

The Politics of Risk Management and the Culture of Risk Taking

by

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Abstract

Risk has become a key concept in social theory and has had a significant impact across academic disciplines including criminology. On the one hand, several criminologists argue that the rise of risk has fundamentally reconfigured the operations of courts, corrections, and policing. Many claim that, over the last few decades, crime control has moved away from the old rehabilitative and retributive approaches of the past and towards more actuarial approaches based on risk management – crime has become a risk to be managed in aggregate terms rather than a moral transgression in need of rectification. On the other hand, while risk-based approaches to governing crime have grown significantly, cultural criminologists and sociologists of sport have noted a heightened emphasis on risk-taking by urban graffiti writers, illegal street racers, extreme sports enthusiasts, and illicit drug users. For these people, the risk-averse logic of actuarial governance – risk as potential harm to be avoided – is inverted such that risk is positively embraced for the excitement it affords. What is particularly characteristic about the present, then, is that a politics of risk management is colliding with a culture of risk-taking. In attempts to make sense of this puzzling paradox, in this thesis I offer a primarily theoretical investigation of the dominant approaches used in the study of *risk management* (chp. I) and *risk taking* (chp. II & III) in sociology and criminology. After exploring how the rise of risk has reconfigured crime control over the last quarter century in Chapter one, in Chapter two I develop the argument that orthodox criminology provides two dominant images of criminal risk-taking. While *dispositional* theories explain criminal risk-taking as the pathological behaviour of individuals with particular body types, low-self control, or of lower-class origin, *situational* theories conceive of criminal risk-taking as the (ir)rational decisions of necessarily risk-averse actors. Despite differences between dispositional and situational theories, both leave no room for risk-taking that is controlled and intentional. In Chapter three I enlist the work of Jack Katz on the

seductions of crime and of Stephen Lyng on the sociology of risk-taking to develop a third, cultural approach to risk-taking that is voluntary and cross-class. I illustrate how, for Katz's and Lyng's actors, risk is approached as a challenge rather than seen as a deterrent. Lastly, I add to the historicity of the cultural approach to risk-taking by tracing its roots in a romantic worldview that arose out of 19th century disenchantment with the bureaucratic rationalism and alienation of capitalist modernity. In conclusion, I summarize the main argument of the thesis and outline some potential avenues for future research.

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Man on Wire

One could conceive of such a pleasure and power of self-determination, such a *freedom* of the will that the spirit would take leave of all faith and every wish for certainty, being practiced on maintaining itself on insubstantial ropes and possibilities and dancing even near abysses. Such a spirit would be the *free spirit* par excellence.

Nietzsche (1984: 347)

If I die, what a beautiful death! To die in the exercise of your passion!

Philippe Petit

On the afternoon of August 6th, 1974, a motley crew of Frenchmen, armed with fake IDs and disguised as construction workers and delivery men, snuck past security at the World Trade Center in New York City and made their way to the rooftops with a cartload of wire rigging equipment. Using a bow and arrow attached to a fishing line, they spanned the 200 feet separating the two towers and rigged a highwire overnight. The next morning, 24 year old funambulist Philippe Petit took to the skies and performed on the tightrope for nearly an hour while the citizens of lower Manhattan gathered to watch in awe 1350 feet below. The young Frenchman did not simply walk from the North to the South tower and breathe a sigh of relief once across; he walked back and forth, knelt, sat, and saluted all the while sporting a beatific smile. It was not long before the Port Authority Police Department stormed the towers and arrested Petit's accomplices, all of whom were busily taking pictures of the triumphant moment. In a now famous interview,¹ arresting officer Charles Daniels described the crime scene as follows:

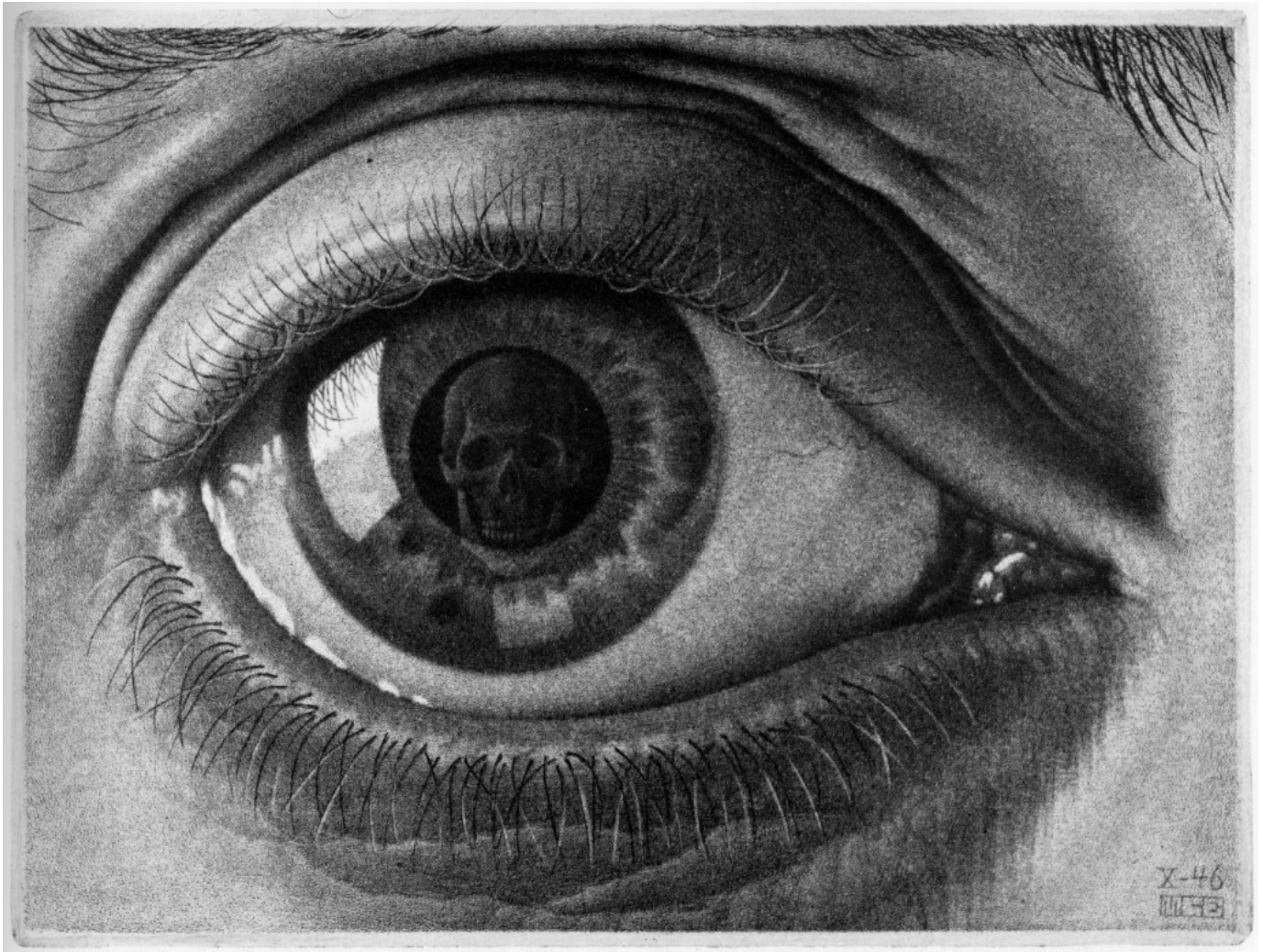
I observed the tightrope 'dancer' – because you couldn't call him a walker – approximately halfway between the two towers. When he saw us he started to smile and laugh and he started going into a dancing routine on the high wire...And when he got to the building we asked him to get off the highwire but instead he turned around and ran back out into the middle. He was bouncing up and down. His feet were actually leaving the wire and then he would resettle back on the wire again. Unbelievable really. Everybody was spellbound.

After police threatened to loosen the cable or else pluck him from it by helicopter, Petit finally stepped off the wire and was immediately arrested for his illegal aerial performance. Back on the ground and basking in the afterglow of the 'artistic crime of the century', Petit

was inspected by a psychiatrist in an ambulance and charged with criminal trespassing, disregarding police orders, disorderly conduct, endangering his life and that of others, and working without a permit. Meanwhile, police officers asked him for autographs and Petit was fed to the press.² “Why did you do it?” asked an American journalist to a handcuffed Petit. “There is no why” he answered with a smile. “When I see three oranges, I juggle; when I see two towers, I walk!” (Petit 2002: 211). Soon after the breath taking feat, all criminal charges were dropped in exchange for an explanation of how he did it and a small display of his artistry to the children of New York City in a local park. Petit explained the meticulous planning, sneaking, and spying that went into *le coup*, the disguises, the staged interviews, the phony deliveries. He even offered suggestions on ways to improve security at the World Trade Center.

Recently, British director James Marsh (2008) brought Philippe Petit’s illegal aerial walk to the silver screen in the critically acclaimed documentary *Man on Wire*. Titled after the ‘details of complaint’ entry from the 1974 police incident report, the documentary chronicles the adventures of Petit and his team as they plot the feat of a lifetime. While there is no video footage of Petit’s actual Twin Tower walk, Marsh manages to preserve the original sense of astonishment by juxtaposing still photographs of Petit floating in the sky with re-enactments of key moments leading up to the feat. Marsh also intersperses historical footage of the young Frenchman laboriously practicing his art, as well as moving interviews with the now much older but no less passionate Petit and members of his crew. One photograph of Petit lying down along the wire with eyes closed captures him balanced on the edge of the abyss, in a moment of aesthetic bliss the likes of which he may never feel again. Petit calls his highwire stunt the act of a poet ‘conquering the most beautiful stage’. Similarly in his autobiography, Petit (2002: 9) writes of his first illegal aerial performance in Paris as the “romantic escapade of a young poet.”

Although not comparable to the scale and magnitude of his Twin Tower performance, Philippe Petit has conquered other such beautiful stages as Sydney Harbour Bridge in Australia, the Notre Dame Cathedral in Paris, and the Eiffel Tower. These romantic sites, coupled with Petit's uncanny perseverance and unyielding determination, have probably made him the world's most famous high-wire artist. *Man on Wire* picked up both the Grand Jury Prize and Audience Award for World Cinema Documentary at the 2008 Sundance Film Festival, as well as the 2009 Academy Award for Best Documentary Feature.



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Why did he do it? What drove Petit to risk his life to conquer the most beautiful stage? What is Petit trying to do up there on the wire? Why would anyone risk their life and liberty for a transient moment in the sky of Manhattan? In the book upon which *Man on Wire* is based, Petit sometimes asks himself why he did it. On one occasion, when he illicitly inspects the roof of one of the towers, he writes: “Suspended between the tangible and the ephemeral, I find myself pondering: Would anyone but a crazed bicephalous being, half engineer, half poet, willingly shackle himself to a venture of such magnitude?” (2002: 41). On another occasion, after injuring his foot, he ruminates on his seemingly irrational behaviour:

Why do I decide to hitchhike, with no money and no luggage, when my foot is not yet healed and I am the owner of a truck in perfect working order? And why, after only an hour of waiting at the highway entrance, do I give up on signaling the passing cars, and begin to walk toward Germany? Have I gone insane? [...] No, I'm thirsty for freedom, for adventure. (Petit 2002: 44)

Indeed, Petit's youth typifies freedom and adventure. By 18 years of age, he had been expelled from five schools for practicing the art of pickpocket on his teachers. He left home to become a wandering troubadour, a street-juggler without a permit constantly arrested all over the world.

Such biographical material seems to suggest that there is something in Petit's individual nature that compels him to take risks; that Petit is essentially different from everyone else; that his dangerous exploits stem not from a 'normal' person's constitution but rather from some kind of biological or psychological pathology. Conversely, the overwhelming success of *Man on Wire* as a multiple award winning documentary suggests that there is something about Petit's risky crime which we all admire. The conclusion to which I will come after a theoretical examination of the crime and risk literature is that the 'artistic crime of the century' offers a piercing reflection of the risk-taking romantic in us all. Petit's twin tower feat cannot be reduced to a biological, psychological, or sociological

predisposition – what I will call *dispositional* theories of risk-taking – or to an instrumental cost-benefit calculation – what I will call *situational* theories of risk-taking. Rather, by developing a third *cultural* approach to risk-taking, I will argue that Philippe Petit’s 1974 high-wire walk between the two towers of the World Trade Center offers a poetic archetype of what Stephen Lyng (1990) has called *edgework* – voluntary risk-taking.

In this thesis I offer a primarily theoretical³ investigation of the dominant approaches used in the study of *risk management* (chp. I) and *risk taking* (chp. II & III) in sociology and criminology. Through a close reading of a wide range of literatures that address risk at the individual (biological, psychological), intergroup (socialization), and macro-institutional (governance, modernity) levels, I seek to answer the question what is risk? and what are the different ways of conceptualizing risk in social science? The thesis has three main objectives: first, to offer a synthetic analysis or integrative account of the literature concerning the intersection of crime and risk management; second, to summarize the two dominant ways of thinking about risk taking with the categories *dispositional* and *situational*; and thirdly, to develop a culturally and historically situated conceptual framework for understanding the moral and sensual attractions of risk-taking in contemporary society. As a whole, the text offers a conceptual map of the principle ways in which the concept of risk is deployed within criminology and sociology, and is intended as a contribution to the construction of ways of thinking about risk-taking behaviour that go beyond orthodox theories.

In Chapter I – Crime and the Risk Society, I begin with a synopsis of Beck’s (1992) risk society thesis and distinguish it from a second approach to risk associated with the later work of Michel Foucault and its development in the governmentality literature. I explore how the rise of risk has reconfigured crime control over the last few decades and outline the vigorous debates that have accompanied these changes. I do this primarily by discussing Feeley and Simon’s (1992, 1994) new penology thesis on the displacement of the

rehabilitative governance of crime by an actuarial approach that focuses on risk management and minimization. The new penology is a linear reading of the history of crime control wherein it is argued that the present apparatus of crime control breaks markedly in its form and operations with the welfare crime control of earlier times. In other words, Feeley and Simon claim that a new postmodern risk penology has replaced the old rehabilitative modernist penology. I argue that these authors overemphasizes the practical and instrumental side of crime control to the neglect of its more expressive and symbolic aspects. To this end, I contrast a hybrid account of crime control that locates it in the processes of a dualistic and ambivalent modernity. Drawing primarily on the work of David Garland (1990, 1996, 2001), I show that crime control is irreducibly Janus-faced, practical *and* expressive, instrumental *and* symbolic. I also draw some connections between the work of Nils Christie and that of Feeley and Simon, noting how both accounts fundamentally amount to a Weberian reading of crime control. In conclusion, I note a near absence of positive discussions of risk in criminology and draw attention to an emerging body of literature that addresses risk-taking yet falls short of adequately theorizing the connections between crime and risk-taking. This provides a context for subsequent chapters.

In Chapter II – Dispositional and Situational Theories of Risk-Taking, I develop the argument that orthodox criminology provides two dominant images of criminal risk-taking. On the one hand, *dispositional* theories explain criminal risk-taking as the pathological behaviour of individuals with a mutated gene, particular body type, low-self control, or lower-class background. On the other hand, *situational* theories understand criminal risk-taking as the (ir)rational decisions of necessarily risk-averse actors. Thus, the rational actor of situational theories (classicism and control theories) contrasts with the pathological actor of dispositional theories (positivism and strain theories). Despite differences between dispositional and situational theories, both accounts of the criminal risk-taker leave no room

for risk-taking that is controlled and intentional. In this way, the possibility that someone might deliberately choose to engage in criminal risk-taking is foreclosed.

In Chapter III – The Moral and Sensual Attractions of Risk-Taking, I open with some trenchant criticisms of orthodox criminology, and then enlist the work of Jack Katz (1988) on the seductions of crime to begin developing an alternate conception of criminal risk-taking that is intentional and cross-class. I illustrate how, for Katz’s sneaky thrill seekers, the risk of humiliation in the potential of detection and arrest is approached as a challenge rather than seen as a deterrent. Whereas situational risk-takers are deterred by environmental controls (at least in the publications of rational choice theorists), for sneaky thrill seekers, situational risks actually *increase* the thrill and excitement of the criminal act. Following this Katzian critique of orthodox theories, I turn to Stephen Lyng’s (1990, 1991, 2004, 2005, 2008) work on edgework to provide an account of risk-taking that weds a phenomenological appreciation of the risk-taking experience to the structures of late modernity. I focus on how Lyng makes use of the concepts of *oversocialization*, *alienation*, and *disenchantment* in explaining the appeal of what he calls *edgework*: voluntary risk-taking in the absence of material rewards. While the risk-taking of the situational offender is ostensibly voluntary insofar as she is ‘choosing’ to take a criminal risk based on a rational calculation of the consequences of the act, this choice is simply a function or outcome of the felicific calculus. In theory, a situational offender cannot voluntarily risk her life and liberty for no material rewards; this would be irrational behaviour. Conversely, Lyng’s edgeworkers voluntarily risk their life and liberty for the thrill and excitement this gives, even if such risk-taking is irrational from the perspective of situational theories. Lyng’s account can explain the appeal of risky crimes such as Petit’s twin tower walk, whereas situational theories cannot. Finally, after examining Lyng’s work in considerable detail, I add to the historicity of the edgework concept by illustrating its roots in a romantic world view.

In conclusion, I wrap up our theoretical investigation of crime and risk by looking at Petit's illegal wire walk from the perspective of the various theories of risk-taking considered and developed in this thesis. I argue that there are some serious limitations to thinking of Petit as a *dispositional* risk-taker and of his risky crime as *situational* risk-taking, and suggest that the *cultural* approach to risk-taking (i.e. edgework) offers our best means of conceptualizing the artistic crime of the century.

CHAPTER I – CRIME AND THE RISK SOCIETY

Few topics in the social sciences have received as sustained an increase in scholarly attention over the past quarter century as the topic of risk. Risk has become a key concept in social theory and has had a significant impact across academic disciplines including criminology. Many authors have been influenced by Ulrich Beck's (1992) claim that we live in a 'risk society' in which nuclear, chemical, genetic, and ecological mega-hazards that we ourselves have manufactured are causing modern societies to focus less and less upon technological and economic development, and more and more on managing the dark side of progress. Even crime has become a risk to be managed. As David Garland (1996: 446) has commented: "For most people, crime is no longer an aberration or an unexpected, abnormal event. Instead, the threat of crime has become a routine part of modern consciousness, an everyday risk to be assessed and managed."

In his influential work, *Risk Society: Towards a New Modernity*, Beck (1992: 10; 1992a) argues that late industrial societies are in the process of transitioning to a world risk society: "Just as modernization dissolved the structure of feudal society in the nineteenth century and produced the industrial society, modernization today is dissolving industrial society and another modernity is coming into being." Mass production under the imperative of economic growth has left in its wake a plethora of catastrophic 'modernization risks', including the threat of terrorist attacks and global financial meltdown, contamination of foodstuffs, global warming, and holes in the ozone layer. Whereas pre-industrial hazards such as plagues, famines, floods, and earthquakes were 'strokes of fate' attributable to gods, demons, or nature, modernization risks are the unintended consequences that result from the very attempts of humans to intervene in the conditions and nature of social life: "Risks, as opposed to old dangers, are consequences that relate to the threatening forces of modernization" (Beck 1992: 21). What is more, these new risks differ from those of an earlier

era because they transcend boundaries of class and nation – they threaten rich and poor alike and are potentially global in their impact. “The consequences of scientific and industrial development” writes Beck (1992: 2), are “a set of risks and hazards which are no longer limited in time and space.” For example, disasters such as Chernobyl, Bhopal, Three Mile Island, and September 11th have shown the widespread injury and massive destruction that chemical, nuclear, and terrorist incidents can inflict. In this new environment, the public begins to lose faith in the ability of scientific experts to manage modernization risks, risks that have become global and incalculable. Risk consciousness leads to increasing demands for research into and protection against omnipresent risks, leaving the populace in a general state of insecurity. In risk society, everyone is anxious about and fearful of risks that are invisibly everywhere in everything.

Some criminologists have picked up on this theory in order to understand major changes in the fields of crime control and criminal justice. In the most concerted effort, *Policing the Risk Society*, Ericson and Haggerty (1997) use Beck’s thesis to explain the transformations occurring in contemporary policing. They argue that the increasing demand for security and safety precipitated by risk consciousness has created unprecedented needs for new knowledge about risk. Risk society is thus an ‘information society’ where police spend most of their time doing surveillance work and dealing with data rather than enforcing the law. The authors contend that police has shifted from being primarily a law enforcement agency to instead function as a pivotal information broker for employers, welfare and social security organizations, and insurance, credit, and banking companies who all demand information accumulated by police. As the authors put it:

Risk communication is central to all aspects of police work. The police are not only involved in law enforcement, order maintenance, and social service, but in all of these roles they are also knowledge workers engaged in the production and distribution of knowledge of risk...Given such a low clearance rate for property crimes, the main task of the police is to provide good risk-management data for insurance purposes...[Quoting a police officer]: ‘People will call in the theft of an item. They

know there isn't a hope in hell of finding it and they really don't have an interest in reporting it to the police, but they know they can't get their insurance claim until they do report it to the police. It's a paper exercise'. (Ericson & Haggerty 2002: 246, 257)

In this chapter I begin by distinguishing Beck's (1992) and Ericson and Haggerty's (1997) approach to risk from a second approach to risk associated with the later work of Michel Foucault and particularly its development in the governmentality literature. I then examine this literature and pay particular attention to Feeley and Simon's (1992, 1994) new penology thesis on the displacement of the rehabilitative governance of crime by an actuarial approach that focuses on risk management and minimization. Feeley and Simon claim that a new postmodern risk penology has replaced the old rehabilitative modernist penology. I argue that these authors overemphasizes the practical and instrumental side of crime control to the neglect of its more expressive and symbolic aspects. To this end, I contrast a hybrid account of crime control that locates it in the processes of a dualistic and ambivalent modernity. Drawing primarily on the work of David Garland (1995, 1996, 2001), I show that crime control is irreducibly Janus-faced, practical *and* expressive, instrumental *and* symbolic. Following the discussion of Garland's texts, I draw some connections between the work of Nils Christie and that of Feeley and Simon, noting how both accounts fundamentally amount to a Weberian reading of crime control. In conclusion, I note a near absence of positive discussions of risk in criminology and draw attention to an emerging body of literature that addresses risk-taking yet falls short of adequately theorizing the connections between crime and risk-taking.

