The goal is to open and make explicit the internal workings underlying the explanatory 'black boxes' (Elster 1989; Boudon 1998). Explanation requires a precise and conceptual account of how change in some variable is brought about which involves exploring what goes on inside specific social processes in which we are interested (Sorensen 1998).⁵ Opening 'black boxes', however, is not merely finding unknown intermediate variables between *explanans* and *explanandum*. To avoid a correlational perspective, we must seek theoretical 'unobservable causal processes' which link observable events, variables and outcomes (Mahoney 2001). For example, Young's (2007) explanation of crime involves challenging a simple causal connection between poverty/inequality and crime by providing among others four additional specific intermediate causal mechanisms: individuals have also to share cultural values and goals; they have to perceive as unfair their situation of relative deprivation; they have to feel humiliated and angry; and they have to perceive crime as a way of challenging this state of affairs. Adequate explanations can be articulated only when we open this less visible subcultural and emotional 'black box' which connects visible elements such as inequality and crime, that remain unexplored by explanations focused in quantitative correlations with objective background variables.

Specificity and indeterminacy

Secondly, the social mechanisms approach provides explanations characterized by greater *specificity* and *indeterminacy*. Social mechanisms explanations are more specific than abstract laws but: 'more general than the social phenomena that they subsume' (Elster 1998: 49). For Elster, detailed knowledge of the causal connections improves explanations that minimize the risk of spuriousness but also weakens predictive possibilities. Social complexity generates causal indeterminacy in two senses. Sometimes, indeterminacy is related to the unknown conditions under which a causal mechanism will be triggered. On other occasions, it is possible to foresee that two or more causal mechanisms will influence a variable in conflicting directions but with an unknown and indeterminate net effect. Therefore, although we are unable to predict what the output will be,,, we can explain it retrospectively (Elster 1989).⁶ CC shares both goals. Hayward and Young (2004) have criticized general and abstract criminological theories which little resemble the specific and real experiences of offenders.⁷ Additionally, Young has questioned prediction as a

⁵ Correlations are not explanations. They demand 'an explanation of what sort of entities or activities brought them to existence' (Hedstrom 2005: 26).

⁶ Elster's definition of mechanism is illustrative of this causal indeterminacy: 'frequently occurring and easily recognizable causal patterns that are triggered under generally unknown conditions or with indeterminate consequences' (1989). Yet, dismissing prediction as a goal is not shared by all authors in social mechanisms literature (e.g. Hedstrom).

⁷ Katz (2001b) has argued for: 'causal explanation without determinism, not prediction but retrodiction, a specification of the processes that will have taken place if a given form of social life is observed'.

failed project in Criminology for being unable to anticipate two key historic trends. Firstly, from the 1960s to the 1990s, there was an increase in the crime rates despite a simultaneous increase in most crime – protective factors. Secondly, since the 1990s, crime has decreased in many western countries although most known risk factors have remained relatively stable. Predicting future levels of crime based on its present correlation factors overlooks the fact that individuals and their interpretations might change independently of those factors. But prediction in social sciences has also become even more illusory under the volatile context of late modern societies (Young 1994; 2004).

The idea of undetermined and specified social mechanisms helps to clarify many of the causal connections present in CC and to defend its explanatory value despite its inability to produce predictions. In this way, CC's explanatory claims have a lower level of abstraction and generalization and are less vulnerable to criticisms about its similarity to general statements employed by mainstream criminology (Fenwick 2004), as well as its necessity for assuming law like nomothetic explanations (O'Brien, 2005). For example, the key causal connection between committing crimes in order to defy authority and experiencing emotional states (Presdee 2000; Ferrell 1995) is to be interpreted and explored as a complex and undetermined combination of social mechanisms. An individual who has been arrested for the first time might suffer stigmatization and humiliation. How is he going to react in the future? It depends, as these emotions might result in additional emotional mechanisms. Perhaps, if they produce a predominant combination of guilt and fear, the agent feels dissuaded by the painful emotional effect of sanctions and avoids being involved in deviance again. However, if anger and resentment are the prevalent result, his future deviation and criminality might be reinforced. But it might be also that if excitement and thrill produced by the experience of defying authority predominates over other negative feelings, an additional and even increasing deviance might occur in the future. We cannot predict if he will actually commit a crime or not, because we do not know which of the three mechanisms will be triggered or whether the three will operate simultaneously so it is difficult to estimate the net effect. But once we know the outcome, we can reconstruct and explain what occurred and identify why and how crime did or did not occur.

Against deterministic explanations

There is a strong antagonism towards explanations which are deterministic and dismiss individuals, actions and intentional explanations as crucial explanatory components (Boudon 1998; Hedstrom 2005). Boudon argues that actions need to be analyzed as 'meaningful' or 'grounded on reasons' (1998: 175). As Hedstrom puts it: 'I would like to reserve the word cause for a less causal notion of causality' (Hedstrom 2005: 23). Yet, strong emphasis on the micro level of an actor's motivations do not preclude building explanations that involve the meso and macro levels of analysis (Hedstrom & Bearman 2008; Vaughan, 2008). This claim complements well CC's goal of overcoming structure-agent dilemma by focusing explanation on the subject's cultural motivations and narratives while locating it in the context of macro structural and material conditions and processes (Hayward & Young 2004; Ferrell 2007). However, it also demands a more elaborate and precise specification of the social mechanisms involved

between micro and macro levels which involves including the institutional level. In CC explanations institutional components are scarce and, if mentioned, they are generally depicted as homogenous and simple contextual conditions or reactions to transgressions ignoring a more complex and indeterminate reality composed by heterogeneous actors and their narratives (O'Brien 2005). The criminal justice system, the media, educative institutions, or the labour market are incorporated in Young's (2007) explanation of crime mainly in their basic function of social exclusion and cultural inclusion. In Ferrell's, public institutions appear as an undifferentiated and homogenous reaction that criminalizes and exacerbates illegal graffiti writing.

Ethnographic methods and social mechanisms

Finally, although diverse techniques can be employed for the empirical evaluation of social mechanisms (Bohnet 2008; Bruckner 2008; Barkley 2008), CC's privileged method (ethnography) is particularly suited for 'identifying mechanisms that connect actors, actions and for bridging the micro, meso and macro levels of analysis' (Vaughan 2008: 689). Analytical ethnography through the detailed description of actors, action and interaction (the '*how*'), allows arriving at general explanations (the '*why*') of social phenomena (Katz 2001a, 2002a). It is true that generalizing through qualitative methods remains a problematic issue in social sciences (Payne & Williams 2005). However, qualitative evidence does not need to be reduced to a mere provider of insights to be generalized through quantitative methods. Following Payne and Williams, a positive improvement for CC might be to 'avoid excessive generalizing claims' and to express them in a more precise and modest way ('moderatum generalizations'). Therefore, CC should provide a more explicit and detailed account of the qualitative evidence (and its limitations) used to support its explanatory claims and how it is related with the breadth of its generalizations, temporal stability of findings, and its social contingency (Payne & Williams 2005).

To sum up, although it is true that CC presents a contradictory epistemological use of the term 'culture', it is incorrect to argue that explaining crime using culture demands i) assuming a nomothetic model and ii) reducing culture to a materialistic output. An alternative solution involves challenging the opposition understanding vs. explanation, assuming that the first involves explanation through motivational antecedent states, and reframing CC's causal statements in terms of a social mechanisms approach. This intermediate explanatory perspective between universal criminological laws and idiosyncratic narratives involves emphasizing the contingent, specific, and retrospective nature of explanations centred on the exploration of individual motivational states but without dismissing the interaction with the institutional and structural levels. Yet, reframing CC in terms of a social mechanism approach demands a high level of precision in the categories used to explain crime. Consequently, it is relevant to analyze how adequately built are the two main explanatory categories in CC; culture and emotion.

III. Culture in Cultural Criminology

Culture can be used in two basic ways in social sciences. Either emphasis is placed on cultural factors and their causal influence on some output of interest in opposition to non-cultural factors. Or focus is placed on comparing different cultures as wholes, showing how one type of culture produces an output in opposition to other types of cultures (Sewell 2005, in Garland 2006). Cultural criminologists explicitly assume the first use. If crime is always meaningful (Ferrell et al 2008) its explanation cannot exclude its cultural frame. However, not everybody agrees that using culture in their explanations of crime is effective: 'If the church is the last refuge of scoundrels, *culture* is the final recourse of social scientists in search of explanations when existing economic, social and political theories have been exhausted' (Rosenfeld 2000, in Young, 2004: 21). Many criminological explanations have deliberately excluded culture, e.g. self-control theory (Gottfredson & Hirschi 1990), rational choice theory (Clarke & Cornish, 1986) or routine activity theory (Felson 1998) among others. Integrating a complex category like culture might threaten explanatory precision, validity and reliability. Does CC's incorporation of culture in the explanation of crime deal adequately with these challenges?

In order to answer this question, three issues will be tackled. The first two involve discussing CC's conceptualization of culture and its singularity in relation to previous definitions in Criminology. I will therefore go over Geertz's definition and its relevance to CC, the influence of the Chicago school and sub-cultural theory's motivational definitions, the importance of style and its connecting function between offenders and authorities, and the idea of cultural criminalization and resistance. I will also identify differences between the concept of CC and previous versions of culture that are either too deterministic or too autonomous, and CC's intention of conciliating two opposed discourses about culture. A third issue refers to five problems involved in CC's conceptualization of culture: i) its excessive amplitude and the consequent weakening of its descriptive and explanatory relevance; ii) the tautological nature of its inclusion of behavioural components; iii) its speculative and rational assumptions about offenders derived from an implicit direct connection between culture and behaviour; iv) its excessive emphasis on the meaningful nature of crime rendering CC insensitive to actor's real motivations and risking its empirical assessment, and v) its vague and unclear connections between culture and structure.

One problem with the concept of culture is diversity. There are almost as many concepts of culture as anthropologists (Garland 1990). In the case of CC there is no coherent and explicit framework about what is culture. Geertz's 1983 concept of culture as 'webs of significance' is considered by Hayward and Young (2004) as a decisive cultural turn in criminology. However, it is problematic to assume it as a general framework as it is absent in most of the rest of CC papers (Webber 2007).⁸

Some of the definitions of culture in CC are close to Sutherland's differential association theory and Cohen's sub-cultural tradition. Emphasis is placed on

⁸ In the most recent and systematic presentation of CC (Ferrell et al., 2008), Geertz is not even mentioned.

justifications, values, motives and symbols collectively shared by participants: 'Actions and identities labelled as criminal are generated within the boundaries of deviant and criminal subcultures [...] Members of a criminal subculture learn and negotiate motives, drives, rationalizations and attitudes; develop elaborate conventions of language, appearance and presentation of self' (Ferrell & Sanders, 1995a: 4). Ferrell considers sub-cultural behaviour as: 'collectively organized around networks of symbol, ritual, and shared meaning' (1999: 403). Hayward and Young also acknowledge the importance of reviving 'motivations and justifications for deviance' from sub cultural theory (2007: 107). Moreover, they argue that crime: 'involves an attitude to roles, an assessment of their justness...a motivation to break them [...] it is through rule-breaking that sub-cultural problems attempt solution' (2004: 266). Some authors refer more generally to a transgressor lifestyle, in which culture involves 'everyday actions of resistance' of the oppressed and deprived, who seek significance through transgression (Hayward & Young 2004). In this line, culture is also defined as the 'symbolic environment occupied by individuals and groups' (Ferrell, et al., 2008: 2).

Some definitions emphasize the role of style, aesthetics and performance which provide the connection between identity and crime. Style: 'defines the communities of which [individuals] are part, serving as a...medium for negotiating status, constructing security and threat and for engaging in criminality [emerging] as an essential link between cultural meaning and criminal identity' (Ferrell 1995b: 169; Presdee 2000). Style also provides a connection between transgressors and agents of social control constituting an 'epistemic and symbolic marker' that works inside and outside the sub-cultural group, defining internal and external perceptions and reactions (Ferrell 1999; Ferrell & Sanders, 1995b). Hence, 'legal authorities read and react to sub cultural styles as the stains of prior criminality and the predictors of future crime [...] Sub cultural styles exist for [...] authorities as both the cause and effect of criminality, and for marginalized groups as [...] symbols of resistance and invitations to control' (Ferrell 1995: 182). In order to include inequality and domination in cultural analysis, it is necessary to frame 'crime as culture' but also 'culture as crime' (Ferrell & Sanders, 1995). Hence, the term 'culture' is also employed to label the processes of 'cultural criminalization' by which powerful agents impose particular meanings and criminalize cultural activities, groups and identities through legal/official institutions and through unofficial ones such as media channels (Ferrell & Sanders 1995a; Ferrell 1999). Other definitions of culture seek to include simultaneously processes of criminalization and resistance, claiming that culture is: 'where norms are imposed and threatened, laws are enacted and broken, rules are negotiated and renegotiated' (Hayward & Young 2007: 107; Presdee 2000: 29). Correspondingly, culture is used to qualify processes of 'cultural maintenance' and 'cultural disorder' in the interaction between: 'cultures of control (control agencies' downwards symbolic constructions) and cultures of deviance (rule breakers' upwards counter – constructions)' (Ferrell et al 2008: 4).