1.1 *Governmentality, Risk, and Crime Control*

Despite the enormous influence of Ericson and Haggerty's book, most criminologists have been reluctant to fully deploy Beck's risk society thesis when attempting to make sense of contemporary developments in crime control and criminal justice. This is because Beck's (1992) theory is rather totalizing and epochal, a grand theory that reduces complex and

heterogeneous developments in diverse fields to mere epiphenomena of a single meta-historic logic. For Beck the rise of risk society is the inevitable outcome of the modernization process, i.e. scientific and technological developments fueled by capitalist growth. This unilinear, monolithic process has caused the proliferation of real modernization risks of unprecedented catastrophic potential that are fundamentally reconfiguring our contemporary social context. His is a vision of a dystopian present that is deeply discontinuous with the recent past.⁴ Thus whereas the central problem of industrial society was the production and distribution of goods, in Beck's view the leitmotif of risk society is the reduction and elimination of bads, i.e. risks, hazards, and dangers.

Many criminologists find Beck's theory too abstract and all-encompassing to explain the specific changes that are taking place in crime control. A second approach to risk that has been far more influential in criminology is associated with the work of Michel Foucault and particularly its development in the governmentality literature (Simon 1987, 1988; Ewald 1991, Defert 1991, Castel 1991, O'Malley 1992). Despite the shared focus on risk, the approach of governmentality theorists differs significantly from that of Beck's grand theorizing. While in Beck's work risk is understood as a synonym for danger or hazard, governmentality theorists claim to bracket the question of whether or not risks are real to instead study risk as a way of knowing and ordering populations, a governmental rationality, a governmentality:

Nothing is a risk in itself; there is no risk in reality. But on the other hand, anything *can* be a risk; it all depends on how one analyzes the danger, considers the event. As Kant might have put it, the category of risk is a category of understanding; it cannot be given in sensibility or intuition. (Ewald 1991: 199)

For governmentality theorists, risk is a political rationality, a particular way of thinking, a framework for imagining and dealing with problems. The distinguishing characteristic of risk, in their view, is that it is a probabilistic technique used to make predictions based on statistical distributions of large numbers of events. Ewald (1991: 205) defines insurance as "the

compensation of effects of chance through mutuality organized according to the laws of statistics.” By spreading risk over a population, insurance renders the cost of accidents calculable and predictable. While Ewald emphasizes risk *spreading* as the modus operandi of the welfare state (i.e. social security), Castel identifies risk *reduction* as a central aim of the new preventative policies in the governance of mental health. For Castel, (1991: 281, 288) the rise of risk thinking has transformed decision making in mental health, such that clinical intervention has given way to actuarial management:

The new strategies dissolve the notion of a *subject* or a concrete individual, and put in its place a combinatory of *factors*, the factors of risk...The essential component of intervention no longer takes the form of the direct face-to-face relationship between the carer and the cared, the helper and the helped, the professional and the client. It comes instead to reside in the establishing of *flows of population* based on the collation of a range of abstract factors deemed liable to produce risk in general...What the new preventive policies primarily address is no longer individuals but factors, statistical correlations of heterogeneous elements. They deconstruct the concrete subject of intervention, and reconstruct a combination of factors liable to produce risk.

Several criminologists attempting to make sense of developments in contemporary penalty have similarly argued that the logic of risk has fundamentally refigured crime control over the last few decades (Shearing & Stenning 1985, Reichman 1986, Feeley and Simon 1992, 1994, O’Malley 1992, Garland 1996, Shearing 2001, Downes & Rock 2003, chp. 9). Many argue that the rise of risk in criminal justice has resulted in a double movement away from moral approaches to crime control (rehabilitation and retribution) and towards more technical insurantal and actuarial approaches (risk management). Reichman (1986: 164) makes this argument particularly explicit in her article on crime control as risk management:

The insurance model of crime control does not explicitly impose a moral weight on criminal behavior. Blame is less important than reducing future threats. Crime is assumed to be an “accident,” or “contingency” which can be managed according to criteria that are assumed to be neutral and fair...The rationality of science, manifest in laws of probability and administration, appears to replace control based on conflicts of interest. Crime is perceived as a technical rather than a moral problem.

By spreading or ‘collectivizing’ or ‘socializing’ the risk of crime, the insurance model of crime control seeks to make the cost of crime calculable and predictable. There is no concern

with responsibility and accountability for offences committed; rather the objective is to mitigate losses resulting from criminal victimization.

Shearing (2001) usefully illustrates this movement from moral to actuarial crime control with two parables. In the first parable, a farmer purchases an expensive bull and hires a young boy to take care of it. When the bull inexplicably kills his keeper, the morally outraged farmer arranges for the bull to be duly executed by firing squad. In the second parable, the CEO of a company is faced with the problem of employee theft – power tools are disappearing. Instead of hiring undercover officers to spy on workers and discover who is stealing the power tools, the company decides to open a power tool library so that employees can borrow tools during evenings and weekends and bring them back when they are done using them. The moral concern of the first parable (retribution, just deserts) is replaced in the second parable by a loss prevention mentality (actuarial). The farmer's focus on individual responsibility and accountability for his loss contrasts with the company's instrumental logic. The company does not seek to catch and punish the thieves, but only to modify the situation in such a way that the potential risk of offending is minimized and company profits are maximized. What the new preventative policy primarily addresses is not individual subjects but rather, *pace* Castel, factors liable to produce criminal risk.

Another relatively new risk-based penal initiative is selective incapacitation. In the early 1980s, the more or less simultaneous publication of the Floud Report in Britain and the Rand Corporation's sentencing proposal in America signaled a new focus on predicting recidivism risk on both sides of the Atlantic. These two policy documents were some of the earliest to advocate the actuarial management of criminal risk. Greenwood's (1982) selective incapacitation sentencing proposal recommended that statistically high-risk classes of offenders be indefinitely imprisoned because they will probably reoffend. His is a

prototypical example of crime control that dissolves the notion of an individual subject and puts in its place categories of risk:

The basic theory behind selective incapacitation is that individuals can be classified into categories through the application of a set of statistically determined variables. As such, the individual is transformed into a statistical probability. Selective incapacitation places the emphasis not on the individual offender, but instead on a *class* of offenders. (Blackmore and Welsh 1983: 525)

Because the high-risk class of offenders is calculated to recidivate, Greenwood argues that indefinite imprisonment is necessary to keep the rest of the population safe. Needless to say, punishing for predicted crimes is a controversial basis for sentencing, especially given errors of over prediction (false positive).

1.2 *Modern or Postmodern Penalty?*

The increasing prominence of risk-based penal initiatives in the operations of criminal justice across the Western world over the 1980s and 1990s has been accompanied by vigorous debate on their extent and significance (Feeley and Simon 1992, 1994; O'Malley 1992; Garland 1995; Lucken 1998; Vaughan 2000; Pratt 1998, 2000a; Hallsworth 2000, 2002; Zedner 2002). While all contributors to this debate readily concede that we are experiencing considerable penal change, the main difference between them seems to be on the question of whether new risk-based penal initiatives constitute a decisive break with older penal initiatives. In other words, are new risk-based penal initiatives different in kind or degree with past crime control? Or as Hallsworth (2002: 145) so aptly put the question: "Are we witnessing the rise of a postmodern penalty qualitatively different in form than that which prevailed in the modern era?" Feeley and Simon (1992, 1994) think so. Put simply, their argument is that the governance of crime operates less and less with the aim of rehabilitating individuals and more and more according to a logic of risk management that focuses on prevention and risk minimization. There is a linear reading of the history of crime

control in terms of a new postmodern risk penology that breaks markedly with an old rehabilitative modernist penology.

In what follows I consider Feeley and Simon's (1992, 1994) postmodern account in some detail, and note an affinity between their thesis and that of Nils Christie (1996). My argument will be that both accounts are penological variations on the Weberian theme of progressive rationalization and bureaucratization. Bernstein (1985: 5) aptly summarizes Max Weber's vision of modernity:

Weber argued that the hope and expectation of the Enlightenment thinkers was a bitter and ironic illusion. They maintained a strong necessary linkage between the growth of science, rationality, and universal human freedom. But when unmasked and understood, the legacy of the Enlightenment was the triumph of...purposive-instrumental rationality. This form of rationality affects and infects the entire range of social and culture life encompassing economic structures, law, bureaucratic administration, and even art. The growth of [purposive-instrumental rationality] does not lead to the concrete realization of universal freedom but to the creation of an 'iron cage' of bureaucratic rationality from which there is no escape.

My claim is that the penological narratives of Christie and of Feeley and Simon are fundamentally Weberian insofar as each argues that criminal justice is becoming increasingly rationalized in the form of sentencing tables and actuarial risk tables. These latter constitute the iron cage of bureaucratic rationality from which judges and other criminal justice personnel cannot escape. A key difference between these authors, however, is that Feeley and Simon argue that they have uncovered a new crime risk management rationality of governance which is basically discontinuous with the modernist, rehabilitative crime control of the past, whereas Christie sees contemporary crime control as an intensification of Weber's modernity, and indeed warns against its over-extension into the sphere of criminal justice. Just as Zygmunt Bauman (1989) in his seminal *Modernity and the Holocaust* argued that the genocide of six million European Jews was fundamentally continuous with Weber's modernity (i.e. bureaucracy, rationality, division of labour, efficiency, calculable rules, routinization, scientific mentality) – rather than a barbaric relapse of history or an abhorrent

aberration on the road to progress and enlightenment – Nils Christie (1996) argues that the prison population boom is a product of a thoroughly modernized crime control apparatus, hence the title of his book: *Crime Control as Industry*. Whereas Feeley and Simon express little to no concern over the ‘social distance’ resulting from the new penology’s focus on actuarial categories displacing the old penology’s concern with individual persons, Christie argues that the progressive rationalization of crime control has slowly eroded the autonomy of the traditional law and order system and in the process barred substantive value judgments from taming the wild growth of the prison population. In short, Christie’s account is a critical warning against the modern developments he charts and analyzes. The counter-forces of morality must set limits to the growth of the crime control industry.

Nevertheless, despite these differences, the shared Weberian lens of Christie and of Feeley and Simon tends to blinker them to the more irrational currents circulating in contemporary penalty. To cover this blind spot, I will contrast a hybrid view of penalty that locates it in the processes of a dualistic and ambivalent modernity. Drawing primarily on the work of David Garland (1990, 1995, 1996, 1997, 2001), I will show that crime control is both practical *and* expressive, instrumental *and* symbolic. Finally, I will consider the work of O’Malley (1992, 1996, 1999) who makes the important point that, in a post-social political context, punitive and actuarial governance of crime can co-exist in a symbiotic rather than a contradictory (as in Garland’s account) relationship.

In a series of articles, Feeley and Simon (1992, 1994; Simon and Feeley 1995) argue that contemporary penal policy has shifted away from the rehabilitative approach of the welfare state towards risk-based ‘actuarial justice’. Whereas the principal concern of ‘penal modernism’ (the old penology) had been to reform disadvantaged offenders, the new penology abandons this goal to adopt a risk model of governance based on probabilities and statistical distributions. Parallel to Castel’s argument concerning changes in the governance

of mental health, Feeley and Simon argue that the old penology's focus on rehabilitating individual subjects has given way to the actuarial management of risky populations. In this context, individual offenders are sorted into categories of risk which only exist as numerical abstractions made possible by the advent of statistical tables and probabilistic calculations. By identifying correlations between risk factors and the probability of reoffending, the new penology seeks to target resources more effectively by sentencing offenders according to levels of risk. In this way, noncustodial or community sentences such as house arrest and electronic monitoring are meted out to low risk-offenders, while 'institutional warehousing' is reserved for high-risk offenders.

The new penology does not seek to change offenders so much as it aims to prevent and minimize potential risk to the law-abiding community – the transformative aim of penal modernism gives way to the new penology's merely managerial mandate. As the authors put it:

the Old Penology is rooted in a concern for individuals, and preoccupied with such concepts as guilt, responsibility and obligation, as well as diagnosis, intervention and treatment of the individual offender. It views committing a crime a deviant or antisocial act which is deserving of a response, and one of its central aims is to ascertain the nature of the responsibility of the accused and hold the guilty accountable. In contrast the New Penology has a radically different orientation. It is actuarial. It is concerned with techniques for identifying, classifying and managing groups assorted by levels of dangerousness. It takes crime for granted. It accepts deviance as normal. It is skeptical that liberal interventionist crime control strategies do or can make a difference. Thus its aim is not to intervene in individuals' lives for the purpose of ascertaining responsibility, making the guilty 'pay for their crime' or changing them. Rather it seeks to regulate groups as part of a strategy of managing danger. (Feeley and Simon 1994: 173)

And so both rehabilitative and retributive aspirations recede in the wake of the new penology. Crime is now understood as a set of risks to be managed in aggregate terms rather than a moral transgression in need of rectification. The function of the new penology is to minimize risk, not punish or rehabilitate. It is concerned with the protection of the community rather than reform of the offender or sheer moral indignation. Even deterrence is no longer a

contemporary sentencing rationale for high-risk groups, since the deterrent effect of punishment relies on “alternatives for those who are supposedly to be deterred from criminal behaviour...[namely] successful participation in the labour market” (Brownlee 1998: 324). The high-risk ‘underclass’ – “a permanently marginal population, without literacy, without skills, and without hope” (Feeley and Simon 1992: 467) – has no such alternative. Therefore, from the perspective of the new penology, the only sensible policy response is indefinite incapacitation.

The new penology is discontinuous with modernist trends because actuarial prediction replaces clinical diagnosis. Penalties are determined by the risk group one is calculated to belong to rather than judged on a case by case basis. In other words, the nature and seriousness of individual offences is a less important determinant of the penalty to be applied than is the aggregate risk posed to the security of the community. As Simon and Feeley (1995: 163) put it, “the language of rights gives way to the language of administration. The quest for individually focused justice [is] superseded by a concern with the management of risk-segregated populations.” For Pratt (2000a: 139), the “pragmatic emphasis on risk management which overrides individual rights, and the emphasis on control and security at the expense of the grand narrative of reform and progress would seem to represent ways of thinking and acting that are thereby postmodern.” For other writers, however, the pragmatic emphasis on risk management constitutes an (over-)extension of modernity rather than a postmodern break from it. Lucken (1998: 119), for example, argues that the postmodern thesis overstates the new, that contemporary penalty is fundamentally entrenched in the old, and that it reflects an extension rather than a displacement of the old modernist themes of “normalization, classification, treatment, rationality, and progress.”

By focusing on the differences that distinguish the new penology from the old, Feeley and Simon (1992, 1994) tend to miss important similarities between the two. As Garland

(1997: 203) notes, both the old and the new penology “are neutral, knowledge-based, purpose-rational approaches, sponsored by social science professionals.” “If the apparatus of penalty is changing” concludes Garland (1995: 30), it is “in its objectives and orientation, not in its material form.” Perhaps contemporary penalty remains confined in Weber’s iron cage after all.

1.3 *The Iron Cage of Depersonalization*

In his well known *Crime Control as Industry*, Nils Christie (1996) puts forward a similar argument to that of Feeley and Simon (1992, 1994). He argues that modernity has slowly eroded the autonomy of law and order systems such that punishment has become more punitive and inhumane. In Weberian terms his argument might be characterized as the triumph of purposive-instrumental or formal-procedural rationality (*zweckrational*) over substantive-value judgments (*wertrational*). As Momsen (1974: 80-81) put it, *zweckrational* “paves the way for the universal advance of purely instrumentally-oriented social institutions, to the detriment of all value-oriented [e.g. egalitarianism, fraternity, *caritas*] forms of social conduct.” This is essentially Nietzsche’s (1997: 10) point that “in the same measure as the sense for causality increases, the extent of the domain of morality decreases.”

Importing these arguments into the sphere of criminal justice, Nils Christie (1996: 172) writes that

the law and order system is quietly, but highly efficiently, adapting to modernity, adapting to become a child of industrialization. Central values here are the clarification of goals, production control, cost reduction, rationality and the division of labour, all combined with the co-ordination of all actions at a higher level of command. We are back both to Max Weber and to a system of extreme efficiency in reaching those clearly defined goals.

The progressive imposition of purposive-instrumental rationality to law and order problems has squeezed important values out of the criminal justice system of decision making. This is especially apparent with the depersonalization of the offender in sentencing. With the rise of the sentencing table, “social attributes are eliminated, a seemingly “objective” and

impersonal system is created...in full accord with normal bureaucratic standards.” Crime is “standardized as Offence Levels, a person’s life as Criminal History Points, and decisions on the delivery of pain are reduced to finding the point where two lines merge” (Christie 1996: 162-163). Likewise for Feeley and Simon (1994: 188), the new penology involves “the creation of categories and the specification and rationalization of goals, ideally reduced to a single metric scale which we suggest is the management of danger.”

The problem for Christie is that the standardization of the crime control industry tends to remove from consideration value-oriented concerns about the ends to which the law and order system ought to be put. Judges have no freedom to consider mitigating or aggravating factors, the offender’s social background, or any other particular characteristics of the case: “The judge might be a soft one. He might sense a life in misery. But the Table is there. I am so sorry, but your offence-level is 38. This is not my personal decision, I just have to carry it out” (Christie 1996: 162-163). Moral humility is caged behind the iron bars of the sentencing Table.

This reduction of the human person to the calculable, the elimination of any meaningful relationship between judge and judged, the ‘social distance’ that results when “God and neighbours have been replaced by the mechanical efficiency of modern forms of surveillance” (Christie: 1996: 23), increases the tendency to label acts as crimes and people as criminals. Christie (1998: 120-121, my emphasis) illustrates this point with the case of assisted suicide:

A man drugged his wife, and then suffocated her. Then he wrote to the police, told them what he had done, and also what would be the end of the story. He would board the ship to Finland, weight his body with heavy stones and jump. The letter reached the police two days later. They found the door to the apartment unlocked, as the man had said in his letter. They also found the wife, as he had said. The body had been laid out in the old-fashioned way, cleaned, and with a linen cloth above her face. She was 86, he 78. She had Alzheimer’s. He had nursed her for a long time and she was about to be sent way. *‘They were very close,’ said the family doctor. ‘We look for the man, he is under strong suspicion for having committed premeditated murder’, said the police.*

While the police officer (*zweckrational*), socially distant from the offender, perceives the act as a criminal homicide and the actor as a depersonalized murderer, the nurse (*wertrational*), socially intimate with the victim and the offender, knows too much about the couple's personal history to condemn the assisted suicide as a crime. She knows the context; she understands the offender's motive; she perceives euthanasia as a meaningful practice. Nothing is added by seeing the assisted suicide from the perspective of criminal law.

For Christie, the depersonalization of the offender in sentencing as well as the mass incarceration (exceptionally massive in the U.S.) we have witnessed since the 1970s are symptomatic of the pandemic industrialization and bureaucratization of crime control in modernity – of the triumph of purposive-instrumental rationality over substantive value judgments. So as much as the original papers of Feeley and Simon (1992, 1994) assert that contemporary crime control breaks markedly with the past, in light of the previous discussion it should be evident that the new penology is patently continuous with the rationalization process that Christie describes. For Feeley and Simon as for Christie, the crime control apparatus seeks to eliminate the inconvenience of meaning from its administration. Both accounts conceive of the governance of crime as a process that operates according to autonomous laws, i.e. categories of risk or sentencing tables. This is hardly a novel argument. Spitzer (1979: 189, 188) had already argued this using key Marxist concepts many years ago:

In order to pave the way for its development, capital has continuously turned traditional social relationships into matters of exchange between isolated social atoms, thereby promoting a progressive decomposition of social relations which are not founded upon *calculable rules*...As capitalism has become the dominant mode of production in the world economy it has progressively eliminated qualitative, human and individual attributes from the productive system. This process of *depersonalization* has not only transformed the relationship of the working class to the means of production, the product of their labor, and each other, it has also come to govern the mechanisms through which more and more social behavior is regulated, coordinated, and managed. The traditional social institutions which depended on “personal” forms of domination, i.e. the family, church, community, patrimonial authority, etc., have given way in favor of “rational-legal” forms.