Ferrell, Hayward and Young claim that CC can be differentiated from previous criminological uses of culture which oppose materialistic and structural perspectives where the culture is a 'residue of social structure' or output of

social class, race, occupation, etc. (Ferrell et al 2008). There is also disagreement with American sub-cultural theory's rigid, static, homogeneous and essentialist concept of culture as a set of values and role expectations waiting to be learned and represented by passive agents (Young & Hayward 2004). CC also questions 'new American cultural sociology' and the excessively autonomous role given to culture unaffected by inequality, power asymmetry, class structure, or material conditions (Hayward & Young 2007). However, Ferrell, Hayward and Young also suggest that CC should not dismiss completely these problematic conceptualizations. Rather, the goal should be to conciliate two more general opposed discourses on culture.⁹ One discourse traced in Cohen's sub-cultural tradition associates culture with freedom, creativity, transcendence, where crime is meaningful and involves a symbolic challenge to the rules of the social order. Another discourse from social anthropology and Parsonian/Durkheimian cultural sociology, identifies culture with regularity, conformity, permanence, where challenging limits is perceived as deviation and crime lacks meaning as it is the result of the failure of socialization (Hayward & Young 2007). Although opposed, it is argued that both can be brought together: 'the notion of culture as outside human agency, as a functional and organic prop of social structure is preposterous. But the collective belief in tradition, the emotional embracing of stasis and conformity, the ideological mobilization of rigid stereotype and fundamental value – and against this, the disbelief among others in the social order itself [...] the willingness to risk inventing collective alternatives [...] is indeed a significant subject...embraced by cultural criminology' (Ferrell et al 2008: 5). The reconciliation of both discourses helps to build a more dynamic and hybrid concept of culture, one more adequate for explaining crime and transgression in late modern societies characterized by social instability, volatility and ambivalence (Young & Hayward, 2004).

CC claims to be a better alternative explanation in relation to conventional criminological theories and one of its main singularities is its insistence that actors' cultural motivations should play a key explanatory role. Yet CC's conceptualization seems to suffer several problems which affect the identification of specific and precise causal connections between culture and crime.

The first problem is the amplitude and heterogeneity that characterize cultural criminologists' definitions and applications of culture. The concept of culture presented in previous pages includes a variety of heterogeneous components such as behaviours, attitudes, habits, practices, rituals, values, meanings, symbols, styles, etc. Sometimes it is used as a noun and sometimes as an adjective to qualify the most diverse social entities (e.g. meaning, disorder, style, maintenance, market, capitalism, etc.). Also it is employed both to characterize deviant subjects/groups as well as institutions of control and, authorities/groups. If culture is constructed in such an inclusive and vague way as to include almost everything in relation to deviance and its control, it ends up

⁹ The distinction between these two discourses on culture is based on Bauman (1999).

undermining its descriptive relevance¹⁰ and its explanatory value. No matter what or how individuals act, it can always be understood as 'explained by culture'. Culture ceases to be an alternative *explanans* amenable to empirical evaluation as it is always interpreted as produced by, or to be part of, culture.

Another problem arising from vague definition is the risk of generating tautological explanations. One way of utilizing the term is to include as relevant 'behavioural aspects' such as habits, routines, everyday patterns of activity and interaction, together with commonsense judgements, perceptions, etc. (Garland, 2006). Some of the definitions described in this chapter follow this option (Presdee 2000; Hayward & Young 2004; 2007; Ferrell et al 2008). However, if the goal is to explain deviated actions (*explanandum*) and we use culture to explain (*explanans*), but at the same time, culture's definition includes those same behaviours or practices, a conceptual circle is produced which is impossible to evaluate empirically. The cultural explanatory argument ends up saying 'they do it that way because that is how they do it' (Nelken 2007: 261). The term 'culture' loses explanatory sense and becomes just a new descriptive label on the *explanandum*.¹¹ Although it is true that 'explanans and explanandum...are continuous in the flow of life and [...] merge in undifferentiated being' they are also: 'empirically and analytically separable' (Katz 2002a: 258). This sort of definition is useful for interpretative and descriptive goals closer to Geertz's tradition where the aim is not to use culture to explain something else, but rather to 'study culture in its own terms' (Duncan 1996 in Garland 2006: 434). Although this type of definition seems at odds with explanatory goals, the solution is not to dismiss culture as *explanans* but to exclude behavioural aspects from its conceptualization.

A third problem is that CC's cultural explanation might involve a too direct connection between culture and behaviour which ends up assuming an overly rational actor. A basic argument shared by cultural criminologists is that in order to explain crime and borderline behaviours we need to include actors' motivations (beliefs, values, attitude) embedded in particular (sub)cultures: Lyng's (2004) skydivers risk their lives because their motivation is to push themselves to experience excitement, adrenaline and recover individual choice. Hayward and Fenwick's (2000) binge drinkers strategically get drunk and lose control because their motivation is to increase the set of possible sensations and seek control. Yet, this excessive focus in the motivational dimension implicitly assumes a direct connection between culture and action overlooking the fact that individuals do not always act according to their beliefs and goals, since they experiment many irrationalities, such as weakness of will, contradictory goals, change of preferences, emotional outbursts,¹² myopic beliefs, wishful thinking, unpredictable future events, etc. As most of CC

¹⁰ If almost any type of entity or process is part of 'culture', what analytical utility consists in the term? In other words, if culture is everything, culture means nothing.

¹¹ The same occurs to the explanation of the processes of criminalization and labelling by dominant groups and institutions. If these institutional practices are explained in terms of a 'culture of control' (Hayward & Young 2004) and this term includes those same institutional practices, again we are not explaining, just providing another descriptive label.

¹² Although emotions are included in CC explanation, its role (as mental states to be obtained or useful for other goals) is coherent with this instrumental conception.

explanations do not explicitly account for these intervening phases between mental states and actions, CC is assuming a deviant actor who evinces excessive coherence between beliefs, preferences and actions as in rational choice models. Unless a more precise account of how cultural motivations are translated into crime and its possible irrational obstacles, CC's explanation remains speculative and threatens its goal of challenging the rational depiction of transgression.

A fourth problem refers to how that culture is by definition necessarily implicated in the idea of crime, affecting CC's empirical evaluation. CC's notion that crime is *necessarily* a meaningful act which assumes specific contents (resistance, transcendence, identity, etc.) overlooks the fact that many deviant and criminal events are not meaningful acts that are part of a sub-cultural project of self-transcendence but merely, accidents, hazardous events, unexpected by-products, or merely trivial actions with no significance for actors. If almost any action can be reconstructed or reinterpreted as being part of a sub-cultural project, in spite of what actors might say, think or do, CC's explanation ends up dismissing actor's narratives and constructing a definition which is insensitive to empirical evaluation.¹³ On the one hand, there is an insistence that all crimes are meaningful (Ferrell et al 2008). On the other hand, Hayward has admitted that crime also involve mundane elements but claims that: ' [CC] focus on meaning, representation and sub-cultural milieu ensures that it is equally at home explaining the monotonous activities associated with DVD piracy [...] as it is unravelling the sub rosa world of illegal graffiti artists' (Hayward 2007: 238). However, if CC's theoretical framework remains unchanged, either CC follows coherently its theory and misinterprets mundane crimes as being part of a sub-cultural project of transcendence, or on ad hoc bases, takes seriously what actors say and assumes triviality in a subset of crimes.¹⁴ Additionally, Ferrell has argued that challenging the meaningful, transcendent and resistant nature of crime involves assuming that there is a 'solid baseline' or 'true reality' available when it is known that problematic official data and the media's distorted and demonized representation of crime does not provide such a thing. In fact, CC's romanticism provides a way of exploring the complexity of crime and challenging these fictional narratives (Ferrell 2007). Yet, a 'solid real base line' seems unnecessary when it comes to identifying criminological perspectives with problematic assumptions about reality which have weak empirical bases, whether rationality assumptions or identity transcendence ones. Therefore, unless a more precise conceptualization and modus operandi for CC's cultural components is elaborated, the actor's central motivations might be ignored in an unknown proportion of crimes, and CC's empirical validity will be threatened.