1.4 Hybrid Crime Control

In contrast to Feeley and Simon's account of crime control, other researchers (O'Malley 1992, 1999; Bottoms 1995; Sparks 1995; Hannah-Moffat 2005) are critical of the linear and one-dimensional narrative wherein the old rehabilitative modernist penology gives way to the new actuarial postmodern penology as a strategy for governing crime. This Weberian narrative of progressive rationalization and bureaucratization in the sphere of penology tends to neglect the altogether more irrational currents circulating in contemporary criminal justice. While the logic of risk management undoubtedly pervades the operations of courts, corrections, and policing today, there are highly moral and retributive counter-trends in penal policy that seem unintelligible in terms of the iron cage/new penology thesis, including:

Harsher sentencing and the increased use of imprisonment; 'three strikes' and mandatory minimum sentencing laws, 'truth in sentencing' and parole release restrictions; no frills prison laws and 'austere prisons'; retribution in juvenile court and the imprisonment of children; the revival of chain gangs and corporal punishment; boot camps and supermax prisons; the multiplication of capital offences and executions; community notification laws and paedophile registers; zero tolerance policies and Anti-Social Behaviour Orders. (Garland 2001: 142)

The presence of such cruel and unusual punishments exposes the limits of the dispassionate and managerialist account of crime control provided by Feeley and Simon. These authors tend to overlook the more emotionally-driven and morally charged currents in contemporary penal policy that are based on definite value-judgments rather than impartial knowledge of at-risk populations and objective sentencing guidelines. They overemphasize the purposive-rational side of contemporary penalty, downplaying the growing recourse to more 'emotive and ostentatious punishments' (Pratt 2000).⁵ Their account is unable to incorporate moral and punitive counter trends that are fundamentally *anti-modern* in their appeal to punitive passion. Even the morally sensitive Christie (1996) tends to see the emotive and irrational punishments Garland lists as continuous with the progressive rationalization of crime control, whereas many other criminologists argue that such passionately punitive measures are *anti-*

modern in their character and appeal. Whereas the driving force of modernist punishment is bureaucratic rationalism, anti-modern punishment is driven by public sentiment. As Pratt (1997: 188) puts it: “when prisons are able to proclaim their “excellence in corrections and project management,” they need no longer be hidden away in the dark recesses of modernity.” His point here is that, whereas the old modernist penology regards prison as a shameful institution of last resort, an anti-modern penology reassures an anxious public by promising to incarcerate large numbers of people; ‘prison works’ because it’s ‘what the people want’, not what the penal experts of modernity recommend. It is in this vein that Bottoms (1995: 40) coined the term *populist punitiveness*: “the notion of politicians tapping into, and using for their own purposes (i.e. getting votes), what they believe to be the public’s generally punitive stance.”

Obligated to accept their failure to control crime rates, state agencies have responded with ‘volatile and contradictory’ strategies: on the one hand, *adaptive strategies* (responsibilization, defining deviance down, and redefining organizational success) stress prevention, partnership, and sharing the responsibility for crime control with civil society by “building a crime prevention infrastructure beyond the state” (Garland 2001: 140). On the other hand, *strategies of denial* reassert the myth of the sovereign state (i.e. that the state is able to control crime) and stress enhanced control and expressive punishment. This dualistic and ambivalent pattern of crime control, argues Garland (1996: 461), is underpinned by two similarly contradictory criminologies:

There is a *criminology of the self*, that characterizes offenders as rational consumers, just like us; and there is a *criminology of the other*, of the threatening outcast, the fearsome stranger, the excluded and the embittered. One is invoked to routinize crime, to allay disproportionate fears and to promote preventive action. The other is concerned to demonize the criminal, to excite popular fears and hostilities, and to promote support for state punishment.

Crime control is thus irreducibly Janus-faced, practical *and* expressive, instrumental *and* symbolic. On the one hand, a late modern criminology of the self conceives of the offender as

a rational choice actor who calculates the risk of committing an offence before going ahead with it. This is a neo-liberal criminology that shifts the responsibility for managing risk away from the state and onto individuals. Having accepted the normality of high crime rates and the impotence of criminal justice agencies to control crime rates, the state withdraws its claim to be the sole provider of security and diffuses the responsibility for managing crime risks onto individuals. As I will further elaborate in the next chapter, risk-based strategies such as situational crime prevention are symptomatic of neoliberal governance insofar as they assume that prudent subjects will actively weigh up potential gains and risks when confronted with the decision of whether or not to commit a crime. Moreover, situational crime prevention is a paradigm case of the ‘actuarial’ governance of crime because it is unconcerned with the causes of crime and deals with criminogenic situations rather than individual subjects.

On the other hand, an anti-modern criminology of the other represents criminals as exceptionally dangerous members of alien racial and social groups that do not respond to incentives and deterrents like the rest of ‘us’. This is a neo-conservative criminology that trades “in images, archetypes and anxieties, rather than in careful analysis and research findings – more a politicized discourse of the unconscious than a detailed form of knowledge-for-power” (Garland 1996: 461). It is associated with what Rose (2002: 230-231) calls the specter of the monstrous: “Sex offenders, pedophiles... madmen on the loose, drug dealers, violent children, serial killers...The monstrous is the anomaly, the exception, not merely a deviation from the norm but something with a radically different nature, gross pathology, perhaps evil.” Because these demonized offenders are undeserving of sympathy and ostensibly incorrigible, anti-modern punishment strategies such as permanent incapacitation and execution are permitted and even encouraged in the name of public safety. This criminology has little to do with bureaucratic rationalism and the administrative apparatus of the state; rather, when the limits of the sovereign state are reached, populist punitiveness is

unleashed as cruel and unusual punishments are reaffirmed by political elites who argue that it is time to ‘condemn more and understand less’, to paraphrase British politician John Major (Haydon & Scraton 2000).

So the rise of risk management in crime control and criminal justice should not be read in terms of a new postmodern penology that cools punitive passion and does away with moral concerns.⁶ The value of Garland’s account is that it is able to encompass ‘amoral and technological’ as well as emotionally-charged punishments. Unlike Feeley and Simon,⁷ Garland does not overstate actuarial developments to the neglect of punitive counter-trends. His analysis differs from Feeley and Simon’s in that, alongside rational strategies of adaptation and a managerialist criminology of the self, Garland identifies vengeful strategies of denial and a morally charged criminology of the other. His is therefore the more nuanced and balanced account of crime control.

O’Malley (1999), however, argues that the volatile and contradictory character of contemporary penalty is better explained by changing paradigms of government than the limits of the sovereign state or the coming of postmodernity. He argues that the ambivalent trends in crime control cannot be explained by the rise of neo-liberalism alone. Rather, O’Malley (1999: 190) attributes the volatility of penalty to two contradictory elements of the New Right:

At the one pole, the policy oscillation that favors the state taking command and clamping down on crime can be identified with neo-conservatism. Conversely, the policy moment that swings toward devolving responsibility to the community, or even moving out of intervention altogether, is largely an outgrowth of neo-liberal rationalities.

His argument sounds very much like Garland’s here. However, O’Malley goes on to make the additional point that the politics of the New Right have been superseded by an unlikely alliance between neo-liberalism and Labourism in Britain, Australia, and New Zealand. This suggests that the old left and right wing political divisions are being destabilized, as

governments of all stripes have moved away from social welfarist rationalities of governance and towards post-social political rationalities. These latter

constitute their subjects not as members of an overarching social whole, shaped by social conditions and to be governed through social interventions, but as autonomous individuals, responsible for their own fate, invested with personal agency and thus with personal responsibility for their actions. (O'Malley 1996:27-28)

In this new post-social political context, the state's responsibility for providing security, health, and happiness to citizens gives way to an ethic of individual responsibility in securing these for self and dependents. Hence whereas the socialized actuarialism of Simon and Ewald is identified with an insurance/welfare state that assumes responsibility for managing collective risks (Keynes and the New Deal), others have argued that in a post-social political environment, actuarialism appears primarily as *prudentialism*, i.e. privatized actuarialism: "in the pre-1970 period...there was a dependence on governments for protection, security and regulation. Now human beings are recast as atomized calculating machines. They must make 'rational choices' in relation to crime management and risk reduction" (Pratt 1995: 26; O'Malley 1992; Rose 1996). In a post-Keynesian political environment, crime prevention becomes the responsibility of prudent, rational, and calculative subjects who proactively minimize their risk of victimization by, for example: taking out private insurance against crime; keeping up with the latest in home security; participating in neighbourhood watch schemes; and moving into gated communities.

Where O'Malley (1999: 188) differs from Garland is in his insistence that "penal policies over the past two decades have been formed by regimes that amalgamate and combine rather contradictory governing rationalities." The crucial point for O'Malley is that in a post-social political context actuarial and punitive governance of crime (contradictory political rationalities in Garland's account) can co-exist in a mutually reinforcing or symbiotic relationship. In terms of the New Right alliance, for instance, it can be argued that monsters ought to be contained indefinitely on both neo-liberal (high-risk) and neo-

conservative (moral judgment) grounds. For neo-liberals, the predicted risk to reoffend is so high for these dangerous offenders that they must be permanently incapacitated in order to keep the community safe. For neo-conservatives, monsters are simply so far removed from any acceptable moral orbit that they ought to be permanently banished from society. Life in a supermax prison or even death is, in their view, a morally acceptable and proportionate punishment for the crimes committed. Thus “there is no conflict between risk management *per se* and punitiveness” writes O’Malley (1992: 266-267). “Quite to the contrary, in the privatization of the actuarial techniques are the same notions of individual responsibility and rational choice that are present in the justification for expanding punitiveness.”

1.5 *Crime and Risk-Taking*

In the debates over crime control discussed above, risk is either constructed as bad, something to reduce and avoid, or alternatively as an abstract category of actuarialism. For Beck, risk is a synonym for danger or hazard;⁸ for governmentalsists, risk is rationality of governance. What is completely missing in these debates is a consideration of the appeal of *taking risks*, the excitement and pleasure associated with embracing risk. Baker and Simon (2002) have begun to excavate this new area of research but they largely confine themselves to the appeal of *financial* risk taking. Thus, they point to the democratization of stock market investing and in particular the rise of day trading, as well as the proliferation of gambling in casinos, lotteries, and sports betting pools. Similarly, O’Malley (2000: 26) has commented on the fostering of *economic* risk taking by neo-liberal governments:

Everyone now is to make an enterprise of their lives. This new credo...requires individuals to embrace risk positively, to invest in the stock market, to create their own small businesses, to become entrepreneurs and petty capitalists in their own right. Certainly, individuals are expected as far as possible to avoid such negative risks as crime, ill-health or unemployment. But they must do so ‘actively’ and on their own behalf. They must become their own risk managers...Managing positive and negative risks is part of the enterprise of everyday life.⁹

Still others (Fletcher 2008, Lyng 2005, Rinehart and Sydnor 2003) have noted the positive embrace of risk by extreme sports enthusiasts. These authors are concerned with *bodily* risk-taking¹⁰ in such high-risk or adventure sports as hang gliding, free rock climbing, heli-skiing, white water rafting, BASE¹¹ jumping, and sky diving. In Simon's (2002) article on mountaineering and summitteering, for example, he begins to explore the appeal of Everest climbing among male upper class corporate executives and wealthy financiers. He suggests that the heightened interest in acts of voluntary risk taking by the entrepreneurial class reflects the neoliberal embrace of risk. However, it is puzzling that Simon fails to link the class basis of his risk-takers with Bourdieu's (1978) work on sport and social class. In his zeal to illustrate the salience of extreme sports to 'post-Keynesianism' or 'advanced liberalism', Simon glosses over the possibility that the appeal of voluntary risk-taking among the entrepreneurial class might have less to do with changing rationalities of government than with securing profits of distinction. Following Bourdieu, we can suggest that, in addition to embodying such neoliberal virtues as individualism, self-reliance, and risk-taking, Simon's upper class climbers might also be engaged in the pursuit of cultural capital signaling distance from material necessity (see Fletcher 2008).

What still remains underdeveloped in the risk literature is a focus on the appeal of *criminal* risk-taking, i.e. the risk of capture to those participating in illegal activities. It is remarkable that so much research has addressed the intersection of crime and risk-management yet so little has considered the connections between crime and risk-taking. Indeed, there seems to be a tension between a culture of criminal risk-taking and a politics of crime-risk management. "What may be particularly characteristic of the present era" writes O'Malley (2010: 10), is that "a heightened emphasis on risk-taking is colliding with a heightened emphasis on risk-containment." While risk-based approaches to governing crime have grown apace, cultural criminologists and others have noted a heightened emphasis on

risk-taking by urban graffiti writers, illegal street racers, youth binge drinkers, and illicit drug users (Hutton 2010; Halsey 2008; Szmigin 2007; Hayward 2002; Ferrell 1999; Collison 1996; Measham 2004). In these writings, the risk-averse logic of actuarial governance – risk as potential harm to be avoided – is inverted such that risk is positively embraced for the thrill and excitement it affords.

While it may be agreed that, insofar as an act is legally defined as a crime, there is always the risk of arrest, what I am ultimately interested in are those acts of criminal risk-taking in which material gain is not at issue, such as joy riding, vandalism, and walking on tightropes in illegal places. In addition to the risk of arrest involved in committing such illegal acts, in considering Katz's work on sneaky thrills, we will see that some shoplifters enjoy flirting with the risk of *humiliation* in getting caught red handed. Lastly, in discussing the work of Stephen Lyng on the sociology of risk-taking, it will become evident that certain crimes, like Philippe Petit's, involve both the *criminal* risk of arrest and the *bodily* risk of death or serious injury. But before considering this positive embrace of criminal risk-taking in more detail, it will be useful to consider the negative accounts of criminal risk-taking provided by orthodox criminology, i.e. positivism and classicism. This is what the next chapter attempts.

CHAPTER II – Dispositional & Situational theories of Risk-Taking

In the previous chapter I charted the broad outlines of, and debates surrounding the alleged shift away from, rehabilitative models of crime control towards risk models of government. Clarke (1980: 136), a prime player in the move from correctional to actuarial models of crime control, sums up the movement in terms of a change from a *dispositional* to a *situational* offender:

Criminological theories have been little concerned with the situational determinants of crime. Instead, the main object of these theories (whether biological, psychological, or sociological in orientation) has been to show how some people are born with, or come to acquire, a 'disposition' to behave in a consistently criminal manner. This 'dispositional' bias of theory has been identified as a defining characteristic of 'positivist' criminology.

In this chapter I adopt Clarke's terminology¹² and develop the view that dispositional and situational theories of criminal risk-taking correspond to the two traditional approaches of orthodox criminology: positivism and classicism. My argument will be that, on the one hand, *dispositional* theories explain criminal risk-taking as the pathological behaviour of individuals with particular body types, low-self control and/or of lower-class provenance. On the other hand, *situational* theories understand criminal risk-taking as the (ir)rational decisions of necessarily risk-averse actors. Thus, the rational actor of situational theories contrasts with the pathological actor of dispositional theories. While this certainly oversimplifies the criminological literature, it nevertheless serves as a useful heuristic for contrasting orthodox criminology's negative portrayal of risk with the more positive conceptions found in cultural criminology, of which more later. Despite differences between dispositional and situational theories, both accounts of the criminal risk-taker leave no room for risk-taking that is controlled and intentional. In this way, the possibility that someone might deliberately choose to engage in criminal risk-taking is foreclosed.

2.1 *Crime as Situational Risk-Taking*

As we have seen, during the 1980s crime control moved away from improving social conditions and reoriented itself towards designing out crime by minimizing criminal opportunities and maximizing the risks confronting potential offenders. Criminologists like Ron Clarke at the Home Office Research and Planning Unit argued that “crime might be most effectively prevented by reducing opportunities and increasing the risks” (1980: 145). This was part of a broader shift towards post-social rationalities of governance. Perhaps the most striking manifestation of post-social crime control was the resurgence of situational crime prevention in Britain, U.S., Australia, and elsewhere during the 1980s:

The traditional approach to crime prevention has been to try to identify the social and psychological causes of crime and to attempt to remedy these deficiencies by treating the individual offender and/or designing special educational, recreational and employment services for groups regarded as being at risk. The escalating crime rate suggests that this approach is not working...An alternative is ‘situational crime prevention’. *It rests on two assumptions: that the criminal is a rational decision maker who only goes ahead with a crime where the benefits outweigh the costs or risks; and the opportunity for crime must be there.* (Geason and Wilson 1988: 1, my emphasis)

Situational crime prevention aims to engineer defensible space in which the rational choice is not to offend. It begins from the premise that crime is a normal, commonplace aspect of late modern society. Such target hardening measures as visible surveillance cameras, signs indicating the home is protected by a security company, steering locks for vehicles, and strategic lighting all aim to reduce criminal opportunity and maximize the risks confronting potential offenders. In contrast to earlier approaches to crime prevention, which assumed that offenders could be differentiated and corrected, situational crime prevention views crime as a routine event committed not by aberrant or pathological offenders, but by ordinary people whose utilitarian nature is accepted as given. As O’Malley (1992: 264) explains, situational crime prevention replaces the biographical criminal with the “abstract and universal ‘abiographical’ individual – the ‘rational choice’ actor. This rational choice individual thinks

in cost-benefit terms – weighing up the risks, potential gains and potential costs, and then committing an offence only when the benefits are perceived to outweigh the losses.”

This idea of the criminal as calculating risk-taker dates back to 18th century classical criminology. Inspired by the utilitarian philosophies of Hobbes and Locke, Cesare Beccaria (1763/1764) and Jeremy Bentham (1748/1780) conceived of the human actor as a hedonistic calculator motivated by the pursuit of pleasure and the avoidance of pain. Central to these writers’ accounts of criminality was the belief that human action is organized around calculative strategies aimed at utility maximization. No longer was criminal behaviour attributed to demons and evil spirits. Imbued with free will, Man became morally responsible for his actions. The classical liberal social contract presumed responsible and civilized citizens who were calculating risk-avoiders. Criminals and the otherwise feckless masses were flawed felicific calculators who failed to maximize pleasure and minimize pain.

Consider this emblematic statement made by Bentham (1811: 12-13):

Each individual conducts himself, albeit unknowingly, according to a well- or ill-made calculus of pleasures and pains. Should he foresee that a pain will be the consequence of an act which pleases him, this idea will act with a certain force so as to divert him from that action. If the total value of the pain appears greater to him than the total value of the pleasure, the repulsive force will be the greater; the act will not occur.

Because the classicists assumed that motivation to crime was part of human nature, they argued that social policy should maximize the risk of offending through swift, severe, and certain punishment. Cruel and barbaric punishments were to be abolished; punishments would instead be standardized to fit the crime. Deterrence, not revenge, would lead to the greatest good for the greatest number.

What is new in situational crime prevention is a focus on embedding control in the environment - what we can call *situational deterrence* in addition to specific and general deterrence. As O’Malley (2004: 328) again helpfully explains,

rational-choice risk-based approaches do not seek to exclude types or categories of person, or sectors of the population. Rather, by putting obstacles in their way, they seek to deter abstract and universal would-be offenders by rendering the effort and risk of offending greater than the likely benefits. Moreover, they do so by seeking to govern “criminogenic situations,” that is (more generally), to govern risky conditions, rather than categorically risky types of person.

By minimizing opportunities for crime and maximizing situational risks, so the argument goes, the number of crimes will be reduced. “By studying the spatial and temporal distribution of specific offences and relating these to measurable aspects of the situation” writes Clarke (1980: 139), “criminologists have recently begun to concern themselves much more closely with the possibilities of manipulating criminogenic situations in the interests of prevention.” This approach to crime control is not without its troubles, however. In a prescient statement, Ron Clarke (1980: 144), whom we can take as representative of post-social thinking in crime control, anticipates some problems with situational crime prevention:

it would be better for the burden of crime reduction to be gradually shifted away from the criminal justice system...to preventive measures whose social costs may be more equitably distributed among all members of society. The danger to be guarded against would be that the attention of offenders might be displaced away from those who can afford to purchase protection to those who cannot...[and] those who have purchased protection might become less willing to see additional public expenditure on the law enforcement and criminal justice services.

So while situational crime prevention might exacerbate the polarization between rich and poor, it still works to at least displace the problem of crime away from the wealthy.

In sum, the post-social subject of situational crime prevention is assumed to be a rational agent who avoids situational risks. Such risks are seen as dangers to be avoided by atomized, self-interested individuals with a capacity for empirical knowledge and cost-benefit calculation. The presumed mundane motivation for crime is instrumental and opportunist. Everyone is a potential offender. The propensity to crime is seen as a general feature of human nature: “Nobody is exempt from the temptation to commit crime since human weaknesses are widespread and not confined to any one segment of the population” (Felson and Clarke 1997: 200). Clarke makes this mechanistic and atomistic image of human nature

particularly explicit when he writes that situational crime prevention is “compatible with a view of criminal behaviour as predominantly rational and autonomous and as being capable of adjusting and responding to adverse consequences, anticipated or experiencing (1980: 145). Insofar as a crime is committed, it is viewed as the outcome of a mistaken cost-benefit calculation or a crime control failure. Criminal risk-taking is in this sense either irrational (outcome of an erroneous calculation) or induced by a lack of situational deterrents. That someone may deliberately choose to engage in criminal risk-taking is precluded *a priori*.

2.2 *The Criminal as Dispositional Risk-Taker*

The situational risk-taker is modeled on a classical view of human nature, i.e. Bentham’s idea that all behaviour is governed by its consequences. Criminal and noncriminal behaviour alike are understood as the rational pursuit of self-interest. Consider the economist Gary Becker’s (1968: 170) suggestion that “a useful theory of criminal behaviour can dispense with special theories of anomie, psychological inadequacies, or inheritance of special traits and simply extend the economist’s usual analysis of choice.” The classical criminal is not a special or unique kind of person; he is like everyone else in that he merely follows the universal propensity to avoid pain and enhance pleasure. The classical offender today is found in rational choice theory, situational crime prevention, or more broadly in what are called *control* theories. The practical aim of control theories is to prevent crime by increasing consequences painful to the potential offender (see Downes and Rock 2003, chp. 9 for an overview; and Schinkel 2002 for a critique). As Hirschi (1969: 16-34) explains, control theories assert that all individuals are innately predisposed to deviant behaviour. Hence, the motivation to misbehave requires no explanation. Rather, deviance must be explained in terms of inadequate social controls.

At the polar end of the criminological spectrum stands the dispositional risk-taker. A century after Bentham and Beccaria laid the foundation for what would later come to be

known as the classical school in criminology, the three Italians Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo published positivist works that sought to identify the causes of criminal behaviour by the use of the scientific method. Each aimed in one way or another to perfect humanity through the application of science to the problem of criminality. That is to say, positivist criminologists generally argue that the ability to predict who is criminal is valuable insofar as it enables them to treat or segregate (or for the eugenicist, sterilize or kill) criminals before they harm themselves or others, thus making for a better, safer society. While the earliest works of this kind focused on the lumps and bumps on the heads of criminals (i.e. phrenology), perhaps the most notorious biological theory of crime is Lombroso's (1876) *Delinquent Man*, a work that, like the many that would follow in its wake, regarded the criminal as a special type of person, categorically different from noncriminals. Lombroso thought criminal man could be distinguished from law abiding persons by a number of physical defects, including:

small cranial capacity; low, receding forehead; facial protuberance; strongly developed jaws and cheekbones; low brain weight; atypical formations in the gyri; anomalies of the ears, eyes, lips, teeth, or palate; tufted, curly hair; extra fingers or nipples, abnormalities of the genitals; femininity in men and masculinity in women; infantilism; stammering; and left-handedness. (Eysenck & Gudjonsson 1989: 18)

Five of these defects would constitute one a criminal. Lombroso thought criminality was inherited, that criminals are born with a degenerative nature, and that the criminal type was essentially an atavistic genetic throwback.

Since Lombroso, criminology has been dominated by an interest in the individual offender, his physical constitution, body build, personality, intelligence, family lineage, and the like. The importance of positivism is that it focused attention on the inner motivation of the individual criminal rather than the harm or consequences of a crime; it sought an explanation of crime in the actor, not the act. Punishment was to fit the criminal, not the crime. Each criminal would receive individualized treatment according to his needs; the

purpose of punishment was rehabilitation, not deterrence. Scientific determinism replaced free will.

A comparison of classicism and positivism is illuminating in this connection. Whereas the classical school “developed in the eighteenth century in an attempt to reform the legal system and to protect the accused against harsh and arbitrary action on the part of the state” explains Jeffery (1972: 460), the positivist school “developed in the nineteenth century as an attempt to apply scientific methods to the study of the criminal.” Ruthlessly abridging Jeffery’s (1972) summary statement of the history of criminology, we can say that the classical school:

- Defined crime in legal terms, within the strict limits of the criminal law;
- Focused attention on crime as a legal entity;
- Emphasized free will;
- Was concerned with the consequences of the act; and
- Theorized that punishment had a deterrent effect.

while the positivist school:

- Rejected the legal definition of crime; studied the offender with little regard for the legal process by which crimes are created;
- Focused attention on the criminal as a biological, and later as psychological and sociological, entity;
- Emphasized scientific determinism;
- Was concerned with the motivations of the criminal actor; and
- Argued that rehabilitation should replace deterrence as the purpose of punishment¹³

Whereas the classical school emphasized the legal rights of persons (i.e. due process) and sought to limit the state’s arbitrary use of power, the positivist school emphasized individualized treatment of offenders and the protection of society against criminals. I do not here want to delve into the detailed and complicated history of positivist criminology. What I want to do instead is give a brief and selective review of some of the principle answers given to that central question animating positivist criminology since Lombroso: why do people commit crimes? Or in other words, why do people take criminal risks? Reviewing some of

the principal ways in which positivist criminologists have answered this question will allow us to elaborate on the variety of *dispositional* risk-takers.

Following the work of the Italian positivists, several researchers examined the family histories of criminals to try and establish more definitely that criminality is genetically inherited, that crime ‘runs in the family’. Well-known examples include Dugdale’s (1877) study of six generations of the Juke family and Goddard’s (1914) study of the Kallikak family. Dugdale argued that the antisocial behaviour of criminals, prostitutes, and paupers in the Juke family line ultimately derive from the criminal father. Similarly, drawing on Binet’s concept of feeble-mindedness¹⁴ (i.e. lack of intelligence), Goddard argued that most of the criminality in the Kallikak family can be traced back to the liaison of a soldier with a barmaid. There was simply no way that an honourable Quaker woman married to a patriotic soldier gave birth to Kallikak criminals. In other words, Goddard argued that children born out of wedlock are more likely to be criminal than children born of holy matrimony. From this he concluded that feeble-mindedness is an inheritable trait and a cause of criminality. While the concept of risk does not often appear in this literature, the unstated implication is that the propensity to criminal risk-taking is inheritable and identifiable, that criminal risk-taking results from an individual’s family lineage or genetic makeup.

Such is the argument made in a number of recent scientific studies concerning non-criminal risk-taking (Ono et al. 1997, Benjamin et al. 1996, Ebstein et al. 1996). In painful scientific prose, these authors argue that thrill seeking behaviour such as skydiving and whitewater rafting has a genetic basis. They claim to have found a link between the personality trait ‘novelty seeking’ and a gene on chromosome 11. After administering personality questionnaires and blood tests, the researchers conclude that persons prone to novelty seeking have a longer D4DR gene (a gene that helps in the regulation of dopamine) than non-thrill-seekers. Although there is some mention of other dopamine related genes and

environmental factors affecting the propensity to risk-taking, researchers maintain that the D4DR gene is an important determinant of novelty seeking. They manage to reduce risk-taking to a phenotypical manifestation of a mutated gene. Are risk-takers simply victims of their own biological constitution? And if so, what is the policy implication of this finding?

There are not many biological positivist accounts of crime circulating in criminology today; these theories are seldom taken seriously nowadays. They have largely been replaced by theories that focus on psychological and social issues. This being said, however, Eysenck and Gudjonsson's (1989) book, *The Causes and Cures of Criminality* comes close to a pure biological positivism, albeit one that includes psychological considerations as well. Recalling the work of William Sheldon (1949) and Sheldon and Eleanor Glueck (1950) on somatotyping (i.e. linking certain types of bodies to criminal behaviour), Eysenck and Gudjonsson (1989) argue that criminality in general is correlated with specific body types *and* with high degrees of three personality dimensions or 'temperamental variables': psychoticism, extraversion, and neuroticism. They argue that "genetic factors play a part, through the physical development of the person and the associated temperamental variables, in the determination of antisocial conduct." More specifically regarding body types, they claim that "mesomorph physique and high andromorphy are positively correlated with delinquency, and...ectomorphy is negatively correlated with delinquency" (Eysenck & Gudjonsson 1989: 41-42). Thus there are two components to their argument: the biological point that criminality is correlated with physical characteristics (body type); and the psychological point that the content in a criminal's mind and the processes of his thinking differs from that of non-criminals (temperamental variables). So criminals have a defective body *and* mind. At one point in the book the authors even use the terminology being developed in this chapter to write that the results of their research "are incompatible with a

purely situational analysis of criminal behavior and suggest an important contribution by dispositional factors” (Eysenck & Gudjonsson 1989: 89).

Most criminologists, however, have been relatively more circumspect about reviving controversial and outdated positivist theories (see Rafter 2007 for a critique). Many have tried to combine the insights of classicism and positivism into one theory. In the economic analysis of Erlich (1974), for example, the author attempts to combine a classical account of human nature with a typology of ‘risk preference’. Thus Erlich (1974: 76) argues that

a risk-neutral offender will spend more time in illegitimate activity relative to a risk avoider, and a risk preferrer will spend more time there relative to both...Whether offenders are likely to specialize in illegitimate activity thus becomes an aspect of their *attitudes toward risk*, as well as their relative opportunities in alternative legitimate and illegitimate activities.

Based on elaborate economic calculations, Erlich (1974) argues that crime is the result of choice dictated by opportunity *and* risk preference. To the classical idea that all human behaviour, including crime, is governed by its consequences, Erlich (1974) introduces the positivist idea of the criminal as a categorically different type of person, i.e. a risk preferrer. So, according to Erlich, an individual must ultimately decide to take risks and commit crimes, but this decision is simply a function of opportunity and risk-preference. In other words, the decision to take a criminal risk is no decision at all; it is determined ahead of time by a person’s attitude towards risk and the opportunities available to them. Their ‘choice’ is simply a function of predetermined variables.

A similar attempt at conciliating classicism and positivism is made in Gottfredson and Hirschi’s (1990) *A General Theory of Crime*. These authors accept the classical premise that all behaviour is governed by its consequences, yet go on to argue that crime is concentrated in certain kinds of persons:

Crime does not require deprivation, peer influence, or the gang; it says little about one’s biological past and is in no way akin to work. It requires no planning or skill, and “careers” in crime go nowhere but down. Nearly all crimes are mundane, simple, trivial, easy acts aimed at satisfying desires of the moment, as are many other acts of

little concern to the criminal law. This helps us understand why so many social problems and forms of deviant behavior are concentrated in the same individuals.

(Gottfredson & Hirschi 1990: xv)

What distinguishes these problem individuals from others is their *lack of self-control*. People lacking self-control will tend

to lack diligence, tenacity, or persistence in a course of action...to be adventuresome, active, and physical...to have unstable marriages, friendships, and job profiles...to be self-centered, indifferent, or insensitive to the suffering and needs of others...to pursue immediate pleasures that are not criminal...to smoke, drink, use drugs, gamble, have children out of wedlock, and engage in illicit sex...In sum, people who lack self-control will tend to be impulsive, insensitive, physical (as opposed to mental), *risk-taking*, short-sighted, and nonverbal, and they will tend therefore to engage in criminal and analogous acts.

(Gottfredson & Hirschi 1990: 89-90; my emphasis)

This theory, “meant to explain all crime, at all times” (Gottfredson & Hirschi 1990: 116), collapses differences between homicide, theft, drug use, white-collar crime, and a variety of other offences, and presents crime as mundane, unplanned activity committed by out-of-control individuals. There is no attempt to consider the broader context let alone theorize the motive and meaning of these acts. Basically, criminality is a function of the degree of self-control individuals possess. Crime is presumably pursued for the sheer gratification of appetites – life for the criminal is poor, nasty, and brutish. Moreover, as Morrison (1995: 21) points out, the authors presume the ontological reality of self-control, writing as if it were a substance that individuals can possess in differing quantities, and that criminologists can measure more or less accurately (see also Geis 2000 for a droll critique).

While Eysenck and Gudjonsson (1989) provide an account of criminal risk-taking in terms of biological (body type) and psychological (high degree of temperamental variables) dispositions, and Erlich (1974) and Gottfredson and Hirschi (1990) offer updated psychological positivisms with *attitude towards risk* and *lack of self-control* as their respective key variables, other pathologizing criminological models explain criminal risk-taking as the consequence of a boring and powerless working-class life. Robert Merton’s (1938, 1968) anomie or strain theory was the dominant approach for much of the twentieth

century. Merton's primary purpose was to develop a sociological explanation for aberrant conduct as an alternative to biological and psychological positivist explanations. He writes:

For whatever the role of biological impulses, there still remains the further question of why it is that the frequency of deviant behavior varies within different social structures and how it happens that the deviations have different shapes and patterns in different social structures. (Merton 1968: 185)

Merton rejected the view, common to Freudian and control theories, that it is the structure of society which restrains the natural impulse of humans towards deviance, that nonconformist behaviour is the result of inadequate social controls. For him, the idea of a natural, inborn, anti-social impulse was unacceptable; the motivation to deviant conduct is not a property of individuals. Rather, deviant motivation has social structural origins.

While there is clearly a major conflict between strain and control theories, both are fundamentally positivist in their interest in deviant motivation. The crucial difference is that, whereas control theorists generally regard deviant motivation as a property of individuals, strain theorists understand the motivation to criminal behaviour as arising out of a disjunction between the cultural and structural components of social systems.

In Merton's conceptualization, aberrant conduct results from the strain between end and means, between culturally valued goods and the social structural distribution of legitimate opportunities to achieve these goods. His thesis is basically that "social structures *exert a definite pressure* upon certain persons in the society to engage in nonconformist rather than conformist conduct"; or in other words, that deviant behaviour is "a symptom of dissociation between culturally defined aspirations and socially structured means" (Merton 1938: 672, 674). Crime breeds in the gap between culturally generated aspirations and structurally distributed possibilities for attaining these.

Blocked by poverty and poor education, the strained offender¹⁵ adopts illegitimate means to achieve culturally approved ends – the innovator adopts criminal means to achieve wealth and status. The perception of blocked opportunity, the frustration of failing to achieve

culturally valued goods (which he assumes are uniform across social class) through legitimate means, is what motivates Merton's strained offender. The causal mechanism, the motive force behind criminal action is the disjunction between purportedly universal cultural goals and institutional norms. In this sense, the criminal risk-taking of Merton's innovator results from his class of origin. It is therefore not deliberate and intentional; it merely resolves the tension between cultural ends and normative means. But while the anger and resentment resulting from strain is experienced on an individual level, Merton's point is that legitimate opportunities are unevenly distributed across social class. If Merton's theory is correct, then, we should expect to see the highest rates of criminal risk-taking among the lower classes, since their location in the social structure affords them the fewest legitimate opportunities to attain universally valued cultural goals.

In the previous chapter, I examined the role and development of risk *management* in crime control and criminal justice over the past few decades, and attempted to make sense of the key criminological debates accompanying these changes. I distinguished Beck's (1992) risk society from a second approach to risk developed by governmentality scholars, and argued that Feeley and Simon's (1992, 1994) account focuses on the instrumental and practical side of crime control to the neglect of its more expressive and symbolic aspects. I then contrasted David Garland's (1990, 1995, 1996, 2001) account to show that crime control control is Janus-faced, practical *and* expressive, instrumental *and* symbolic. In this chapter I have moved away from risk management to consider and develop the main approaches used in the study of risk *taking* in social science. I argued that that orthodox criminology provides two images of the criminal risk-taker. On the one hand, *dispositional* theories (positivist criminology) explain criminal risk-taking as the pathological behaviour of individuals of lower-class provenance, or of people who variously have a genetic abnormality, particular body type, attitude toward risk, or low-self control. On the other hand, *situational* theories

(administrative criminology) understand criminal risk-taking as the (ir)rational decisions of necessarily risk-averse actors. But while situational theories ostensibly grant the human actor choice, free will, and rationality, it must be remembered that the utilitarian actor's "decision" to offend is determined by the felicific calculus. While the situational offender exercises his reason when consciously calculating the balance of rewards and costs, he is at the theoretical level precluded from taking a criminal risk should the felicific calculus turn out to be negative.

So the rational actor of situational theories contrasts with the pathological actor of dispositional theories. Both accounts of the criminal risk-taker leave no room for risk-taking that is controlled and intentional. The possibility of people embracing risk by voluntarily exposing themselves to danger is foreclosed. The main problem, of course, is that not everyone, certainly not Philippe Petit, is risk-averse. In the next chapter, I begin to develop a third, *cultural* approach to risk-taking that avoids the pitfalls of dispositional and situational theories.

CHAPTER III – The Moral and Sensual Attractions of Risk-Taking

In chapter II we saw how situational and dispositional theories of criminal risk-taking correspond to the two traditional approaches of orthodox criminology: positivism and classicism. The positivists' criminal is propelled into crime by biological, psychological, and social deficits; and the neo-classical criminal of rational choice theory (RCT) is the utilitarian actor making calculated and informed decisions in the marketplace of crime. RCT in particular has been critiqued at length for excluding the lived experience of criminality (Hayward 2007, De Haan & Loader 2002, De Haan & Vos 2003, Sparks 2001, Cohen 1996, Rawls 1992). In the main, these critics argue that RCT neglects how offenders deal with their emotions and make sense of their feelings. They find that RCT misses the expressive meaning of crime and is generally incapable of capturing the moral dimension of criminality.

In contrast to risk society theorists, who understand risk as a synonym for danger or hazard, and governmentalsists, for whom risk is a rationality of government, these critics argue that risk is inevitably interwoven with questions of value. Rawls (1992: 222), for example, argues that RCT is totally inadequate as a general theory of action because “we cannot evaluate the rationality of an action, understand the reasons for action, or understand the meaning of an action apart from the circle of value that has shaped the persons and their relationships to one another in a given society.” Within criminology, Stanley Cohen (1996: 5) has similarly argued that Cornish and Clarke's ‘reasoning criminal’ is “[d]isembodied from all social context – deprivation, racism, urban dislocation, unemployment” and “has nothing but choice and rationality.” The problem, in short, is that RCT is an *asocial* theory of action: it ignores the reality of structural inequality; it assumes that human nature is universally utilitarian; it disregards moral emotions like guilt and shame; and it neglects the normative and emotional aspects of decision making.

So in addition to the risk society and governmentality perspectives on risk, there is a third, *cultural* approach to risk that stems from the phenomenological roots of symbolic interactionism. Risk, then, is not simply the effect of a modernization process of scientific and technological growth, nor merely a novel configuration of actuarial techniques for governing crime, but also a matter of lived experience. Bearing this in mind, we should expect differences across time and space in peoples' perspective on risk. If we accept that risk is a socio-culturally bound category, we should expect the answer to the question of whether risk in general should be shunned, embraced, or approached with care, and of whether a particular risk is 'good' or 'bad', to vary within and between cultures. Within the cultural approach to risk, answers to such questions as: what is an acceptable amount of risk; what kinds of risk are worth taking; and what constitutes a risk at all, are conditioned by value judgments, which are in turn anchored in culture.¹⁶

Risk-taking has its reality and its value as risk-taking only at the interior of a culture which recognizes it as such. Risk-taking is a cultural phenomenon, and a society expresses itself in the criminal forms of risk-taking it recognizes. How did our culture come to give certain forms of risk-taking the meaning of a crime and to the criminal risk-taker the pathological identity of various dispositional determinations? The positivist criminologists need only to turn their attention to the lightning of criminal risk-taking itself undergirding the flashing symptoms in order to pave the way for the medicalization and further criminalization of such behaviours. They think they have identified with the variables 'D4DR gene', 'feeble-mindedness', 'high andromorphy and mesomorph physique', 'positive attitude towards risk', 'low self-control', and 'boring and powerless working-class life', objects of knowledge that had always been there, waiting patiently to be discovered. These positivist variables represent, not, essentially, an acquisition of real external objective knowledge, but rather the historical constitution of a world of objects to be known. How did criminal risk-taking

become a problem of positivist criminology rather than morality? How did it come to be problematized in terms of the truth of the criminal risk-taker? (cf. Mahon 1992: 27-28).

Taking risks involves much more than a mere rational choice calculation or a pathological disposition; taking risks can also be meaningful, morally charged, and existentially significant. The meaning of risk-taking “has to be sought in the context of the group’s values...[It] cannot be understood in isolation from its social milieu: man is the only animal that gives meaning to his actions” (Young 1971: 127). “We are *cultural beings*” writes Weber (1949: 81), “endowed with the capacity and will to take a definite attitude towards the world and lend it *significance*.”

In this chapter I develop this cultural approach to risk by considering a number of early and contemporary works of subcultural theory. I begin by examining the work of Albert Cohen, taking care to highlight the crucial ways in which it differs from the work of Robert Merton. I also include an overview of Walter Miller’s (1958) work because it is an early instance of subcultural theorizing in which criminal risk-taking is positively portrayed – it is clear that Miller’s offenders derive pleasure¹⁷ and excitement from taking risks. Unfortunately, however, Miller’s offenders’ propensity to criminal risk-taking is epiphenomena of their lower-class origin. Not until Jack Katz’s (1988) *Seductions of Crime* do we find a completely depathologized account of criminal risk-taking. In Katz’s account of sneaky thrills, offenders deliberately place themselves in risky situations for the rush this gives. They flirt with the risk of humiliation in capture and arrest, and take pleasure in getting away with it. Similarly, Stephen Lyng’s (1990) edgeworkers deliberately seek to take risks so as to exercise their transcendent control over danger. Yet unlike sneaky thrill seekers, edgeworkers risk death or serious injury rather than humiliation and arrest. What is significant is that both Katz’s and Lyng’s actors positively embrace risk for the excitement this affords. The main value of Katz is that his cultural approach moves beyond situational

and dispositional theories *and* the early work of Walter Miller by opening up a space for criminal risk-taking that is deliberate and cross class. The primary value of Lyng is that he expands on Katz's phenomenological approach by offering a structural explanation for why so many people enjoy taking criminal and bodily risks when there are no material rewards for doing so. Tracing through the work of these various subcultural theorists will enable us to develop a cultural approach to risk-taking that goes miles beyond dispositional and situational theories in terms of actually understanding the appeal of risky crimes from the perspective of offenders themselves. Finally, with the help of O'Malley and Mugford's (1994) constructive critique of Katz and Lyng, I will historicize the concept of edgework by tracing its roots in a romantic world view.