¹³ Ironically, rational choice has been questioned on similar bases. De Haan and Jaco (2003) claim that an over rationalized concept of offender emphasizes instrumentality of action in detriment of irrational elements weakens its empirical assessment. No matter what empirical results are obtained, even the most violent and impulsive crime 'can be interpreted retrospectively as rational'. Therefore, rational choice rational reconstruction of deviant behaviour ends up misjudging actor's real reasons.

¹⁴ Although Hasley and Young (2006) also assume the meaningful character of graffiti writing, they challenge the idea that they are mainly motivated by rebellion and resistance. Rather, less transcendent reasons seem to be at play: aesthetic pleasure, pride and recognition, making friends, etc.

Finally, among cultural criminologists' explanations of crime there is an unclear definition of the connections between structure and culture which casts doubt on the adequate inclusion of structural determinations. Despite CC's insistence on the relevance of including structural background factors (Young 2003), its diluted, fluid, amorphous and volatile definition of culture and subcultures 'formerly connected to broader structures, and social class...now appear autonomous, free - floating, decoupled from wider structural forces', particularly inequality and social class (Martin 2009: 125; Webber, 2007). Although Young, Presdee, Ferrell, and Hayward among others rightly reject deterministic relationships between both analytical entities, they do not provide a clear alternative theoretical solution of how these relationships should be understood. Instead, they offer vague and metaphorical references about how 'collective cultures offer a heterogeneous mélange of symbolic meanings that blend and blur [...] conflict and coalesce and hybridize with changing circumstances' (Ferrell et al 2008: 3). Arguing that there are two opposed discourses of culture which should be reconciled, or stating how structural determinants need to be experienced subjectively by actors, is rhetorically attractive but is insufficient. Ferrell's (1997) research into graffiti writing resistance or Young's (2003) account of transgression and vindictiveness in bulimic societies offer interesting empirical insights involving actor's motivations (micro level), institutional actions and reactions (meso level) and structural socioeconomic conditions (macro level), but neither constitute a systematic theoretical alternative to illustrate CC's singular way of dealing with the dynamic relationship between culture and structure. A more thorough theoretical account should be available to describe more precisely social mechanisms between culture, institutions and structures and in what ways and in what sort of circumstances actors are affected by structural determinants and institutions, and how and when they are able to challenge these social inertias. Additionally, how do these complex interactions operate differently or similarly depending on the different types of crime or transgression, type of actors and institutions involved, etc? If that is not the case, we are left with more of an '*evangelist discourse*' (Carlen 2010), rather than a real alternative explanatory approach. Additionally, culture's volatile nature, combined with its ambiguous and unknown relation to structure, diminishes its attraction and validity as a main explanatory category. If culture is permanently changing with unknown speed and acceleration, is it possible to identify it as a key stable antecedent of transgressive behavior?

Cultural explanations of crime provide a more complex and detailed account of how crime and deviance are produced. However, its explanatory weakness resides in this same potential. Excessive amplitude and imprecision in the definition of culture and its connections with crime and structure, together with implicit a priori theoretical categories with problematic empirical evaluation, decreases CC's attraction as an alternative explanation of crime.

Authors in other subfields have rejected these types of criticisms, arguing that: imprecision and indeterminacy are only problems under the positivistic testing variable paradigm (Legrand 1999 in Lazarus 2005); seeking for logical coherence and theoretical definition impoverishes the idea of culture (Lazarus 2005); culture's indeterminacy enables the encompassing of social diversity (Friedman 1975); emphasis on specific and concrete measures might block the

understanding of non-measurable aspects of culture (Nelken 2010). However, underlying these critics is the assumption of understanding and explaining as diametrically opposed paradigms, with the latter inevitably assuming an orthodox positivistic and quantitative frame. As I have argued in the first chapter, explanation versus understanding is a problematic opposition. It is plausible to assume a heterodox notion of explanation based in social mechanisms which focuses on motivational states and simultaneously demands analytical improvements in the concept of culture and its connections with crime without having to pay the price of: assuming positivism (and quantitative methods)¹⁵, conceptual impoverishment, losing phenomenological variety or ignoring more subtle and hidden aspects of social reality.

IV. Emotions in Cultural Criminology

CC states that the nature of emotions needs to be investigated as they play a key role in the explanation of crime (Ferrell et al 2008), while this factor has been neglected by criminology (Hayward 2011). Yet, CC's use of emotions is mainly intuitive, superficial, atheoretical and dismissive of works related to emotions inside and outside criminology.

In this chapter, I will pursue the following goals. Firstly, I will briefly describe the neglect of emotions in mainstream and rational choice criminology. Secondly, I will describe Katz's influence and how some cultural criminologists have incorporated and operatively used emotions to explain crime. Then I will focus on the inadequacies of the CC approach to emotions, focusing on four critiques. Firstly, cultural criminologists employ an imprecise and intuitive conceptualization of emotions. Secondly, the focus on the intentional and active role given to emotions: i) ignores the involuntary aspects of emotions; ii) comes close to rational approaches to emotions; iii) has a problematic empirical evaluation owing to its restricted conceptualization of emotion's function. A tentative more precise definition based on the psychological literature will be provided. Thirdly, most cultural criminologists fail to differentiate analytically between specific emotions and their influence on crime. Finally, I will mention some unexplored dimensions in the connection between emotions and crime which are dismissed in CC analysis, and conclude by arguing that CC should assume a more plural perspective on emotions.

Ferrell, Hayward and Young have questioned conventional criminology's 'desiccated' perspective in which crime is considered mundane, trivial and lacking any drama or emotional content (Ferrell et al 2008). More specifically, sociological positivism merely 'translates background factors of deprivation into a simple foreground narrative of experienced deficit with crime as the relief of such deprivation' (Hayward & Young 2004: 267). Rational choice theory opposes more directly emotional components of crime by assuming the

¹⁵ 'Methodological convenience should not produce a restrictive definition of the phenomenon under study. Culture can be easily read in texts, images and rituals, but it is also embedded in non discursive [...] practices such as [...] spatial arrangements, bodily postures, habitual behavior and specific performances' (Garland 2006: 427). Garland's demand for deep ethnographic approaches is coherent with using culture to seek for causal connections under a social mechanism approach (Vaughan 2008).

criminal's rational maximization of available opportunities as the unique narrative (Hayward 2007). None of these emotionless accounts enables us to understand the: 'internal psychic – emotive processes' taking place in crime (Ferrell et al 2008). They are inappropriate to explain crime and particularly 'the crimes of the irrational actor' (Hayward 2004), that is, chaotic, violent and expressive offences such as gang violence, child molestation, drunken vandalism, etc. (Hayward 2007). Conceptualizations of emotion in cognitive behavioural programmes or restorative justice initiatives are also rejected. Its measurement through diagnostic check lists and its conceptualization in terms of '*one dimensional or universal*' categories is insensitive to the complexity of emotions (Ferrell et al 2008).

The early work of Jack Katz (1988) had a decisive influence on the phenomenology of emotions in CC. He localizes motivations for crime in the foreground of 'immediate lived experience' in opposition to distant background forces. Opening the black box between background factors and the criminal act involves exploring emotions' influence. For example, if we want know why an individual gets involved in a particular type of homicide ('righteous slaughter'), information about his wealth, employment or marital status will be scarcely useful. Rather, the specific emotional dynamics of the situation should be explored. When individuals find that some basic moral principle has been violated, they feel humiliated and full of rage. In order to recuperate their self respect they find no other way of dealing with this type of situation than to carry out a vengeful slaughter. Without this emotional component, Katz argues, criminology is unable to explain why individuals with similar characteristics differ in their criminality, or why they are involved intermittently in crime. Crime involves a 'genuine experiential creativity' which implies experiencing a number of moral emotions (humiliation, righteousness, arrogance, vengeance, etc.), and enables 'overcoming a personal challenge to moral existence' (1988: 9). Therefore, crime constitutes a way of transcending humiliation and the triviality of everyday life, providing a sensual and liberating experience. CC seeks to contextualize Katz's analysis in the conditions of late modernity exploring its direct role on individual's motivation, and its indirect influence through the state and the market.

In relation to the motivation to transgress, cultural criminologists agree on emotion's general role in crime and individuals' lives. According to Hayward, individuals face a paradoxical situation in late modernity. Feelings of ontological insecurity owing to structural uncertainty and ambivalence are combined with being hyper-controlled by diverse state and non-state agencies. Crime and risky activities (joyriding, hooliganism, dangerous sports, etc.) represent a way of breaking with everyday life and escape from an insecure but over-controlled world. Crime provides the excitement of breaching the rules which enables individuals to exercise control of their destiny and to express identity (Fenwick & Hayward 2000; Hayward 2011). In a similar vein, Lyng's research shows how individuals engage voluntarily in extreme activities, where the threat of death or injury is permanent and to push themselves to the edge looking forward to experiment 'adrenaline rush' in order to achieve self-determination and control. By risking their lives, individuals seek to recover choice and to escape from society's processes of alienation and over-socialization (Lyng 2004). For

Hayward and Young: 'they lose control to take control' (2004: 268). According to Ferrell, actual societies are characterized by a 'visceral' and 'unbearable' boredom, producing situations of existential breakdown and strain between expectations and goals. Crime and other non-legal activities are '*antidotes*' oriented to deal with and combat this structural and institutionalized boredom (Ferrell 2004a). Illegal graffiti writing involves feelings of adrenaline rush and also constitutes a means of self-expression and visceral resistance to authority. It is an anarchist response that resists assuming negative emotions (shame, guilt, fear, etc.) imposed by agents of social control (1995a). Presdee also observes that crime explains how individuals go 'from negative feelings to positive ones [...] from being bored to being excited [...] from being powerless to being powerful' (2004: 280). Transgression is a 'therapeutic action' employed by individuals to relieve the pain of being 'excluded' or 'different'. In lives characterized by boredom, lack of meaning, and being 'nobody', breaking the limits allow us to acquire feelings (2004: 281). Similarly, Young depicts how 'bulimic societies' which culturally includes but structurally excludes large sectors of society, generates for the excluded intense emotions of disrespect, loss of identity, humiliation, resentment and anger. Breaking the norms involves more than utilitarian behaviours. Deviance is delightful and exciting as it provides ways of dealing with humiliation and helps to reassert dignity and identity (Young 2003; 2007).

In relation to the role played by institutions in the connection between emotions and crime, Ferrell argues that exciting activities which revolutionize everyday life are increasingly being labelled and considered illegal by state authorities (2004). However, as Morrison, Presdee and Hayward argue, institutional efforts to control crime have an unexpected effect: In societies where the pursuit of pleasure is intensified and where individuals seek punishment in order to obtain pleasure, institutional efforts to control crime become meaningless. Many of the 'rational' state efforts to impose order ignore real sensual motivations for crime and paradoxically exacerbate the same transgressions they intend to eliminate. Transgressors are given what they demand; challenges and thrills (Morrison 1995; Presdee 2000). Some situational crime prevention policies stimulate and increase the attraction of offences by generating new risks and intensifying older ones (e.g. speed cameras constitute an additional challenge for joyriders) (Morrison 1995; Hayward 2007). The market generates a permanent, insatiable and immediate hedonistic desire to consume associated with frustration that may be assuaged through crime. Yet at the same time, market forces stimulate, commodify and transform transgressions in 'cool, fashionable, and desirable consumer choices' (Hayward 2002; 2004a). Ironically, in some instances the subversive meaning of borderline behaviours might be stimulated by state responses and yet weakened, trivialized and assimilated by processes of market commodification (Hayward 2004b; Ferrell 2007).¹⁶

Most CC papers refer to the importance of using emotions or directly use them in their analyses. It is difficult to find any explicit theoretical account focused on

¹⁶ Lyng and Bracey (1995) showed how criminal justice efforts to deal with bikers' behaviour encouraged its illicit meaning. However, its incorporation into market processes of mass production was much more effective in lessening its 'subversive potential' (Ferrell 2007).

the nature of emotions and their connection with action, except from a short section in Ferrell, et al. 2008 (pages 64–74).¹⁷ Based on recent developments in the sociology of emotions, there is an agreement that emotions involve three dimensions: i) corporeal/physical; ii) affective; iii) and a cognitive dimension of interpretation and mental processes.¹⁸ CC assumes Katz's perspective on the functionality of emotions where the idea of emotions as opposed to thinking is rejected. Emotions are 'self reflective actions and experiences' (1999: 7). We are 'artful in producing emotions' because they enable us to comprehend: 'the tacit, embodied foundations of ourselves' (1999: 7). Emotions constitute an effort to understand an existential problem; knowing the substance of the self (Katz 2000: 261; Katz 2002b). Two dimensions in Katz's conceptualization of emotions reinforce this particular functionality. Firstly, emotions are 'situation – responsive' and 'situation – transcendent' narrative projects. Emotions are useful to individual interests and goals in understanding and dealing with particular situations. Secondly, emotions should be analyzed as an interaction process shaped and constructed by actors in relation to the interpretation and reaction of others. Individuals creatively use resources, notably their own bodies, to generate impressions of their emotions in other actors (Katz 1999: 6).

The way cultural criminologists conceptualize and use emotions seems problematic for the explanation of crime and transgression. Four issues seem particularly worth discussing.