3.1 *Early Subcultural Theorizing*

In *Delinquent Boys*, Albert Cohen (1955) argued that much youth delinquency is characterized by non-utilitarian crimes and criticized strain theories of deviance for neglecting expressive forms of delinquency such as violence, vandalism, and joy-riding. Under the influence of Merton, criminologists and sociologists of deviance had mainly theorized about delinquency of the acquisitive kind. The focus had principally been on crimes with the purpose of material gain. For Merton, theft and robbery are working-class means to middle-class ends: money, success, the American Dream. Crime is a response to poverty or blocked opportunities. For Cohen, such macro level theorizing not only fails to explain non-utilitarian delinquency; it also misses the interactional dynamics involved in the production of subcultures of delinquency.

Where Merton identified important social structural sources of strain that led to high rates of criminal risk-taking among the lower classes, Cohen (1955: 55) pointed to the ways in which adaptations to strain are shaped by an actor's immediate social context:

Neither sociologists nor psychiatrists...have been sufficiently diligent in exploring the role of the social structure and the immediate social milieu in determining the

creation and selection of solutions [to strain]. A way of acting is never completely explained by describing, however convincingly, the problems of adjustment to which it is a response, as long as there are conceivable alternative responses. Different individuals *do* deal differently with the same or similar problems and these differences must likewise be accounted for.

Cohen (1965: 6) argued that Merton's theory is "atomistic and individualistic," that Merton conceptualizes the process of deviance as though each individual works out the solution by himself, without recourse to the thoughts and feelings of others. In contrast to this solipsism, Cohen (1965: 8) insisted that "deviant as well as non-deviant action is typically not contrived within the solitary individual psyche, but is part of a collaborative *social* activity, in which the things that other people say and do give meaning, value, and effect to one's own behavior." In other words, criminality is not a substance located in individual minds and bodies; it is rather a process that emerges in interaction.¹⁸

In the central theoretical piece of the Centre for Contemporary Cultural Studies, Clarke et al. (1975/2006: 20) make an uncharacteristic oversight in an otherwise penetrating analysis when they mistakenly lump Albert Cohen together with Merton in their assertion that early

American work envisaged the *individual* youth's class position as one rung on a single status ladder; leading inexorably to middle-class values and goals. The subculture problem was then presented as a problem of the disjunction between the (assumed) middle-class *goal* of success and the restricted (working class) *means* for achieving them. A youth group of subculture was defined as the result of status-failure, or anxiety because of rejection by middle class institutions; or as the inability to achieve dominant goals because of blocked opportunities for success. In short there was an underlying consensual view of society based on a belief in the American Dream (of success). 'Youth culture' was a sort of collective compensation for those who could not succeed.

While Cohen's idea of 'status frustration' is similar to Merton's 'strain' insofar as it suggests that there is a consensus of values, his concept of 'reaction formation' suggests that there is a heated conflict between working-class and middle-class values. Moreover, long before the publication of Clarke et al. (1975/2006), Cohen (1965) had already argued that Merton's theory is blind to the circumstances that shape an individual's choice of adaptation, that it

cannot explain why, given strain, people adapt in one way and not another. Cohen's main contention was that an adequate theory of delinquent behaviour must explain not only the macro-structural origins of strain, but also the situated adaptations made by actors variously located in the social structure. In this way, Cohen brought together Mertonian strain theory, which has a filiation to Durkheim and the structural-functionalism of Talcott Parsons, with the symbolic interactionism of George Herbert Mead and the Chicago School of sociology.

In this connection it is interesting to note that Merton's student, Richard Cloward, together with Lloyd Ohlin, combined strain theory with 'opportunity theory' to explain how the pressure of strain is differently resolved by actors situated in particular social structural locations. Similar to Cohen, these authors argued that people who experience strain cannot simply choose any given deviant adaptation, but are rather limited by the choices available to them in their position in the social structure. True to their Chicago School roots, they showed how "crime is an environmentally structured choice for those seeking to survive in socially disorganized neighborhoods" (Einstadter & Henry 1995: 133), how illegitimate means are as much constrained by an actor's position in a social system as are legitimate means. That is to say, an individual's class, race, gender, and neighbourhood "shape not only whether one is more likely to become a doctor or a dock worker [i.e. legal means], but also a professional thief, a racketeer, a white-collar criminal, or a mugger [i.e. illegal means]" (Cullen 1988: 217).

In a great article on the intellectual debts of Cloward and Ohlin's theorizing, Cullen (1988: 221) writes that Cloward and Ohlin

borrowed from Merton the idea that blocked opportunity generates deviant strains, and they showed that certain types of lower-class youth were especially vulnerable to this criminogenic condition. From Chicago theorists such as Sutherland, Shaw and McKay, and Kobrin, they borrowed the ideas that the opportunity to enter criminal roles was limited and that certain kinds of neighborhoods permitted the solution of certain kinds of collectively subcultural responses. Slum neighborhoods varied along an 'organized-disorganized' continuum, and the degree of social organization (or

integration) shaped the *form* of delinquent groupings that would arise by limiting the nature of the learning environment and the chance to perform specific roles.

During the 1960s, the publications of Cloward and Ohlin served as the policy basis for the War on Poverty of the Kennedy-Johnson administration in the United States. Their work informed the well-known program *Mobilization for Youth*, which sought to decrease juvenile delinquency by increasing legitimate opportunities available to youth (Downes & Rock 2003: 325-328). But whereas Cloward and Ohlin focused on the limited legal opportunities available for resolving strain in disorganized neighbourhoods, Cohen debunked the atomism of Merton's theory by stipulating that subcultures of delinquency can only arise where people inherit or share similar problems of adaptation. "The crucial condition for the emergence of new cultural forms" writes Cohen (1955a: 54, 56), "is the existence, in *effective interaction with one another, of a number of actors with similar problems of adjustment...*Culture is continually being created, re-created and modified wherever individuals sense in one another like needs, generated by like circumstances." In this respect, Cohen is a crucial hinge figure in the evolution of cultural studies from the Chicago School's original focus on urban ecology to the Birmingham School's more contemporary focus on the meaning of subcultural style. As we will see in the next section, this symbolic interactionist thread is picked up and developed by Jack Katz, who, in a groundbreaking and controversial work, offered a full-scale phenomenological investigation of crime.

Merton's strain and Cohen's status frustration are similar concepts insofar as both suggest that criminal conduct emerges as an adaptation to the incompatible demands of structure and culture. In other words, both authors seem to assume that deviant behaviour is a reaction to a parent culture with one dominant set of values. But, in addition to highlighting the role of group interaction in shaping adaptations to strain, Cohen goes beyond Merton in at least two other ways. First, he replaces money-success with status frustration as the universal achievement-oriented standard of the parent culture. He argues that delinquent youth are

more motivated by gaining status among their peers than by accumulating wealth. In other words, he replaces material with symbolic strain. Second, and this was the novelty of Cohen, he suggests that subcultures of delinquency are set against, rather than aspire towards, middle-class values. Cohen argued that at school, youth are judged according to middle-class standards: “ambition, responsibility, achievement, deferred gratification, rationality, courtesy, the ability to control physical aggression, and the constructive use of time in the rational pursuit of property” (Morisson 1995: 282; Downes & Rock 2003: chp. 6). Through a psychodynamic process of “reaction formation,” lower class youth with little chance of achieving these standards grow resentful of being evaluated according to the middle-class yardstick. Seen in this way, the subcultures these kids form stem less from an attempt to resolve the failure to achieve middle-class aspirations than a psychodynamic resistance to, or hostile rejection of, alien middle-class values. This is the Cohen (1955: 202) who writes that the “teacher and her rules are not merely something onerous to be evaded. They are to *be flouted*.”

In Walter Miller’s (1958) work on juvenile delinquency, offenders do not flout middle-class values, but rather actively express lower class values. Miller (1958) claims that lower class culture possesses its own distinctive, autonomous culture – that delinquency is not a reaction to or inversion of the dominant culture, but rather a direct expression of lower class focal concerns: trouble, toughness, smartness, excitement, fate, and autonomy. “The standards of lower class culture” writes Miller (1958: 19), “cannot be seen merely as a reverse function of middle class culture – as middle class standards “turned upside down”; lower class culture is a distinctive tradition many centuries old with an integrity of its own.”

Miller (1958: 10-11) suggests that the rhythm of working class life “fluctuates between periods of relatively routine or repetitive activity – and sought situations of great emotional stimulation.” “The only relief from Habit’s tediousness” wrote William James

(1904/2007: 328), “is periodical excitement.” According to Miller, a boring working class life gives rise to the pursuit of excitement or thrills, typically during “nights on the town.” “For many lower class individuals” writes Miller (1958: 11), “the venture into the high risk world of alcohol, sex and fighting occurs regularly once a week.” For purposes of comparing subcultural risk-taking to situational and dispositional risk-taking, Miller’s key insight is that a night on the town involves “elements of sought risk and desired danger” including copious consumption of alcohol, gambling, sexual adventuring, and fighting, all of which often get participants into trouble with moral and legal authorities (i.e. police, business owners, parents). The pursuit of thrills by Miller’s (1958) lower class offenders, then, is an early instance of criminal risk-taking described in positive terms. Unfortunately, however, Miller’s theory, like Albert Cohen’s, says nothing of criminal risk-taking among the middle-classes. Ignoring that middle-class life can also be boring, both Miller and Cohen explain juvenile delinquency as the pathological risk-taking of lower-class youth in search of excitement (cf. O’Malley 2010: chp. 3). Of the six features of delinquent gangs that Cohen (1955) enumerates in *Delinquent Boys*, the pathological feature is ‘short-term hedonism’. This term implies that the criminal risk-taking of Cohen’s offenders is impulsive and unplanned, and therefore not intentional and controlled. As for Miller, even though he makes the important point that criminal risk-taking is explicitly sought after and willfully pursued by many of the lower class individuals he studied, this positive embrace of criminal risk-taking is, in the final analysis, caused by the offenders’ class of origin.

A key difference between the cultural approach to criminal risk-taking and orthodox theories is in their underlying conception of the self. On the one hand, situational theories are not at all interested in the motivation of the offender, since criminal risk-taking is to be explained largely by the absence of situational controls. The self is conceived of as universally utilitarian and risk-averse. On the other hand, dispositional theories are interested

in the motivation to criminal risk-taking but typically locate it in an individual's nature. The self is conceived as pathological in one way or another. Whereas all dispositional theories differentiate the nature of criminal risk-takers from the culture of non-criminal risk-takers by variously claiming that the former are intrinsically underdeveloped human beings, that the propensity to criminal risk-taking is an inheritable trait identifiable in an individual's genetic makeup or a family's lineage, or that the act of criminal risk-taking is an automatic reaction to the definite pressure of a social system, within the cultural approach to risk-taking, the human being exists not only *in-itself*, as the object of natural and cultural forces, but also *for-itself*, as the object of its own consciousness. Starting in the early twentieth century with the Chicago School of sociology, George Herbert Mead and his gifted interlocutor Herbert Blumer challenged conceptions of the self as a mere object of natural and cultural forces by arguing that the self is always already social. Against theories which conceptualize the self as unitary and atomistic, Mead distinguished between two opposing poles of the self: the social *me* and the individual *I*. Visano (1998: 96) elaborates Mead's distinction as follows:

The "Me" represents experiences in which the individual is an object to himself or herself, the generalized other. The social product or "socialness" of being an individual in society controls the "I". The "I" is the unpredictable and uncertain element of freedom and initiatives of immediate impulses. The "I" responds to the attitudes of others, the impulsive manifestations of the human natural needs. The "me" for Mead is the organized set of attitudes of others which one assumes. These are the internalized norms and values. The attitudes of others make up the organized "me" while reactions to the situation frame the "I".

In short, the *me* is the self as *object constrained by normative situational expectations*, being-for-others, and the *I* is the self as *subject of spontaneous freedom* who *reacts* to the attitudes of others, being-for-self. Together these two poles make up Mead's dialectic social self.

Mead's theory of the 'social self' is the starting point for any symbolic interactionist investigation of crime and risk, and so is absolutely fundamental for the cultural approach to bodily and criminal risk-taking. As we will see in subsequent sections, Mead's social self informs both Katz's work on sneaky thrills and Lyng's work on edgework. Unlike Robert

Merton's atomistic conception of the self as an isolated structure of norms and values, Mead's theory of the 'social self' pays attention to the moral dialectic between the normative constraints of the institutional 'me' and the self-aggrandizing and infinitizing impulse of the 'I'. Here is how Blumer (1966: 536, 535, 538) makes the case for Mead's social self:

Such schemes which seek to lodge the self in a structure make no sense since they miss the reflexive process which alone can yield and constitute a self...[They imagine] the human being...to be a responding organism whose behavior is a product of what plays upon him from the outside, the inside, or both...the process of self-interaction puts the human being over against his world instead of merely in it, requires him to meet and handle his world through a defining process instead of merely responding to it, and forces him to construct his action instead of merely releasing it...Action is built up in coping with the world instead of merely being released from a pre-existing psychological [biological, sociological] structure by factors playing on that structure. [...] This [dialogical] way of viewing human action is directly opposite to...human action...seen as a product of [risk] factors that play upon or through the human actor...Regardless of which factors are chosen, either singly or in combination action is regarded as their product. [...] [All] miss the central point that human interaction is a positive shaping process in its own right...In short, the reliance on symbolic interaction makes human group life a developing process instead of a mere...product of...structure.

In Merton's system of interpretation, social phenomena are made intelligible by a linear theory of causality; he finds the meaning of social action in the nexus between means and pre-given ends. In Mead's system they are made intelligible by a dialectical theory of meaning (cf. Rasmussen 1973). In Merton's case only the common sense world of ordinary activity is made intelligible; in Mead's the cultural context that informs the common sense world is made intelligible. While Merton can typologize social experience he cannot penetrate given institutional structures of meaning which are embedded within the symbolism of a culture's self-identity. In Merton's work it is assumed that the American dream forms part of the norms and values which we, as cultural beings, have or ought to have internalized – Merton's ideal-type, the innovator, does not question the value of the American dream. Merton questions *only* the idea of a natural, inborn, anti-social impulse – that nonconformist behaviour is the result of inadequate social controls; he does not question the causal orientation of natural science. The social structure causes innovation, and innovation consists

in the conscious choice between, or the deliberate calculation of, means to a pre-given end. The meaning of criminal action is found in the relationship between the innovation and the American dream. Merton can only account for the logic of criminal action as a means to material acquisition.

Before moving on to the next section I want to briefly take a look at the work of Sykes and Matza here because they dispute Al Cohen's claim that juvenile delinquents invert conventional values and they reject Miller's idea of a separate, autonomous deviant subculture. In their seminal article introducing neutralization theory, Sykes and Matza (1957: 666) argue that the juvenile delinquent is "at least partially committed to the dominant social order in that he frequently exhibits guilt or shame when he violates its proscriptions, accords approval to certain conforming figures, and distinguishes between appropriate and inappropriate targets for his deviance." With this in mind, they contend that young offenders neither invert the norms and values of the dominant normative system nor create an opposing set of lower-class focal concerns. Rather, Sykes and Matza (1957: 666) suggest that crucial to understanding youth crime is attention to "how internal and external demands for conformity are neutralized." Building on Sutherland's (1947) 'definitions favorable to violations of law', they list five techniques of neutralization that help to lessen or assuage the feelings of guilt and shame induced by internal and external social controls. For example, when an offender learns "to view himself as more acted upon than acting," or when he asserts that his crime "does not really cause any great harm despite the fact that it runs counter to law," he neutralizes guilt by denying responsibility and injury for his crime (Sykes & Matza 1957: 667, 668). Once internal and social controls are successfully neutralized, an offender can 'drift' into a psychological state where offending is permissible without damage to his self-image.¹⁹ For instance, when one neutralizes the guilt issuing from shoplifting by assuring oneself that because the store is insured the owner shall not incur any significant financial

loss. Or beyond this one invokes a left idealist Marxism which imposes as a duty the theft and redistribution of those vile capitalists' greedy profits. In this way the guilt associated with property theft metamorphosizes into the honourable feat of the working class hero: "property offences are directed solely against the bourgeoisie...[They are] carried out by amateur Robin Hoods in the course of their righteous attempts to redistribute wealth" (Lea and Young 1993: 262).

The central thesis of *Delinquency and Drift*, a book in which Matza (1964: 60-61) develops the seminal ideas outlined in his collaboration with Sykes, is that:

Norms may be violated without surrendering allegiance to them. The directives to action implicit in norms may be avoided intermittently rather than frontally assaulted. They may be evaded rather than radically rejected. Norms, especially legal norms, may be neutralized...Most if not all norms in society are conditional. Rarely, if ever, are they categorically imperative.

In other words, neutralization enables the offender to enter into a state of drift where the moral bind of law and order is temporarily suspended (see Maruna & Copes 2004 for an extensive review of neutralization research). For if an offender believes that his crimes are victimless, that his delinquent acts are the result of being brought up in an abusive household, of living in a poor, decrepit neighbourhood, or of associating with the wrong people, he need not feel guilt nor shame.

The work of Matza and Sykes is distinctive among early subcultural work because it is premised on the assumption that deviants and normal people all belong to one parent culture. Their key contribution was to suggest that delinquents (or criminal risk-takers) are not essentially different from non-offenders. That the deviant feels guilt and shame or at least tries to assuage it by deploying techniques of neutralization indicates that he is part of a culture in which moral norms operate – not an alien in the social body whose disposition compels him to take criminal risks.

3.2 *Seductions of Crime*

In their critique of “those dominant theories of crime – control theory, routine activities theory and, especially, rational choice theory – that simply assume or take for granted offender motivation,” De Haan & Loader (2002: 244-245) considered the case of a crying street-robber to show that “criminal behavior is deeply and ambiguously shot-through with emotions...including...guilt and shame.” The authors highlight some major problems with rational choice theory and express doubt over whether RCT can make sense of feelings and emotions at all. Although most street robbers probably weigh the advantages and disadvantages of their acts, the case of the crying street-robber demonstrates that robbery also consists of “impulsive actions and emotional reactions or forms of behaviour whereby perpetrators apparently act without thinking, are compelled to act, are indecisive or perform conflicting actions” (De Haan & Vos 2003: 38). Not all criminal behaviour is the outcome of a rational cost-benefit analysis. From a rational choice perspective, all the moral emotions involved in the lived experience of criminality are occluded. The expressivity and meaning of crime are reduced to a rational decision-making process. In a subsequent analysis of the case of the crying street-robber, De Haan and Vos (2003: 51) aptly sum up the argument against ‘those dominant theories of crime’ as follows:

A more adequate explanation of criminality needs to take account of the affective aspects of criminal behaviour, the normative meanings that perpetrators attribute to their own behaviour and the social and cultural circumstances of the perpetrators. In order to explain criminal behaviour, a theory is required that does not treat perpetrators as rational actors, but rather assumes that they are moral subjects who are compelled to give meaning to their lives.

This is precisely what Jack Katz (1988) sought to accomplish in his controversial and groundbreaking book, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil*. While De Haan et al. direct their critiques at control theory, routine activities theory, and rational choice theory (i.e. what I have been calling situational theories), Katz (1988: 3)

opens his book with a critique of 'background' explanations of crime (i.e. what I have been calling dispositional theories):

The study of crime has been preoccupied with a search for background forces, usually defects in the offender's psychological backgrounds or social environments, to the neglect of the positive, often wonderful attractions within the lived experience of criminality. The novelty of this book lies in its focus on the seductive qualities of crimes: those aspects in the foreground of criminality that make its various forms sensible, even sensuously compelling, ways of being.

Against the positivist search for background forces, Katz focuses on the phenomenological foreground of crime. He is deeply interested in the subjective experience of criminality and is highly attuned to crime's moral and emotional dimensions. In contrast to dispositional theories, which reduce criminal risk-taking to the effect of one or another determining variable, Katz argues that the attractions of crime have more to do with the thrill of the experience itself. His central thesis is that criminal and delinquent behaviour cannot be understood without grasping how it is experienced by offenders themselves. "The social science literature" writes Katz (1988:3),

contains only scattered evidence of what it means, feels, sounds, tastes, or looks like to commit a particular crime. Readers of research on homicide and assault do not hear the slaps and curses, see the pushes and shoves, or feel the humiliation and rage that may build toward the attack, sometimes persisting after the victim's death. How adolescents manage to make the shoplifting or vandalism of cheap and commonplace things a thrilling experience has not been intriguing to many students of delinquency...Only rarely have sociologists [and criminologists] taken up the challenge of explaining the qualities of the deviant experience.

If we focus on the seductive foreground of crime, Katz argues, we will grasp the moral and sensual attractions in doing evil (to quote the book's subtitle). We will see that crime is rich in symbolism and existential significance, that doing evil is caused not by traditional materialist background factors such as class and gender, but is rather motivated by the quest for moral transcendence (Goode 1990, Morrison 1995: 358-365, Frauley 2010: 108-113). "What phenomenology uniquely has appreciated is not simply that a person's lived work is his artifact" writes Katz (1988: 8), but that "by experiencing himself as an object controlled by transcendent forces, an individual can genuinely experience a new or different world...As

unattractive morally as crime may be, we must appreciate that there is *genuine experiential creativity* in it as well.”