1. Imprecise and intuitive conceptualization

One basic problem is that, notwithstanding its centrality to much cultural criminological literature, there is a vagueness and imprecision about the nature of emotions. All too often cultural criminologists have an intuitive and operative use of specific emotions without any reference to a general definition. For example, Young (2003) uses humiliation, anger, resentment among others without discussing the nature of these emotions and how they particularly influence behaviour, as if the reader's common sense were sufficient. Sometimes when it is possible to find some sort of vague and implicit definition or reference, the emotional dimension has been implicitly or explicitly assimilated to: i) irrational states or a non-instrumental quality of actions (Hayward 2007); ii) normative/moral components of behaviours (Hayward & Young, 2007); iii) actor's narratives, identity or existential meanings (Presdee 2000; Ferrell et al 2004); iv) adrenaline thrill, excitement and preference for risk (Lyng 1990; Ferrell et al 2008); v) hedonism or pleasure (Presdee 2000; Hayward 2011); vi) search for control and capacity to choose (Lyng 1990; Ferrell 1996; Hayward 2004), or more generally, the capacity for abandoning a

¹⁷ An exception might be a brief reference in Hasley and Young (2006: 278) where they criticize assimilating emotions with affections. However, they use only Massumi's perspective on affections based on poststructuralist tradition. They do not discuss why this is the best option. Nor do they provide a discussion of the concept of emotions and why they are excluded or any reference whatsoever to the specialized literature on emotional states.

¹⁸ 'While most of us might [...] experience a rush of adrenaline when confronted by a group of hooligans in a train carriage (corporeal dimension), we may impart different interpretative meanings to that response (cognitive dimension), in association with how we have come to respond to such experiences (feeling dimension)' (Ferrell et al 2008: 69).

powerless condition (Presdee 2000). As with the term 'culture', when the concept of emotions embraces such diverse and heterogeneous entities, it runs the risk of losing its descriptive and explanatory power. Additionally, most of these conceptual associations are problematic.

Basically, rationality involves an actor being able to achieve his goals in the most efficient way (Weber 1951). Norms is one way in which rationality can be subverted. An individual might irrationally kill another individual following a moral code/norm although he perceives that he might suffer significant direct and indirect costs following his arrest and imprisonment. Emotions are merely one way in which rational behaviour can be subverted. Particularly, emotions can be such a strong motivational force that they might subvert both rationality and norms (Elster 1996). A woman who suffers domestic violence might know that killing her husband involves multiple formal and informal costs and even go against all her moral principles or values, and yet, out of humiliation and anger she might end up committing this crime anyway. Whilst it may be argued that the imposition and efficacy of social norms is based on emotional background (Durkheim 1964), 'it is not indispensable for the operation of norms' (Elster 1996: 1389) and more importantly, it does not mean that norms and emotions are the same entity. Therefore, (i) definitions are problematic because they are based on a general characteristic (non-instrumentality) which is an insufficient condition for the presence of emotions and is also present in other types of entities such as norms. Precisely, (ii) definitions confuse emotions with norms, and (iii) definitions are equivocal as while emotions might help to construct actor's narratives and identities, they are also categories which are analytically separable. In definitions (v) and (vi) there is a misunderstanding between emotions and outputs that may be obtained through emotions (e.g. control). Finally, (iv) definitions are questionable as they include elements that either are components of some specific emotions but are not emotions themselves (excitement, viscerality, etc.), or they involve a different type of mental entity such as preferences.

Defining emotions seems to be a complex but decisive task for CC. Surprisingly, cultural criminologists have paid little attention to other social scientific research and discussion on this topic. Although there is controversy in specialized literature about which properties characterize emotions, and for every characteristic offered there is a counter example of an emotion lacking that characteristic (Frijda 2000; Ekman & Davidson 1994), a list of the most relevant properties of emotions can be set out.¹⁹ Firstly, one of the most distinctive aspects of emotions is how they are felt. Every emotion is a unique and qualitatively different experience. Love involves a specific feeling which everybody can identify and not confuse with other feelings such as happiness or joy. Secondly, unlike other affective states, emotions have cognitive antecedents, which do not necessarily have to be truthful. Thirdly, unlike feelings, emotions have an intentional object. They are generated by specific beliefs about something which can be facts or other agents' actions or character. Fourthly, emotions are usually accompanied by some physiological

¹⁹ This list is based mainly on Frijda, (1986, 2000) and Elster (1999; 2008), also, Ekman (1999), and Solomon and Stone (2003).

change or excitement (change in heart rate, blood pressure, etc.) translated into external and visible signs such as the colour of the skin, body posture, etc. Fifthly, emotions have a negative or positive valence, that is, they are transparently pleasant or unpleasant. Anyone would usually include love or happiness among the first ones, and hate or fear among the second ones. And finally, there is a strong and visible connection between some emotions and some kinds of tendencies to act.²⁰ If emotion is to play a key role as explanans of crime and transgression, a more precise conceptualization is required which takes advantage of conceptual interdisciplinary discussions beyond criminology.

2. Emotion's problematic functionality

In spite of this conceptual diversity and vagueness, there is a shared idea of the functionality of emotions observed in the way in which emotions are used by CC authors, and from Katz's theoretical definition quoted by Ferrell et al. (2008: 71). Emotions are not something uncontrollable which simply happens to agents. They are voluntary, expressive and aesthetic acts which help actors to gain identity, meaning and transcendence. This particular role is problematic in three senses.

Firstly, it assumes an excessively active and intentional view of emotions which is strongly disputed in literature concerning emotions. Other authors have argued for the involuntary, visceral and impulsive character of emotions (Frijda 1986; Lowenstein 1996; Lowenstein & Lerner 2003; Scheff 2002).²¹ Yet, the idea that emotions are not chosen by individuals does not need to assume that emotions are automatic responses out of control. Individuals can be trained to foster/inhibit emotions such as anger or phobia among others (Ainslie 2005). However, one thing is that individuals can learn ways of dealing with emotions by trying to modulate their extreme effects, and another different thing is to assume that individuals can design their emotions to produce personal identity projects. Additionally, the presence of positive effects of behaviour does not necessarily mean that such behaviour was intentionally produced. If behaviour is recurrent and tends to produce positive effects, it might be explained in a non-intentional way through reinforcement (Van Parijs 1981; Elster 1989). Even if emotional transgression produces effects in terms of identity/transcendence, it may be the unexpected result of behaviours oriented by different and more mundane goals. Once these effects are generated, it may stimulate further transgressions but without the offender's intentions or conscience.

The second problematic issue is that CC's intention-oriented version of emotion comes closer to 'rational' approaches. This does not mean that they are identical characterizations of behaviour, but both are instrumental and are

²⁰ For example running away when experiencing fear, or striking things/people when feeling anger.

²¹ Katz acknowledges a non intentional component of emotions. Although emotions are artfully produced by individuals, they also have the power to overwhelm them and to operate outside the 'foreground of our self-awareness' (Katz 1999: 2). However, it is not clear how to combine this preoccupation with the strong intentional aspects of Katz' perspective. The inclusion of non-intentional and bodily elements is unclear and the idea of emotions as corporeal self-reflective actions is incomprehensible (Wouters 2002). CC does not acknowledge this tension except for an isolated and obscure allusion to Katz's (1999) third dimension of the analysis of the emotions' 'sensual metamorphosis' (Ferrell et al., 2008: 70).

perceived to be useful by actors. In fact, Katz's sneaky thrills have been labelled as psychic returns to crime (Matsueda et al 2006). This is only one of two general approaches to emotions. While psychologists have focussed on immediate emotions and other visceral factors that impact directly on behaviour,²² economists have studied anticipated emotions which are chosen or are expected to be experienced in the future (Lowenstein 2002). Among the instrumental school of thought, Solomon (1993) has argued that emotions are intelligible and generally rational judgements or subjective strategies that seek to increase individual self esteem and dignity. Becker (1996) has also tried to show how emotions such as altruism, envy and guilt are rationally chosen by the individual. Criminological rational choice explanations have also included non-instrumental goals such as sexual gratification, expressing emotions, defying, having an exciting experience (Clarke & Cornish, 1985). Therefore, CC's restricted and instrumental role of emotions is not remote from rational approaches, dismissing irrational components present in alternative conceptualizations.

Thirdly, CC's conceptualization of the function of emotions as meaningful and transcendent acts is empirically questionable. This approach ignores cases in which emotional reactions are isolated events detached from any voluntary identity project. A man might kill another man in anger and yet he might regret it and feel ashamed and traumatized for the rest of his life. Research has shown that impulsive and emotionally motivated offenders are not attracted to robberies, resent being involved in crimes which are considered 'desperate acts', need to neutralize their crimes, all of which suggests that they feel ashamed (de Haan & Jaco 2003). Repulsion to crime, neutralization, and shame seem to be at odds with a voluntary and transcendent life project involving crime. It is one thing to argue that emotions cannot be analyzed separately from the cultural context which influences that some behaviours and circumstances might be more frequently associated with certain emotions (Elster, 1999). It is quite another to argue that every emotion felt by individuals is part of a personal project of transcendence and identity. An insult might be met with anger and violence because this type of reaction is expected by others in his sub-cultural context (while its absence will be punished), but it does not necessarily mean anything else. Owing to excessive emphasis on the significance of emotions, cultural criminologists assume as necessary or axiomatic a trait that is not always present in emotions, and therefore undermine its empirical evaluation possibilities.

3. Analytical insensitivity to specific emotions

Cultural criminologists tend to show an imprecise use of specific emotions that, despite superficial similarities, are very different. For example, Presdee (2000; 2004) uses shame and guilt indistinctly. While both are negative emotions and produce physical pain, there are differences in the type of negative evaluation (global referring to the person as opposed to specific referring to the behaviour) and on the nature of the emotional reaction (public generated by others as opposed to private and self-inflicted (Lewis 1971; Tagney et al 2007). Shame

²² I will return to this role of emotions in the fourth critique.

and guilt connections with crime might diverge as Braithwaite's (1989) theory claims. Although he uses other terms (reintegrative and stigmatizing shame), the basic idea is that emotions involving a more generalized negative evaluation of the individual tend to be more stigmatizing and stimulate recidivism. A similar superficial analysis can be observed in the use of emotions such as resentment, rage, anger, humiliation, vindictiveness and envy (notably Young 2003; Young and Hayward 2004: 264). All are different emotions which describe different internal states, are generated by different sources, and activate different behavioural tendencies in individuals. For example, while 'envy is caused by the deserved good of someone else', anger is connected with a 'negative belief about another's action toward oneself' (Elster 2007: 149). Rage, instead, combines anger with a desire for personal vengeance (Frijda 1986). While in anger the action tendency is to 'cause the object of emotion to suffer' (Elster 2007: 149), with rage the important issue is to recover self-esteem so it has to be me that makes him suffer (Frijda 1986). In the case of envy what is needed is simply the annihilation of the envied object and/or its possessor (Elster 2007). Using emotions to explain crime requires more than simply mentioning some negative emotions and stating loosely that they are a sensual and transcendent response to crime. Each emotion demands a specific analysis of its interactions with other emotions and how its interaction influences criminal behaviour.

4. Unexplored connections between emotions and crime

CC's analysis dismisses or blurs two relevant dimensions in the connection between emotions and crime. First, although CC is outcome-oriented, the idea that emotions might deter crime is ignored. Deterrence models include emotions as social/psychic costs (e.g. shame, embarrassment, etc.) and their effect on self-esteem. When individuals get involved in crime they take into consideration these potential costs and try to avoid them (Grasmick & Bursik 1990; Nagin & Paternoster 1994). It seems reasonable to assume that criminal justice measures might generate both causal mechanisms; emotional deterrence or emotional excitement and stimulation of crime.

Secondly, emotional states can be associated with crime but as an antecedent motivational force involving diverse possibilities of analysis. On the one hand, emotions can act as a powerful motivational back-up for fulfilling our preferences and goals. For example, actually responding to aggression or insult might demand having a minimal emotional tone that energizes the individual to act. Katz's (1988) righteous slaughter might perceive that some basic norm has been violated. Yet, without a minimal level of humiliation and rage, it would be impossible for him to end up killing his antagonist. On the other hand, the visceral character of emotions (either negative or positive) might act as a distorting force generating short circuits in individual's rationality both when goals are conventional or criminal.²³ An amateur offender might fail to commit his first crimes due to paralyzing fear and panic (Kessler 2004). Instead, individuals might become unexpectedly involved in a fight and out of anger

²³ However, some authors claim that emotions are a necessary condition for rationality. Emotions help filter, select, and process information in order to evaluate more effectively available alternatives (Sousa 1987; Damasio 1996; Lowenstein 1996; Slovic et al 2002).

injure or even murder his opponent. Although there was no initial criminal goal, his transgression is the product of a strong emotional outburst constituted mainly by anger (Luckenbill 1977). The few occasions in which emotional elements have been included in criminological theories are generally as offender's characteristics related with impulsiveness, myopic evaluation or a preference for experiencing risk (Wilson & Herrnstein 1985; Gottfredson & Hirschi 1990; Farrington 1992).²⁴

More generally, to understand how emotions distort rationality and motivate behaviour, a more precise understating of rationality is required. According to Elster, rationality involves optimizing in three senses: i) 'choosing the action that best realizes the desires, given his beliefs about the consequences of choosing them'; ii) 'beliefs are inferred from the available evidence by procedures that are most likely [...] to yield to true beliefs'; iii) gathering 'information in an amount that is optimal in light of the agent's desires and the expected costs of gathering more information' (Elster 2008: 54). Emotions can affect rationality i) altering desires/preferences, ii) affecting directly beliefs by generating biased beliefs, iii) or indirectly, affecting the collection of information, generating low quality beliefs (Elster 2007). Discussion of failures of rationality in criminology has generally focused on the cognitive dimension; problems of perception, sources of information, types of processing of information, etc. (Pilavin et al 1986; Pogarsky & Piquero, 2003; Kleck et al 2005; Matsueda et al 2006), dismissing the distorting role of emotions.²⁵ CC also has paid little attention to the emotions distorting role of rationality, except from some isolated references in Hayward (2007).²⁶ Additionally, despite CC's conceptualization of emotions as intentionally and meaningfully produced, emotions as motivational antecedents of behaviour seem to be present in some of cultural criminologists' empirical analysis but only in an implicit and vague way.²⁷

CC correctly censures the lack of emotions in most criminological theorizing. However, it has not succeeded in providing an adequate solution. Its alternative is vaguely and operatively stated. It relies excessively in an instrumental and transcendent perspective, and fails to offer more detailed accounts of the operation of specific emotions and does not incorporate the deterrent and the motivational causal influence of emotions on crime. There is a lack of dialogue and discussion with specific literature on emotions, notably in the psychological

²⁴ One exception is Hirschi's social control theory (1969). Individuals lacking an emotional bond with other individuals ('attachment') are impervious to their judgment when they commit crimes. It is close to rational approaches as the absence of this emotional bond eliminates the importance of reprobation (informal costs) and therefore increases the likelihood of crime.