Katz’s (1988: 4) main goal in *Seductions of Crime* is “to understand the emergence of distinctive sensual dynamics” that make crime “sensuously compelling.” He argues that many offenders construct morally charged criminal situations in which they feel compelled to offend. “My overall objective in this book” writes Katz (1988: 216), “is to demonstrate that the causes of crime are constructed by the offenders themselves, but the causes they construct are lures and pressures that they experience as independently moving them toward the crime.” It is not that crime is inherently alluring; rather, it is that offenders are enticed to offend by the dynamics of the situation they themselves have constructed. It is “not the things in themselves but our perspective” that temporarily gives “things outside of us the power to seduce or repel” writes Katz (1988: 5). In other words, Katz’s offenders are driven into action by their own phenomenological construction of the social world. The challenge for criminologists is “to specify the steps of the dialectic process through which a person empowers the world to seduce him to criminality” (Katz 1988: 7).

While positivist criminologists analyze official police records, disseminate self-report questionnaires, and conduct interviews with offenders and victims, Katz relies primarily on biographies, autobiographies, case studies, journalism, ethnographies, anthropological accounts, participant observation studies, and fictional portrayals of crime and delinquency to get at the immediate, interactional dynamic through which criminals construct and cross moral boundaries. As Katz (1988: 9) writes in his opening chapter, central to all the crimes he considers are “moral emotions: humiliation, righteousness, arrogance, ridicule, cynicism, defilement, and vengeance. In each [criminal project he examines], the attraction that proves to be most fundamentally compelling is that of overcoming a personal challenge to moral –

not to material – existence.” Because humans are moral creatures who have a fascination with evil, Katz argues that crime must be explained through a theory of moral self-transcendence.

Katz thus rejects materialist explanations of crime (i.e. dispositional theories, Merton’s in particular) and emphasizes the attractive and even magical properties immanent in criminal acts. Although an offender’s “economic status, peer group relations, Oedipal conflicts, genetic makeup, internalized machismo, history of child abuse, and the like remains the same” writes Katz (1988: 4), the offender “must suddenly become propelled to commit the crime.” “Whatever the relevance of antecedent events and contemporaneous social conditions” continues Katz (1988: 4), “something causally essential happens in the very moments in which the crime is committed.” This “something,” Katz (1988: 9) informs us a few pages later, is a three stage process, arrived at via analytic induction²⁰, by which an offender empowers his immediate environment with the power to seduce him into criminality.

Katz (1988: 9) sets out his theoretical framework – three “necessary and jointly sufficient conditions” for “raising the spirit of criminality” – as follows: “(1) a path of action – distinctive practical requirements for successfully committing the crime, (2) a line of interpretation – unique ways of understanding how one is and will be seen by others, and (3) an emotional process – seductions and compulsions that have special dynamics.” Katz’s framework is a kind of theoretical form that applies to all the crimes he analyzes, but the specific content of each stage varies depending on the particular criminal project under consideration. In the next section, we shall have occasion to see what the content of this three stage process looks like in the case of what Katz calls sneaky thrills.

In the last chapter of his book, Katz (1988: 312-313) informs us that running throughout all the crimes he has considered is

a process juxtaposed in one manner or another by humiliation. In committing righteous slaughter, the impassioned assailant takes humiliation and turns it into

rage...young vandals and shoplifters innovate games with risks of humiliation, running along the edge of shame for its exciting reverberations.

In the end, then, all the criminal projects Katz examines are successful or failed attempts at avoiding, overcoming, or simply negotiating the risk of humiliation. But even though all of Katz's criminals are involved in one way or another with powerful moral emotions, there are key differences between them, including "their relationship with humiliation," "the emotion or mood they seek to generate," and the "imagined relationship between their present action and the imagined future" (O'Malley 2010: 63). Given my focus on crime and risk-taking, moreover, it is important to note that not all of Katz's offenders are risk-takers. The 'righteous slayer' does not deliberately seek to take risks in the same manner as shoplifters, joyriders, and young vandals – what Katz collectively calls 'sneaky thrills'. In the act of killing, the righteous slayer attempts to resolve what he sees as an intolerable moral condition. Unable to imagine a future with any self-respect, the impassioned killer turns humiliation into rage and embodies an eternal form of the good in sacrificial slaughter. The righteous slayer crosses the boundary between order and chaos in order to experience the self in the grip of emotional forces. Sneaky thrill seekers, on the other hand, only flirt with the risk of humiliation in arrest.

3.3 The Dialectic of Sneaky Thrills

In Katz's account of sneaky thrills, crimes such as shoplifting, joyriding, and vandalism are seen as forms of risky flirting with the humiliation of getting caught. Against Merton and Cohen, Katz (1988: 52) argues that sneaky thrills

share an appeal to young people, independent of material gain or esteem from peers...During burglaries, young people sometimes break in and exit successfully but do not try to take anything. Youthful shoplifting, especially by older youths, often is a solitary activity retained as a private memory. "Joyriding" captures a form of auto theft in which getting away with something in celebratory style is more important than keeping anything or getting anywhere in particular.

Katz suggests that the attractions of sneaky thrills have more to do with the rewards of the experience itself than with satisfying material needs. From his standpoint, vandalism is not about reckless destruction and shoplifting is not about economic gain. Rather, Katz's offenders deliberately place themselves into high risk situations for the excitement this produces. For them, the risk of humiliation in detection and capture actually increases the thrill of the criminal experience. While I can hardly do justice to the depth, richness, and complexity of Katz's account of sneaky thrills, I will attempt to sum up, in a few paragraphs and with a few quotes, what Katz develops in a whole chapter.

Sneaky thrill seeking is basically a melodrama about the self and its permeability to others. "The distinctive appeal of...shoplifting, vandalism, joyriding, and nonmercenary breaking and entering" writes Katz (1988: 77), is "the particular dialectic of being privately deviant in public places." The essence of sneaky thrills is "an attempt to transcend an existential dilemma" that relates "the inner to outer identity." Sneaky thrill seekers enjoy playing with the line "between the sense of themselves as subject and object [Mead's "I" and "me"], between being in and out of control, between directing and being directed by the dynamics of the situation" (p. 8). Getting away with it is "a thrilling demonstration of personal competence, especially if it is accomplished under the eyes of adults" (p. 9).

Katz (1988: 53) writes that the sneaky thrill of property crime is created when a person "(1) tacitly generates the experience of being seduced to deviance, (2) reconquers her emotions in a concentration dedicated to the production of normal appearances, (3) and then appreciates the reverberating significance of her accomplishment in a euphoric thrill." In the case of shoplifting, the path of action begins with an exciting situation in which the would-be shoplifter flirts with a seductive object and endows it with a real power to move her. The path of action fully emerges when she realizes that 'it would be so easy' to take the seductive object:

There we were, in the most lucrative department Mervyn's had to offer two curious (but very mature) adolescent girls: the cosmetic and jewelry department...We didn't enter the store planning to steal anything. In fact, I believed we had 'given it up' a few weeks earlier; but once my eyes caught sight of the beautiful white and blue necklaces alongside the counter, a spark inside me was once again ignited...Those exquisite puka necklaces were calling out to me, "Take me! Wear me! I can be yours!" All I needed to do was take them to make it a reality. (Katz 1988: 54)

Once the object is concealed, the potential shoplifter must remain in control and appear normal while attempting to exit the premises. During this second stage (line of interpretation) of shoplifting, offenders are often hyperaware of their actions and highly conscious of how they are perceived by others. Their challenge is to avoid suspicion and maintain the appearance of a normal shopper:

She [the store clerk] stopped me about 5 ft. from the door, my heart was beating so hard, not fast just hard like it was going to jump out of my chest. The lady asked me "Didn't you find anything you liked?" I knew she was trying to see if I was nervous and to let me know she had seen me earlier. I said no, that I hadn't discovered anything that I couldn't live without. I remember trying to phrase the sentence as grownup as possible so she wouldn't think I was a dumb little kid. Then she said "What about that green necklace I saw you holding,"...I said "I simply don't own anything to go with it so I hung it back on the rack." She said "Oh" and started toward the rack, so I continued out the door. (Katz 1988: 64)

During the third and final stage of shoplifting (the emotional process), offenders relish the ecstasy of being thrilled. Getting away with it "brings in its wake emotions that go far beyond the joy of material acquisition...the other side of the euphoria felt from being successful is the humiliation from being caught" (Katz 1988: 64). The 'it' in getting away with it is less the material object than it is the risk of humiliation:

Once outside the door I thought Wow! I pulled it off, I faced danger and I pulled it off. I was smiling so much and I felt at that moment like there was nothing I couldn't do...the thrill of getting something for nothing, knowing I got away with something I never thought I could, was wonderful...Every time [I see my accomplice], I remember and relive a little bit of that thrill. (Katz 1988: 64)

It should be emphasized that the theft of the object is not required for the potential shoplifter to undergo the emotional process. Take the following example, in which the prizing of the rational self's power over its becoming an object is brought to the fore (and so the ultimately non-material motivation to shoplifting): the would-be thief conceals an object, continues to

peruse the store like a normal shopper, but discards the object in the store before walking out because she ‘felt the heat’ of the employees’ wary gazes. If stopped outside by an employee and asked to give back the stolen object, the would-be shoplifter is thrilled to answer that she has not stolen anything, not to mention relieved. She is just as excited if not more so at having evaded apprehension by correctly ‘reading the situation’ in the store than the shoplifter who successfully steals a material object. In short, the key point is that you can get away with it (risk of humiliation) without actually getting away with it (material object).

Katz is clear that the element of criminal risk-taking in sneaky thrills does not stem from some lower-class pathology. Regarding the class bias typical of positivist explanations of youth crime, Katz (1988: 117) comments:

The prevalence of reckless driving and of illegal drug cultures should serve as a reminder that even in the most respectable, affluent suburbs, adolescents have a special attraction to excitement, trouble, tests of autonomy, and proofs of toughness, as well as an apparently romantic tendency to abandon life to fate²¹.

In this way, Katz opens up a space for criminal risk-taking that is intentional and cross-class. He moves beyond orthodox criminology and begins to explore novel ways of understanding the motives and meanings of criminal risk-taking. While dispositional theories reduce criminal risk-taking to class, personality, and bodily predispositions, and situational theories presume that everyone is risk-averse, in Katz’s account of sneaky thrills offenders intentionally flirt with the danger of getting caught for the rush it gives. Risk is there seen as a challenge rather than a deterrent.

By investigating the existential foreground of juvenile property crime, Katz reveals the sensual pleasure and moral immediacy of criminal risk-taking in sneaky thrills. He points to the moral and expressive aspects of criminal risk-taking that go largely unnoticed by orthodox theories. Katz’s three stage framework of crime’s sensual dynamics, the process of moral transcendence, involves ‘playing’ or ‘flirting with’ a limit between order and chaos, ‘negotiating’ or ‘crossing’ a boundary between being in and out of control. The process of

transcendence involves a movement of the self from a mundane reality of calculative rationality to a higher transcendent reality of moral seduction. “To complete successfully the transition from subject to object and achieve the emotional extremes of eros or thanatos” writes Katz (1988: 8), a person has to “arrange the environment to ‘pacify’ his subjectivity. He may then submit to forces that transcend his subjectivity even while he tacitly controls the transition.” Thus the claim is not that Katz’s offenders escape reason totally into a realm of pure moral emotion, but rather that offenders construct their phenomenological environments in such a way that they are seduced by its sensual dynamics, which they experience as acting on them independently of their consciousness.

According to Goode (1990: 11), *Seductions of Crime* could have been the work that “revitalized deviance theory, that brought phenomenology and symbolic interactionism back into the mainstream of criminology, that drew interested but fence-sitting researchers and students into a quest for an emotional understanding of the deviant experience...This is not that book.” To the contrary, I would argue that this is that book. It has been a catalyst for cultural criminologists such as Jeff Ferrell, Mike Presdee, and Keith Hayward who have since greatly developed Katz’s seminal work.²² Following Katz, these authors carve out a space for a form of existentialist criminology that privileges the experiential, symbolic, and expressive aspects of crime (see also Morisson 1995: chp. 15). Particularly relevant for our investigation into theories of criminal risk-taking is the work of Stephen Lyng (1990), who developed the concept of *edgework* to make sense of why people voluntarily continue to engage in activities they perceive to be risky in the absence of material rewards. The distinctive appeal of his work is that he connects the immediacy of the risk-taking experience to the structures of late modernity. In other words, he takes Katz’s focus on the seductive foreground of criminal risk-taking and weds it to background theories of social structure. This is an important theoretical development given that the main criticism of Katz’s work is that, in its focus on

the interactional dynamics of crime, it unduly neglects the role of social structure (Bursik 1989, Goode 1990, Turk 1991, Ferrell 1992, McCarthy 1995, Greenberg 1997). However, since, in his chapter on sneaky thrills, Katz relies primarily on the testimonies of young affluent female university students, it is unsurprising that the moral and sensual attractions of juvenile property crime are emphasized at the expense of its potential material motives. Nevertheless, it is unlikely that material motives are completely absent for underprivileged youth and low-income single parents who shoplift, or in the case of the drug addict who steals to maintain his habit, to take an extreme example.²³

In the previous section I argued that Katz' work on sneaky thrills provides us with a model of criminal risk-taking that goes beyond orthodox criminology. To recap, while dispositional theories reduce criminal risk-taking to class, personality, and bodily predispositions, and situational theories presume that everyone is risk-averse, in Katz's account of sneaky thrills, offenders intentionally flirt with the danger of getting caught for the rush this gives. Risk is there seen as a challenge rather than a deterrent. In his work on the sociology of voluntary of risk-taking, Stephen Lyng (1990) combines Katz's symbolic interactionist focus on sensual dynamics with a Marxist theory of alienation. Based on empirical research into high-risk behaviour in sport and crime Lyng's (2005) concept of edgework builds on Katz's work to offer a structurally informed theory of criminal risk-taking.

3.4 *Extreme Sports and Risky Crimes as Edgework*

Edgework is a sociological elaboration of a term first used by Hunter S. Thompson, an American author and journalist who wrote several books including *The Rum Diary* and the autobiographical novel *Fear and Loathing in Las Vegas*, both of which have been made into feature films. Indeed, Thompson's debaucherous adventures evince the essential character of the edgework experience: negotiating the boundary between order and chaos, life and death,

consciousness and unconsciousness, sanity and insanity. His definitive statement concerning The Edge occurs in his book *Hell's Angels: The Strange and Terrible Saga*, a gonzo ethnography of Thompson's adventures with the outlaw motorcycle gang. In the following quote, Thompson (1966: 262-263, my emphasis) relates his experience of driving a motorcycle at high-speed while under the influence of hallucinogenic drugs:

But with the throttle screwed on, there is only the barest margin, and no room at all for mistakes. It has to be done right... and that's when the strange music starts, when you stretch your luck so far that *fear becomes exhilaration* and vibrates along your arms. You can barely see at a hundred... You watch the white line and try to lean with it... howling through a turn to the right, then to the left... letting off now, watching for cops, but only until the next dark stretch and another few seconds on the edge... The Edge... There is no honest way to explain it because the only people who really know where it is are the ones who have gone over... The association of motorcycles with LSD is no accident of publicity. They are both a means to an end, to the place of definitions.²⁴

In the remainder of this chapter, I examine the concept of edgework by closely inspecting Lyng's (1990, 2004, 2005, 2008, 2009) texts and by expanding on the partially latent concepts in his work such as alienation and oversocialization. I also compare Lyng's sociological work on voluntary risk-taking with that of Fenwick and Hayward on 'transgression' and 'rule breaking', noting that, while the former is primarily interested in *bodily* risk-taking, the latter are mostly concerned with *criminal* risk-taking. Even so, both forms of risk-taking are often combined in certain risky crimes. After comparing and contrasting the works of Lyng and Fenwick and Hayward, I suggest that risk-taking is a subterranean value which we all possess – rather than being the prerogative of a few pathological individuals. In this way, I argue that Philippe Petit's risky crime vividly embodies values which most of us experience only tangentially or indeed viscerally during our leisure time. Finally, I illustrate the romantic roots of edgework by considering O'Malley and Mugford's (1994) constructive critique of Katz and Lyng, and expand upon their historicizing of the seductions of crime and risk-taking by drawing on additional literature.

Lyng (1990) initially developed the concept of edgework while involved in a five year ethnographic study of sky divers. Dissatisfied with orthodox theories that conceptualize risk as a problem to be managed, Lyng sought to open up new possibilities for theorizing about risk by inquiring into what motivates people to engage in high-risk activities when there are no material rewards for doing so. Following Katz, Lyng (2005: 5) argues that what draws people to edgework activities is “the intensely seductive character of the experience itself...it’s fun!” Drawing on a wide range of empirical research into risk-taking activities, Lyng builds on Katz’s account of sneaky thrills by conceptualizing edgework as a form of boundary negotiation. “The archetypical edgework experience” writes Lyng (1990: 857), “is one in which the individual’s failure to meet the challenge at hand will result in death.” This experience involves

- Pushing limits, whether mechanical as in street racing, physical as in marathon running, or mind as in consciousness expanding drugs.
- The ability to maintain control over a situation that verges on complete chaos, to avoid being paralyzed by fear.
- The commitment to get as close as possible to the edge without going over it.
- Alterations in perception and consciousness; a feeling of oneness with the environment. Perception narrows to only those factors that immediately determine success or failure in negotiating the edge; the ability to gauge the passage of time is lost.
- A sense of self-realization, self-actualization,²⁵ or self-determination.
- Hyperreality. The experience feels more real than day-to-day existence.
- Ineffability. Language cannot capture the essence of edgework.

(Lyng 1990: 855-863)

Unlike the emotional process in righteous slaughter where humiliation turns into rage, the emotional process in edgework consists of a movement *from fear to exhilaration*. Lyng (1990: 860) argues that edgeworkers typically feel a “significant degree of fear during the initial, anticipatory phase of the experience” but as one moves to the final phases, “fear gives way to a sense of exhilaration and omnipotence” – rather similar to the euphoria brought on by the experience of getting away with the risk of humiliation in sneaky thrills. Yet unlike sneaky thrill seekers, who merely flirt with and ultimately want to avert the risk of

humiliation in detection and capture, edgeworkers directly confront and skillfully negotiate the risk of death or serious injury.

Since Lyng's (1990) initial study of sky diving as edgework, a few authors (O'Malley and Mugford 1994; Fenwick and Hayward 2000; Hayward 2002) have noted that the sensations associated with high-risk sports are remarkably similar to the sensations experienced by some criminal risk-takers. Together with Lyng (1993, 2004), these authors suggest that, along with extreme sports, some forms of crime can be subsumed under the concept of edgework. In other words, they propose that the "transcendent characteristics of the acts are more crucial than their criminality" (O'Malley & Mugford 1994: 195). Yet there are some key differences worth noting. Although the end result for both sneaky thrill seekers and edgeworkers is a feeling of exhilaration and omnipotence, the former only risk the humiliation of arrest (liberty) while the latter primarily risk their bodies (lives). However, both kinds of risk are often mingled in illicit forms of edgework, as for example in the illegal street racing and high risk driving investigated by Mark Halsey (2008) in Australia. For these joyriders, as for those who form part of the *boso* high speed driving culture in Japan (Hayward 2002), there is not only the bodily risk of serious injury or death inherent in high speed driving, but also the criminal risk of getting caught by the police who are chasing them. Indeed, for the drivers in Halsey's (2008: 114) research, the attempt by authorities to halt high-speed pursuits – police giving chase – seemed "to intensify the visceral dimensions of the pursuit and to remind suspects that there are indeed high stakes worth playing for." The criminal risk, the chase, added to the thrill and excitement of the bodily risk, high speed driving.

According to Lyng (1998: 225), one of the most common characteristics of edgeworkers is actually a propensity to *increase* the risks involved in their dangerous activity of choice, for example when "mountain climbers make an ascent without oxygen tanks" or

“rock climbers scale cliffs without safety ropes,” or skydivers decide to jump in mediocre weather conditions, or deploy their parachutes at low altitude, or when any of these risk-takers incorporate intoxicating substances into the action. The edgeworker does not recoil from these artificially induced risky conditions; he finds them seductively appealing. He sees them as opportunities to exercise his transcendent control over danger and to experience the powerful sensations generated by an encounter with the narrow boundary between being and nothingness. Again, such imprudence is no death wish on the part of edgeworkers; it is rather a deliberate attempt to get at the realm of personal transformation and moral transcendence found right at the edge of chaos. In a personal account that loudly echoes the narrated experience of Hunter S. Thompson quoted above, Stephen Lyng (1998: 230-231) describes (t)his propensity to manually increase the risks involved in edgework:

the Harleys were challenging enough at first; after an initial period of cautious riding while developing our skills, we were soon blasting down hill-country roads...in excess of a hundred miles per hour. But by the end of the first year of riding, we began to feel a need to push beyond the threshold defined by the machines' capabilities. Following the lead of the skydiving elite, we succeeded in re-drawing this line by mixing our motorcycle edgework with various forms of intoxication and incapacitation...the new challenge was to negotiate the edge with faculties chemically altered. The sensual payoff for success in this endeavor...moves beyond euphoria to a realm of transcendence and personal metamorphosis.

In contrast to ordinary, sober driving that abides by the speed limit, Lyng claims that riding while intoxicated offers a means to an end, to the place of existential definition found right at the edge of chaos (Ferrell 2005: 76). But, as Lyng (1998: 221) has testified, such high risk driving can very well lead you over the edge, as it did him, who after crossing over found himself stranded in the ditch with broken limbs.

Lyng's (1990) initial analysis has helped spawn an exciting and proliferating rhizome of literature on high-risk activities. Yet, despite the originality of the edgework concept, there have been relatively few attempts to examine crime from an edgework perspective. Other than the research of Halsey (2008) and Hayward (2002) on illegal street racing cited above,

there is the work of Miller (2005) on juvenile delinquency as edgework, Reith (2005) and McGovern and McGovern (2011) on drug consumption as edgework, and Rajah (2007) on resistance as edgework in the case of poor, minority women in violent intimate relationships. As for non-criminal edgework, there are isolated analyses of market trading as financial edgework (Smith 2005, Wexler 2010), bike messengering as occupational edgework (Kidder 2006), anorexia nervosa as gendered edgework²⁶ (Gailey 2009), and sadomasochism as kinky edgework (Newmarh 2010). But most research conducted under the banner of edgework has focused on the area of high-risk or extreme sports such as sky diving, BASE jumping, whitewater kayaking, hang gliding, mountain climbing, heli-skiing and the like (Lyng 1990, Ferrell, Milovanovic, & Lyng 2001, Holyfield, Jonas, and Zajicek 2005, Lyng 2008, Fletcher 2008). What distinguishes these new sports from more ordinary sports such as hockey, football, and rugby is that the former hold a higher likelihood of death or serious injury. We might also think of the popular X-Games sports, and such Olympian events as Crossfit, Ironman, and Tough Mudder.

For extreme sports enthusiasts, risk-taking seems to be an effective catalyst for reaching transcendent states of existential definition, rather than a mere means to win fiercely competitive games. Indeed, many places that offer extreme sports require participants to sign consent forms (or 'risk disclosure documents') that read something like: "I understand and appreciate that participation in [extreme sports] carries a risk to me of serious injury including permanent paralysis or death. I voluntarily and knowingly accept and assume this risk" (Hargreaves 1997: 44). Edgework is more than brute competitiveness; it sometimes appears to embrace the vitally tragic potential of risk-taking.

Several of the works that make up the eclectic array of research on edgework are qualitative case studies of ethnographic material that, while generating rich and nuanced accounts of the interactional dynamics involved in a variety of risk-taking practices, tend to

lose sight of the role of social structure in enabling and constraining these very practices. With their qualitative focus on lived experience, such research has a methodologically built-in tendency to favour the personal narratives of participants at the expense of the broader socio-cultural context within which risk-taking takes place. This is rather unfortunate because, as previously noted, the main value of Lyng's (1990) work is that it brings together the structural and interactional dimensions of risk-taking. Lyng's major contribution, which goes beyond the Katzian focus on sensual dynamics, is a sociological theory of structure and agency that attempts "to explain *how* life-threatening experiences come to acquire a seductively appealing character in the contemporary social context" (Lyng 2005: 5). Fenwick and Hayward (2000: 32, 39, 47, 49) pose similar socio-cultural questions but, in contrast to Lyng's concern with bodily risk, 'life-threatening experiences', they are concerned with criminal risk-taking, 'transgression', 'rule-breaking':

what is it about contemporary social life that makes the pursuit of excitement via transgression so seductive...*why are so many young people seduced by the existential possibilities of rule breaking?...*why is edgework so seductive now?...What is it about *contemporary* culture which makes transgressive forms of excitement so seductive to young people?

Both authors direct attention to the ways in which the sensuously compelling character of the edgework experience, bodily or criminal, is shaped by a wider socio-cultural background in the first place. Thus, "the primary goal of the edgework approach" writes Lyng (2005: 5), is to "connect the immediacy of the risk-taking experience to social structures and processes located at the levels of meso- and macro- social organization."

3.5 *Edgework, Oversocialization, Alienation*

In the initial analysis of his ethnographic research into sky diving, Lyng (1990) drew on the works of George H. Mead and Karl Marx to explain 'how' risk-taking becomes sensuously compelling in our contemporary social context. He argued that the heightened

degree of emotional intensity enabled by exercising control over danger in edgework acquires a high value in a world of alienation and oversocialization:

The experience of self in edgework, then, is the direct antithesis of that under conditions of alienation and reification. If life under such circumstances leads to an oversocialized self in which numerous institutional “me’s” are present but ego is absent, edgework calls out an anarchic self in which ego is manifest but the personal, institutional self is completely suppressed. Simply put, people feel self-actualized when they experience a sense of direct personal authorship in their actions, when their behavior is not coerced by the normative or structural constraints of their social environment. (Lyng 1990: 878)

In this quote, Lyng draws on two fundamental concepts: Mead’s *oversocialization*; and Marx’s *alienation*. In order to bring out the theoretical implications of this key passage and to enrich our understanding of its significance, it is necessary first: to briefly go over the meaning and definition of these concepts; and second, to review the way in which Stephen Lyng has appropriated them in his attempt to explain the widespread appeal of bodily and criminal risk-taking.

When Lyng (2005: 5; 1990: 864-865) writes of the “dialectic between spontaneity and constraint in social action,” he is drawing on Mead’s theory of the dialogical or social self (which we have already reviewed earlier on in this chapter, and established as fundamental to the cultural or symbolic interactionist approach to the study of crime and risk-taking). Oversocialization denotes the condition in which one pole of Mead’s social self, the normative “me,” totally suppresses the instinctive “I.” Edgework effectively denotes the opposite condition, where the instinctive I takes primacy over the normative me. In other words, Lyng’s (1990) claim is that, at the height of the edgework experience, the “me” is eliminated by the demands of the potentially chaotic situation, and all that remains of the self is the immediate and instinctive responses of the “I”. He contends that, at least at the peak of the edgework experience, participants experience themselves as self-determining subjects who are free of the internalized normative expectations that make up Mead’s “me”. Compare Csikszentmihalyi and Csikszentmihalyi’s (1988: 33) description of the ‘merging of activity

and awareness' in the optimal flow experience: "Because of the deep concentration on the activity at hand, the person in flow...loses temporarily the awareness of self...At the most challenging levels, people actually report experiencing a *transcendence* of self...The climber feels at one with the mountain." As Lyng (2004: 362) put it in a later article, in the face of impending danger, "actors are forced to deal with the immediacy of the moment by responding 'instinctively' to the evolving circumstances...imaginative rehearsal ceases, the 'voice of society' is silenced and the 'me' is annihilated." Annihilated is perhaps too strong a term; 'temporarily suspended' seems more qualified.

While this temporary suspension of the *me* is experienced at the subjective level, the key point for Lyng is that the spontaneous, unconstrained action experienced at the peak of the edgework experience is only made possible by constraining institutional structures in the first place – or in other words, that the *I* is both enabled and constrained by the *me*. "If the constraining effect of the "me" leads to a feeling of artificiality among people engaged in normal social behavior" writes Lyng (1990: 881), "then the absence of the "me" in edgework accounts for the sense of authenticity that often accompanies this experience." His central argument is that the risk-taking experience only acquires its seductive appeal within, and yet in contradistinction to, a world of oversocialization and alienation.

On top of the meso level, symbolic interactionist concept of oversocialization, Lyng (1990) also draws on Marx to argue that edgework makes up for alienating labour under a capitalist mode of production. In the section on 'Estranged Labour' in his *Economic and Philosophic Manuscripts of 1844*, the young Marx (1844/1974) described alienation as a state in which the sale of labour for wages alienates the labourer from his product and the labour process. Summarizing Marx's argument in the *Manuscripts*, Kain (1982: 86) writes that alienation in the activity of production means that

work is external to the worker. He does not develop himself mentally or physically; he ruins himself. His labor is not voluntary, but coerced. The work itself does not

directly satisfy a human need; it does not confirm his essence, but is only a painful means to satisfy a need external to the work...Need leads not to actualization and development, but to estrangement. Man is estranged from his own activity.

The producer's objectified labour is alien to him because it is determined by the necessity of material production under a capitalist mode of production. In such conditions, the intrinsic use-value of labour deteriorates into the disembodied category of surplus value (money, profit), which leaves man in a double bind "between the *ought* of the true *species being*²⁷ that he should be, and the *is* of his present reality in which he is treated as private property" (Rasmussen 1973: 22). In such conditions, labour power is depersonalized into consumable products such that the worker "only feels himself outside his work, and in his work he feels outside himself. He is at home when he is not working, and when he is working he is not at home" (Marx 1844/1974: 110-111). "In sum" writes Belliotti (1995: 4), summarizing the young Marx of the *Manuscripts*,

capitalist social and economic institutions prevent the actualization of [one's] potential and thereby disconnect workers from [themselves] because they stifle workers' voice, creativity, and imagination, transform labor power itself into a commodity...In this fashion...capitalism nurtures workers' desperation for material possessions, not their sense of creative expression.

Under a capitalist mode of production, *being* deteriorates into *having*, and self-determination is relegated to man's free time. The worker feels self-actualized only in and through leisure, whereas during labour time he feels alienated from his work.

Even the later Marx held out hope for a realm of autonomous freedom, where unalienated man can realize the harmony of his being. In the third volume of his masterwork, *Capital*, Marx (1967: 820) argues that the 'realm of freedom'

begins only where labour which is determined by necessity and mundane considerations ceases; thus in the very nature of things it lies beyond the sphere of actual material production...[Beyond the realm of necessity] begins that development of human energy which is an end in itself, the true realm of freedom, which however, can blossom forth only with this realm of necessity at its basis. The shortening of the working day is its basic prerequisite.

For Marx, undissociated activity – labour as an end-in-itself – within a capitalist mode of production is only possible in leisure-time, where man is not estranged from the product of his labour. “Labor cannot be an end in itself if it is dominated by an external purpose” writes Kain (1982: 122), paraphrasing Marx. “Real freedom,” he continues,

takes place outside of material production, in free time. It requires the shortening of the work day. This is freedom on the aesthetic model, the realm in which man finds the sort of activity that is an end in itself. Marx has not given up the aesthetic model of freedom, but he has transferred its realization to the realm of free time.

Working these arguments into his theory of voluntary risk-taking, Lyng (2008: 88) explains that in the Marxian framework,

free labour is the antithesis of ‘alienated labour’ or labour controlled and organized by capitalist employers for the purpose of maximizing efficiency and profit...Managing dangerous edges...embodies all of the phenomenological elements of free labour [but] rarely takes the form of paid labour and, for most people, is undertaken exclusively as a leisure time activity.

So if edgework offers unalienated activity under a capitalist mode of production, for most people it can only occur during leisure time. Indeed its appeal can be explained in terms of the self-determining experience it offers in contrast to the stultifying and alienating reality of labour time. Edgework is a “spontaneous search for a dramatic self within a world of alienation and over-socialization. Being on the edge, or over it – beyond reason and in passion – is momentarily to grasp a spiritual and romantic utopia” (Collison 1996: 435).

Fenwick and Hayward (2002: 49) express this same point by opposing ‘two modes of being’:

On the one hand, there is the routinised alienation and boredom of everyday life – a world in which individuals find themselves over-controlled and yet without control [being-for-others; *me*; labour time]. On the other hand, there are those activities which offer the possibility of excitement *and* control [being-for-self; *I*; leisure time]...[Edgework] activities offer a mode of being in which individuals take control through a calculated act of de-control. [Their] seductiveness...is not only linked to the inherent excitement of the acts involved, but also to more general feelings of self-realization and self-expression to which they give rise.

These ‘more general feelings’ are highly valued in our contemporary social context because they are denied during labour time. The experience of edgework is sensuously compelling because it sharply contrasts with the experience of alienated labour under capitalism. Its

seductive power lies in “the contrast between an intolerable mundane reality in which the actors find themselves, and the altered state of consciousness produced by moving up to, flirting with, and sometimes crossing the boundaries between rational and emotional control, between order and chaos” (O’Malley & Mugford 1994: 193).

So, criminal and risky leisure pursuits appear to make up for the alienation and loss of control experienced under a capitalist mode of production. Rather than being symptomatic of some lower-class pathology or a lack of self-control, edgework is better understood as an attempt to “exercise and take control in the face of the routinisation of everyday life”; or alternatively as an attempt to “achieve a semblance of control within ontologically insecure social worlds” (Fenwick & Hayward 2000: 50; Hayward 2002: 225). As Lyng (2008: 89) recently put it, in successfully negotiating the boundary between life and death, edgeworkers experience themselves as “free, self-determining agents drawing on previously unrealized human capacities not demanded or developed in any other domain of their alienated, oversocialized, institutionally constrained social experience.” Note, however, that whereas some of Katz’s criminals (i.e. righteous slaughter) ‘take control through a calculated act of de-control’ to experience themselves in the grip of strong emotional forces, Lyng’s (1990: 863) edgeworkers stay in control, for what they seek is “the chance to exercise skill in negotiating a challenge rather than turn their fate over to the role of the dice.” Philippe Petit, for example, speaks of studying his projects so thoroughly that he eliminates all risk, that, as he puts it, his ‘safety net is his preparation’:

The most obscene thing you can do with life is to risk it. I dance around all those terms, like chance, fate, danger. I became a madman of details and I found out that the only way to protect my life was to know as much about the wire, about the rigging, about my limits as possible. Life is something to be cherished, and in this very, very dangerous profession of mine, a millisecond of inattention, a millimeter of being in the wrong place puts you out of balance and you lose your life immediately. Since I absolutely don’t want to do that, I am in a very strange kind of solid control, in a world that is made of infinite fragility, but I know that I will never step on a wire in any situation if I am not sure that the wire is solid and that I am solid.²⁸

Paradoxically then, Philippe Petit, the edgeworker *par excellence*, suggests that risk-taking, even when intentional, illegal, and imaginative, is a thoroughly calculated and rational act. Indeed, for Petit it must be if he is not to die. Only through many long hours of laborious practice did Petit internalize the rules and constraints of his art such that when he steps on high-wires rigged in the sky all around the world he is able to perform automatically and instinctively what used to be dangerously difficult. Nevertheless, given high altitude winds, a sub-par rigging job, and no safety harness or net, Petit's twin tower walk was probably his riskiest stunt, no matter how solid or in control he felt.

3.6 Risk-taking is a Subterranean Value

In the sequel to their seminal article on neutralization theory, Matza and Sykes (1961) addressed a question that their initial analysis left unanswered:

What makes delinquency attractive in the first place? Even if it is granted that techniques of neutralization pave the way for overt delinquency, there remains the problem of the values or ends underlying delinquency and the relationship of these values to those of the larger society.

In other words, even if we agree that many juvenile delinquents make use of neutralization techniques, there is still the issue of the origins of the motivation to neutralize internal and external social controls. We could rephrase their question as: what makes edgework attractive in the first place? What is it about today that makes edgework so attractive to so many people? Even if it is granted that many people find bodily and criminal risk-taking seductively compelling, there still remains the problem of the values or ends underlying edgework and the relationship of these values to those of the larger society.

In contrast to authors such as A. Cohen (1955) who argue that deviant subcultures 'flout', 'resist' or 'reject' the norms and values of the dominant middle-class culture, Matza and Sykes (1961) argue that a fundamental value contradiction permeates all social classes,

subterranean values

short-term hedonism
spontaneity
ego-expressivity
autonomy, control of behaviour in detail & direction
new experience, excitement
activities, performed as ends-in-themselves
disdain for work

formal work values

deferred gratification
planning future action
conformity to bureaucratic rules
fatalism, high control over detail, little over direction
routine, predictability
instrumental attitudes to work
hard productive work seen as virtue

from corporate executives to factory workers. They suggest that all members of society hold two sets of values: the mainstream values of security and routinization; and the subterranean values of thrill- and adventure- seeking. They differ from the earlier subcultural account of Cohen (1955) insofar as they argue that these conflicting sets of values co-exist for everyone rather than only for lower-class juvenile delinquents. In his chapter on 'The Subterranean World of Play', Jock Young (1971: 126) developed the fundamental value conflict originally posited by Matza and Sykes (1961) by contrasting seven 'formal work values' with seven 'subterranean values':

We might want to add risk-taking to the left column security to the right. Under a capitalist mode of production, formal work values are emphasized during labour time and subterranean values during leisure time. As Young (1971: 126) explains, the formal values "are consistent with the structure of modern industry. They are concomitant with the emergence of large-scale bureaucracies embodying a system of economic rationality, high division of labour, and formalized rules of behavior." The formal values insist that

work is merely instrumental. You work hard in order to earn money, which you spend in the pursuit of leisure, and it is in his 'free' time that a man really develops his sense of identity and purpose...It is during leisure and through the expression of subterranean values that modern man seeks his identity...[f]or leisure is...purportedly non-alienated activity...[T]here is a bifurcation between formal and subterranean values, but they are not isolated moral regions; subterranean values are subsumed under the ethos of productivity...This states that a man is justified in expressing subterranean values if, and only if, he has earned the right to do so by working hard and being productive....The richness of...leisure is a legitimate reward for [alienating] labour. (Young 1971: 127-128)

We are back to Marx and the dialectic of alienated labour and self-determined leisure in capitalist modernity. Trapped inside the cultural contradictions of capitalism, people find themselves "straight by day and swingers by night" (Bell 1978: xxv). Modern man finds himself acquiescing to formal work values during his labour time and yet defying these

during his leisure time to embrace subterranean values. He is risk-averse at work, yet embraces risk during his leisure time.

For Matza and Sykes (1961: 717), deviant subcultures do not stand in polar opposition to (A. Cohen), and are not autonomous from (W. Miller), middle-class culture; rather, the juvenile delinquent represents “a disturbing reflection...[He] has picked up and emphasized...the subterranean values that coexist with...publicly proclaimed values.” The juvenile delinquent is not “an alien in the social body”; he is like all of us, and is different only to the degree that he embraces subterranean values.²⁹ Every modern person occasionally disregards the mainstream values of security and routinization to pursue the subterranean search for adventure and excitement. The juvenile delinquent only differs from non-offenders to the extent that he engages in subterranean play. This is the view which, in an interview, director of *Man on Wire* James Marsh held of Philippe Petit:

What I love about Philippe is that he sees every day as a potential adventure. When you're around him, you have to get with that and he's enormously fun to be around...He rigorously creates the world the way he wants it to be and refuses to see it the way it actually is. It's a very poetic sensibility. The world he lives in is really fashioned for his own sake. *We all do it to some extent, but he does it monumentally.*³⁰

We all enjoy taking risks now and then. The difference between us and Petit is one degree, rather than of kind – as dispositional theories would have it. In *Man on Wire* Petit embodies the values that most of us experience only tangentially and viscerally during our leisure time. Petit differs from us insofar as he has made a life of risk-taking whereas we only occasionally take risks.

The suggestion that risk-taking is an essential part of a full and meaningful life is not a new one. Several famous writers have, each in their own way, written about the value of risk-taking. Here, for example, are a few well known quotes in honour of risk by some highly renowned figures:

- It's not because things are difficult that we dare not venture. It's because we dare not venture that they are difficult.

Seneca

- It is only by risking our persons from one hour to another that we live at all.
William James (2007/1897: 59)
- It is solely by risking life that freedom is obtained. The individual who has not staked his or her life may, no doubt, be recognized as a Person; but he or she has not attained the truth of this recognition as an independent self-consciousness.
Hegel (1967: 233)
- The dangers of life are infinite, and among them is safety.
Goethe
- You have to risk going too far to discover just how far you can really go.
T.S. Eliot
- Man cannot discover new oceans unless he has the courage to lose sight of the shore.
André Guide

In addition to all of the extolling of risk-taking found in these quotes and the edgework literature, this positive view of risk also finds empirical support in the work of Lupton and Tulloch (2002). Although not concerned with crime, these authors conducted pioneering empirical research that sought to investigate the meanings people give to voluntary risk-taking, concluding that ‘life would be dull without risk’. Lupton and Tulloch (2002: 123) uncovered three discourses employed by participants to describe the pleasures and benefits of voluntary risk-taking, and found that

the pleasures invoked by risk-taking for some are also implicated with transgression of the ‘civilised’³¹ body image. Against the ideal of the highly controlled ‘civilised’ body/self is the discourse which valorizes escape from the bonds of control and regulation, which hankers after the pleasures of the ‘grotesque’³² body, the body that is more permeable and open to the world. This discourse rejects the ideal of the disembodied rational actor for an ideal of the self that emphasizes heightened sensual embodiment – the visceral and emotional flights produced by encounters with danger. The transgression it involves is pleasurable because of its association with the dangerous, the forbidden, the polluting, the contaminated, the disorderly, the carnivalesque. The very fear, anxiety and disquiet aroused by these cultural categories are implicated in the excitement generated by confronting these feelings and ‘crossing over’ to the other side, at least for a time.

In Lupton and Tulloch’s (2002) research, the discourse of *self-improvement* was employed by participants to describe the importance of working on the project of the self through taking risks. For example, one interviewee said: “I don’t think that you can live life fully without

placing yourself in a risk situation. I don't think that you can really fully find your own full potential without taking risks" (Lupton & Tulloch 2002: 119) Risk here has to do with boundaries defined as outside of the self. Taking risks involves "stepping out of your comfort zone," "going off into the unknown," expanding the boundaries of the self.

The discourse of emotional engagement suggests that risk-taking is pleasurable in its ability to transcend the mundane and routine nature of everyday life. Taking risks is exciting, adventurous, and challenging. It enables a heightened degree of emotional intensity, an adrenalin rush "that allows aficionados to escape the bounds of the rational mind and controlled body, to allow the body's sensations and emotions to overcome them for a time" (Lupton & Tulloch 2002: 121). There is a sense of 'being closer to nature than culture', of 'breaking the 'rules' that we see society as imposing upon us'.