²⁵ One exception is Paternoster et al (2002) which focuses on (ii) arguing that strong emotionality produces a failure in rationality because it diminishes the agent's temporal horizon, and therefore excessive focus on himself and the immediate situation makes him underestimate long term costs. Another example is Exum's (2002) research on anger and alcohol effects on rational decision making.

²⁶ Hayward briefly refers to: Exum's work (2002); consumer research studies referring to short term emotional components; and Hoch and Lowenstein (1991) claim of integrating psychological and economical literatures on emotions (2007: 239).

²⁷ Anger, resentment, humiliation seem to play a motivational antecedents in transgression in Young's (2003) analysis of crime in bulimic societies. Adjectives and verbs used connote this motivational and non voluntary role: 'the *burning* resentment of the excluded' (2003: 398) or 'the anger *fuelled* by deprivation' (2003: 391).

tradition. If criminological explanations are to effectively incorporate emotions, CC needs to provide a more interdisciplinary, plural and less restricted emotional approach.

V. Conclusions

Do its natural science model and its dismissal of cultural and emotional dimensions render conventional criminological theory inadequate to explain crime and deviance? Does CC provide an adequate criminological answer to these epistemological and theoretical problems? Or is perhaps CC no solution but merely 'reinventing the wheel', while plagued by an ambiguous formulation that involves fatal epistemological and theoretical contradictions?

In this dissertation I have defended the idea that both cultural criminologists and their critics are partially right and partially wrong. Ferrell, Hayward, Presdee and Young among others have correctly claimed that cultural and emotional components are relevant for explaining crime and deviance and have been underestimated in criminological theory. However, at the same time, although CC has not yet provided a satisfactory alternative, its internal contradictions are as not as serious as some critics have argued. Cultural criminologists and their critics assume problematic epistemological assumptions. On the one hand, CC's strong opposition to conventional criminology's universal, abstract causal explanatory model and its ambiguous explanatory alternative is based on assuming a problematic antagonism between understanding versus causal explanation. The idea of explanation as the search for causal antecedents is present in cultural criminologists' theoretical and empirical papers and should be explicitly assumed and developed, rather than rhetorically rejected. The key difference is the inclusion of cultural motivational states as key causal antecedents in the explanation of crime. Meanwhile, O'Brien (2005) and others claim that CC's project involves a self-defeating purpose and a contradictory use of 'culture'. Either cultural criminologists assume explanatory statements and resemble universal nomothetic models where culture is 'degraded' to an output of material conditions, or culture plays a more decisive role in the CC approach, while abandoning explanatory goals and focusing on thick descriptions of deviance. Cultural explanations of crime can avoid universal nomothetic models, by assuming a 'social mechanism approach' which emphasizes the contingent, specific and retrospective nature of causal explanations and abandons predictive goals and overly generic or universal explanatory claims.

However, in order to provide explicit and clear causal connections with crime, transgression and crime control, this alternative demands high levels of precision in CC's key explanatory categories: culture and emotions. Both categories are ill-defined and used in problematic ways. Diverse definitions of culture are present in CC including multiple types of entities (values, norms, beliefs, behaviours, symbols, rituals, etc.). Conceptual amplitude and heterogeneity undermines CC's explanation either by being always true and impossible to be empirically assessed and/or by its tautological nature when behavioural components are included. CC also risks dismissing alternative

actors' motivations and reasons due to its excessive emphasis on the meaningful and transcendent character of crime (including some specific contents such as resistance), an emphasis which turns out to be almost axiomatic and may again challenge its empirical evaluation. Additionally, there is an implicit direct connection between culture and criminal behaviour which brings the CC approach nearer to a rational depiction of offenders. Finally, there is an unclear reconciliation between a static and a dynamic cultural discourses, therefore culture's connections with structures are unclear and cast doubt on CC's capacity to include structural determinants in the explanation of crime.

Although emotions play a key role in CC's criminological explanations, its conceptualization and application involve several problems. There is a tendency among cultural criminologists to rely on an intuitive and vague approach which not only incorrectly associates emotion with irrationality, norms, identity, etc, but is too general and insensitive to differences among specific emotions and their connections with crime. There is also a strong reliance on Katz's idea of emotions as intentional, instrumental and outcome-oriented which is not remote from rational approaches. This restricted view not only underestimates irrational and uncontrolled components of emotions, but also assumes as an axiom the transcendent role of emotions and threatens its possibilities of empirical evaluation. Finally, in CC there is a dismissal of other possibilities of causal connections between emotions and crime, notably: its deterring effect over crime and its role as motivational antecedent which can either facilitate or obstruct crime. In this sense, little attention has been paid to the way in which emotions distort rational criminal behaviour. Cultural criminologists need to discuss with a largely ignored literature on emotions in order to generate a more plural and less biased conceptualization of emotions.

A general motivation in CC is the rejection of a criminology based on a 'desiccated' and 'dehumanized' representation of crime which resemble little the complexities of real experiences of offenders lives (Hayward and Young, 2004). More generally, approaches emphasizing formalization, parsimony and prediction which are so removed from real world become a sort of '*social science fiction*' (Elster 2007: 461). However, if CC's project of acknowledging greater levels of complexity through culture and emotions in the explanation of crime is to be expanded in the criminological realm, it needs to: avoid rhetorical oppositions with vague antagonists such as mainstream or orthodox criminology; not exaggerate its epistemological singularity and explicitly assume causal explanation as a common goal; and improve and refine the conceptualization of its basic explanatory categories, in order to provide more precise, valid and reliable explanations. In fact, CC development might involve a more open dialogue with quantitative criminology and perhaps enable the possibility of extending the empirical assessment of some CC hypotheses and claims. Strongly based on qualitative methods and extremely cautious and selective with the use, application and interpretation of quantitative data in the explanation of crime is one thing, rejecting any possibility of using numbers is another. As Maruna claims: 'How might criminology be different if Jock Young's work was also to become the basis for this level of sustained, empirical research? Can we imagine the armies of number-crunchers at the American Society of Criminology even reading *Vertigo*, let alone using hierarchical linear

models to understand the etiology of bulimia in society? If not, why not?' (2008: 538).

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