Lastly, the discourse of control notes the pleasure of control over danger: "Balancing on a bar thirty feet off the ground and continuing to work for a little while, and then escaping from that situation and making your way back down to some sort of solid floor, can give me a feeling that I'm very much in control of my body...I like that feeling." The discourse of control counters the discourse of emotional engagement insofar as it privileges control over one's emotions and bodily responses as a valued feature of risk-taking. "All three discourses" write Lupton and Tulloch (2002: 122), "represent a life without risk as too tightly bounded and restricted, as not offering enough challenges."

In the previous sections we have seen how Lyng (1990) has made use of the concepts *oversocialization* and *alienation* in making sense of why people deliberately seek to take risks in the absence of financial reward. In short, Lyng argues that risky edgework pursuits are appealing to so many people today because they offer a seductive alternative to the loss of control and expressive deadness experienced under a capitalist mode of production. We also considered the work of Matza and Sykes (1961) to suggest that risk-taking is a subterranean

value which everyone expresses in some degree during their leisure time, rather than a symptom of a biological, psychological, or sociological predisposition. Lastly, we found strong empirical support in the work of Lupton and Tulloch (2002) for the view of risk-taking as an essential part of a meaningful life. In the next and concluding section of this chapter, I historicize the concept of edgework by tracing its roots in a romantic world view.

3.7 *The Romantic Ethic of Edgework*

In a constructive critique of Katz and Lyng titled ‘Crime, Excitement, and Modernity’, O’Malley and Mugford (1994) move beyond the Marx-Mead synthesis of Lyng’s (1990) original analysis to consider other structural imperatives that shape the sensuously compelling character of the edgework experience. First, they maintain that the commonalities between Katz’s criminals and Lyng’s edgeworkers are more important than what sets them apart. O’Malley and Mugford (1994: 194) argue that sneaky thrill-seekers and edgeworkers alike

share a refusal of the mundane, rational, calculative world and seek to escape through a *joy in survival*...at the edge of chaos...they sweep aside the rational constraints of modern Western culture in order to achieve emotional transcendence via the effects of strong (moral, emotional, and sensual) sensations.

Second, while they agree with Katz that the crucial foundations for understanding crime are located within the realm of subjective experience, O’Malley and Mugford (1994: 190) contend that a “close attention to historicity” remains underdeveloped in the work of Katz and Lyng. They argue that these latter tend to accept the quest for moral transcendence as a “given, transhistorical characteristic of humans,” and that they leave unanswered the question of just what exactly their actors are transcending. “What then is transcended?” ask O’Malley and Mugford (1994: 195). It is

the division, central to modern culture, between body and mind, emotion and reason, chaos and order...the privileging of mind, reason, and order over body, emotion, and chaos...This division...arises only in historically specific contexts...[Katz and Lyng] frequently overlook this and reason as if the process of transcendence were ubiquitous to the human condition.

Hence, O'Malley and Mugford (1994) locate the boundary negotiating process so central to Katz's and Lyng's actors within a broader historical context. Drawing on Max Weber's (1958) famed work, *The Protestant Ethic and the Spirit of Capitalism* and its counterpoint *The Romantic Ethic and the Spirit of Modern Consumerism* subsequently developed by Colin Campbell (1983, 1987), they suggest that the foundation of the division between emotion and reason emerged out of eighteenth and early nineteenth century Romantic disenchantment with the growing routinization and oppression of modern industry. This was a period in which

the bourgeois attitudes of calculation and methodical restraint came into conflict with the impulsive searching for sensation and excitement that one found in Romanticism...The antagonism deepened as the organization of work and production became bureaucratized and individuals were reduced to roles, so that the norms of the workplace were increasingly at variance with the emphasis on self-exploration and self-gratification. (Bell 1978: xxiv)

As the iron cage of bureaucratic rationality saturated every last domain of social life, the cheerful robots living inside grew increasingly disenchanted with a mechanized world stripped of its mystical, magical, supernatural dimensions. The spread of purposive-instrumental rationality so central to Weber's modernity reduced the social world to categories of calculation and in the process stripped human life and activity of their intrinsic value and significance. "Romantic expressivism" writes Taylor (1989: 413),

arises in protest against the Enlightenment ideal of disengaged, instrumental reason and the forms of moral and social life that flow from this: a one-dimensional hedonism and atomism. The protest continues throughout the nineteenth century in different forms, and it becomes ever more relevant as society is transformed by capitalist industrialism in a more and more atomist and instrumental direction. The charge against this way of being is that it fragments human life: dividing it into disconnected departments, like reason and feeling; dividing us from nature; dividing us from each other...[It also occludes] meaning: life is seen one-dimensionally as the pursuit of homogeneous pleasure; no goal stands out as being of higher significance.

During the eighteenth and nineteenth century, as *zweckrational* spread like the plague across economic and social life, the protestant ethic of capitalism – the duty to acquire personal wealth and material goods – came into conflict with the romantic ethic³³ of modern

consumerism. As Colin Campbell (1983: 287) explains it, in their reaction to the mundane reality of a de-magicalized and desacralized modern existence, romantics redefined

the doctrine of individualism and the associated idea of improvement or advancement. Instead of individuals improving themselves in this world through hard work, discipline and self-denial they substituted the idea of individuals ‘expressing’ or ‘realizing’ themselves through exposure to powerful feelings and by means of many and varied intense experiences...[The romantic self is conceived of as] an immanent indwelling spirit,³⁴ identified with powerful feelings and imaginings [which] requires expression through [the] release and the overthrow of constraints, necessarily imposing as a duty the pursuit of exciting, pleasurable and stimulating experiences.

Campbell (1987: 72) contends that a fundamental change in worldview separates the pre-moderns from the moderns: “only in modern times have emotions come to be located ‘within’ individuals as opposed to ‘in’ the world.” Whereas in pre-modern cultures “emotions are seen as inherent in aspects of reality, from whence they exert their influence over humans,” in modern culture the environment is “no longer seen as the primary source of feelings but as a “neutral” sphere governed by impersonal laws” (Campbell 197: 72-73). In the contemporary world, “it is taken for granted that emotions ‘arise’ within people and act as agencies propelling them into action.”

The disenchantment and de-emotionalization of the external world that followed in the wake of capitalist modernity and bureaucratic rationality was accompanied by a process of enchantment of the inner psychic world. Emotions were re-located within the body and as such were culturally constructed as base and ancillary to reason – that higher intellectual faculty which manages and controls the passions. O’Malley and Mugford (1994: 197-198) argue that this dialectic of disenchantment and re-enchantment

brought into being both the expectations against which Katz’s criminals react (rational management of the self) and at the same time clarified the cultural alternative...The world of emotions...appears (to actors) as the natural “alternative,” the “other,” to be resorted to by those seeking to escape from, to resist, or to transcend mundane, modern rationality...Katz’s [and Lyng’s] people are not original innovators of experience, they escape down a track created for them by modernity, pioneered by the Romantics...Moral transcendence begins to appear, ironically, both as necessitated and made possible by the conditions of modernity.

So the socio-cultural conditions for the control of emotions described in sneaky thrills and edgework are of comparatively recent origin; moral transcendence is only possible within modernity, and yet arises in contradistinction to it. The enchanted world view under which offenders and risk-takers operated in the pre-modern era precluded them from seeking moral transcendence in the manner of Katz's criminals and Lyng's edgeworkers.

O'Malley and Mugford (1994: 196) argue that several ideas which inform the work of Katz and Lyng, such as the "dialectic of rational consciousness and emotional control" and the "conception of an inner self-yearning to be realized or released from a constraining mundane reality by emotionally transcendent experience," are elements of a Romantic conception of human nature that has a specific historical biography. This is a conception that the literary critic T.E. Hulme (1924/1992: 728) captured well when he wrote:

Romantics had been taught by Rousseau that man was basically good, that it was only bad laws and customs that had suppressed him. Remove all these and the infinite possibilities of man would have a chance...Here is the root of all romanticism: that man, the individual, is an infinite reservoir of possibilities; and if you can so rearrange society by the destruction of oppressive order then these possibilities will get a chance.

These possibilities get a chance in the licit and illicit forms of edgework in which persons engage during their leisure time under a capitalist economy. As Lyng (2005: 30) later incorporated O'Malley and Mugford's (1994) point about the role of modernity in making edgework activities attractive to the romantic self, he argued that "licit and illicit forms of edgework may be the natural destination of a romantic character type that is increasingly alienated from rationalized production and consumption as means to self-realization." Or again in a later piece, Lyng (2004: 360) argued that edgework activities are best understood as

fully embodied social practices...[that] emerge as oppositional responses to the disembodied imperatives of late capitalism...[They] are ways to 'body forth' in a social context where actors are subjected to regimes of work [and] consumption...that deny the creative possibilities of their bodies...[T]ranscendent practices involved in negotiating the edge are wholly embodied in nature and acquire their transcendent

power in the context of a social and cultural reality that privileges the mind, discursive practices and rationality over the body, the nondiscursive and the nonrational.

In negotiating the boundary between life and death, liberty and arrest, licit and illicit edgeworkers tap into the reservoir of embodied possibilities that is suppressed by the oppressive order of capitalist production. For example, in her research on competitive female boxers, Hargreaves (1997: 42) writes that these women “enjoy the physicality of fighting, the excitement, the roughness and the risk...facing danger and overcoming fear gives them...a uniquely sensuous bodily experience.” For both men and women, then, criminal and bodily risk-taking are ways to ‘body forth’ under conditions of disenchantment and alienated labour. Concluding their critique of Katz and Lyng, O’Malley and Mugford (1994: 206) write that within modern consumer culture there is a “steady and increasing pressure toward emotionally exciting activities...as a source of transcendence and authenticity with which to offset the suffocation of an overcontrolled, alienated existence within the mundane reality of modern life.”

Despite the theoretical appeal of the edgework concept, it still tends to represent bodily and criminal risk-taking as reflexes to structural and cultural imperatives. Whether as oversocialization, alienation, or disenchantment, edgework seems to compensate for a deficient existence under capitalist modernity. Edgework is ultimately caused by structural forces that constrain individual possibilities of being. The powerful sensations and emotions generated by licit and illicit forms of edgework fundamentally derive from the contrast they offer to alienating labour, or to a routinized and desacrilized modern existence. Edgework is so seductively compelling today because it enables participants to drift into a state of embodied being that is suppressed under the stultifying conditions of oversocialization, alienation, disenchantment, and de-emotionalization. By this logic, if people were not so constrained by the iron cage of bureaucratic rationality, they probably would not take as

many risks. They would not feel the need to make up for their one-dimensional existence under a capitalist mode of production. Embodied being only acquires its seductive appeal within an oppressive order.

Such, in any case, is one of the two perspectives that make up the edgework paradox. “The risk-taking experience” writes Lyng (2005: 9-10, my emphasis), can be understood as “either a radical form of *escape from* the institutional routines of contemporary life, or an especially pure *expression of* the central institutional and cultural imperatives of the emerging social order.” In one perspective, edgework is seen as

a means of freeing oneself from social conditions that deaden or deform the human spirit through overwhelming social regulation and control. In the other perspective, edgework valorizes risk-taking propensities and skills in demand throughout the institutional structures of the risk society...In one view, edgeworkers seek to escape institutional constraints that have become intolerable; in the other, edgeworkers strive to better integrate themselves into the existing institutional environment...On one level, [people] seek a risk-taking experience of personal determination and transcendence in an environment of social overregulation...On another level, they employ the human capital created by this experience to navigate the challenges of the risk society.

“Risk-taking may be regarded as the flipside of modernity, a response to the ever-intensifying focus on control and predictability of modernity” ” writes Lupton (1999: 156). “On the other hand, however, the preparedness to take risks converges with some of the most basic orientations of modernity.” On the one hand, analysts like O’Malley (2010: 67, 71) suggest that risk-taking has been ‘democratized and normalized’ as a cultural imperative “at least in its commodified forms,” or again, “at least through commodified means.” In this O’Malley tends to minimize the differences between the intentional outlaw edgeworking of illegal street racers and urban graffiti writers, with such mild and visceral forms of consumer edgework as attending amusement parks. In other words, O’Malley does not differentiate the posers from the pros. But surely there is a difference between, say, bungee jumping at an amusement park, and walking on a tightrope rigged in an illegal and dangerous place.

On the other hand, analysts like Lyng (2008: 100-101) continue to assert edgework's fundamental autonomy from the social structure by making such claims as: "what we find in edgework practices...is a form of agency that has been set free from the social and cultural conditions of existence...The transcendence of structure is...complete in edgework." Similarly in one of his most recent collaborations, we find Lyng together with Matthews and Miller (2009: 103, 110-111) arguing that in the process of negotiating consequential edges,

one's spontaneous embodied (trans)actions are separated not only from existing institutional structures, but also from existing self-definitions and the cultural "consentient set" employed in the social construction of reality. All of the distinctive sensations and perceptions of the edgework experience arise in this "space outside of culture" that individuals enter as they approach the edge. Alterations in the perception of time and space, the sense of mental control over environmental objects, and the ineffable nature of the experience are all due to the annihilation of the social mind...[Edgework enables one to] be set free from the social and cultural constraints involved in everyday problem solving and [to] achieve direct personal authorship of one's actions.

In this chapter, we have developed a cultural approach to risk-taking by examining the early subcultural theorizing of A. Cohen and W. Miller, the work of Jack Katz on the seductions of crime, and Stephen Lyng's concept of edgework. In Katz's account of sneaky thrills, criminal risk-taking is embraced for the pleasure and excitement this gives. In Lyng's work, edgeworkers enjoy taking risks so much that many of them actually increase the risk at hand so that they may exercise their transcendent control over danger. In contrast to dispositional theories, which pathologize risk-taking in one way or another, in the accounts of Katz and Lyng, the lived experience of risk-taking is positively portrayed and given cultural and historical context. Whereas, for dispositional theories, the motivation to risk-taking is found in the nature of an offender's constitution, for cultural theorists, the motivation is found in the condition of modernity. For Lyng, people take risks not because there is something essentially wrong, different, or abnormal about them; rather, in managing consequential edges, edgeworkers momentarily escape a mundane modern reality of alienation and disenchantment. Risk-taking offers an embodied opportunity to exercise capacities that are

suppressed under a capitalist mode of production. Edgework is a way of bodying forth in a social context where purposive-instrumental rationality dominates economic and social relationships. Edgework offers a romantic antidote to the alienation experienced under modern capitalism, to the disenchantment experienced in the iron cage of bureaucratic modernity. If there is a pathology here, it is not found within the individual minds and bodies of risk-takers; rather, it is located in the constitution of modernity. In conclusion, I wrap up our theoretical examination of crime and risk-taking by considering *Man on Wire* from the perspective of the different theories we have considered and developed in this thesis. Ultimately, I argue that the cultural approach to risk-taking is the most valuable theory extant in the risk literature for theorizing the artistic crime of the century.

Theorizing Man on Wire

On Friday, July 15th 2012, American tightrope walker and six-time Guinness World Record holder Nik Wallenda walked a tightrope rigged across Niagara Falls. Starting on the American side, Wallenda carefully made his way across the 550 meter long highwire before stepping foot in Ontario. The first to walk the falls since James Hardy in 1896, Wallenda tiptoed across the tightrope in approximately 25 minutes as an estimated 120 000 spectators watched him 60 meters below. Once firmly grounded on Canadian soil, Wallenda took out his U.S. passport, safely tucked in a plastic bag in his pocket for the duration of his walk, and handed it to one of the two Canadian border guards who greeted him. “What is the purpose of your trip?” asked one guard. “To inspire people around the world,” he answered (Senger 2012).

It took a few years of cutting through bureaucratic red tape to make this walk happen. Earlier this year, after given permission from the Niagara Parks Commission (NPC) to attempt the walk, Wallenda said “the economic impact of the stunt could add up to as much as \$120 million” (Woods 2011; Li 2011; White 2011). Given the 120 000 people who gathered to watch him on the day of the feat, Wallenda estimates that his stunt might have boosted the local economy up by \$20 million in a single day. But such economic justification can hardly account for the moral and sensual attractions of risk-taking. Wallenda is here simply justifying his act in a language which the NPC can understand (i.e. I can make you a lot of money). At the close of 2011, the NPC turned down Wallenda’s first application to walk across the falls. Already given permission from New York state authorities, in early 2012 Wallenda applied to the NPC a second time and successfully, perhaps because of the enormous sum of money he claimed his stunt would and presumably did bring to Niagara Falls. In any case, lost in these considerations is the sublime attraction of risk-taking for

Wallenda himself, not to mention the sense of awe and astonishment his performance inspires in his audience, in us.

Is Petit's walk more epic and beautiful because it is criminal, riskier, and more potentially tragic? Because, unlike Wallenda's Niagara Falls walk, there was no safety net, no rescue helicopter at hand, no dive teams ready should he fall, no digital wireless earpiece with his father coaching him through the walk? But "If I die," says Phillippe, "what a beautiful death!" Does the criminal risk of Petit's act, the meticulous planning, tactical cunning and conning, the sure risk of death and the certainty of arrest, add an aura of authenticity that is missing in Wallenda's safe, legal, and commercialized walks? Even Wallenda expressed some concern over having to wear a safety harness during the crossing. He does not usually wear a harness during his stunts, and originally planned not to wear one for the Niagara Falls walk, but a few major television networks said they would not broadcast the live event if he did not wear a harness. "I respect the fact that ABC and CTV have told their viewers that Nik Wallenda cannot lose his life live on national television," he said (Senger 2012). Nevertheless, if Wallenda would have had it his way, he would not have worn the harness, thereby making the risk of death very real indeed.

Let us for a moment suppose that Wallenda and Petit are situational risk-takers. From this perspective, we would consider their acts to be outcomes of a rational cost-benefit analysis. We would see their decision to risk their life (and liberty for Petit) to walk across a tightrope high up in the sky as the result of assiduous deliberation over the consequences of the act, of a careful weighing of pros and cons. But what exactly are the pros of walking across a tightrope? Wallenda's walk earned him 25 minutes of fame on television, and presumably boosted the local economy, but there was no money to be made for Petit, at least not before his 1974 walk was turned into an award winning documentary by director James Marsh. Perhaps for Petit, at the time of his walk across the two towers over three decades

ago, the possibility of fame and status outweighed the risk of death and certainty of arrest. But what about all his accomplices? No one remembers their names. What was in it for them? Why did they agree to help Petit when they probably feared that they were helping a man to his death, and when they must have known that they were going to be arrested immediately after Petit's walk? How do we explain such irrational behaviour from a rational choice perspective? "If you don't believe in it, why go for it? It's stupid to start a coup when you're sure to get caught!" exclaims Petit's friend. "No! I have to do it. I don't give a shit if I am caught; let them catch me! I prefer to be thrown in jail than not to try" retorts Petit (2002: 134).

If we approach Petit's crime from the perspective of rational choice theory, if we see his stunt as an instance situational risk-taking, we are led immediately to ask the practical question: how do we increase security to prevent and deter people like Petit to wirewalk in illegal places? How do we maximize the risks of illegal wirewalking? Conversely, if we follow the positivists and think of Petit as a dispositional risk-taker, we ask the motivational question: why did he do it? Why did Petit commit the illegal wirewalk? From the perspective of dispositional theories of risk-taking, there is something pathological in Petit's nature that propels him towards taking risks, perhaps a D4DR gene or a positive attitude towards risk. But such at-a-distance theorizing completely fails to appreciate the moral and sensual attractions of the risky crime from Petit's point of view, not to mention the widespread appeal of risk-taking among youth today. "Even in the midst of the rigging job or the most demanding clandestine adventure" writes Petit (2002: 168), "I never fail to pause and admire when tension brings my cable to what I consider to be its most seductive shape...Amid the hundred lights of dawn in the cable, in the sky, in the tower facing me, no one can name the shades that create such a celestial masterpiece."

Lastly, we can think of *Man on Wire* as a prototypical instance of edgework. Petit is risking his life and liberty for no material reward. If Petit fails to meet the challenge of walking across the tightrope rigged between the towers, he will die a beautiful death. Up there on the wire, he must avoid being paralyzed by fear and maintain control over a situation that verges on complete chaos. Balanced on the edge of the abyss, “time has lost all sense...space no longer contains itself. The sky swallows me. What a handsome death” (Petit 2002: 172, 187). Ineffability, alterations in perception of time and space, transcendence through risk-taking! In an interview, director of *Man on Wire* James Marsh said:

What I love about Philippe is that he sees every day as a potential adventure. When you're around him, you have to get with that and he's enormously fun to be around...*He rigorously creates the world the way he wants it to be and refuses to see it the way it actually is.* It's a very poetic sensibility. The world he lives in is really fashioned for his own sake. *We all do it to some extent, but he does it monumentally.*³⁵

Marsh here connects Petit's resolve to live life on the edge with a 'poetic sensibility', or in other words, he links risk-taking with romanticism. Marsh also suggests that everyone has the capacity to see every day as a potential adventure, that we all poeticize our worlds to some extent, and fashion worlds for our own sake. For Marsh, we could say, Petit's risky crime offers a piercing reflection of the romantic in us all. *Man on Wire* is not just a narrative of one man's extraordinary feat of self-creation; it is a thrilling paean to the power of creative imagination and the sublimity of risk-taking. It literally reminds us that the sky is the limit.

Conclusion

This thesis has been a theoretical investigation of the dominant approaches used in the study of risk management and risk taking in sociology and criminology. The overarching objective of the text was to offer a conceptual map of the principal ways in which the concept of risk is deployed within social science. In the first chapter we considered the debates surrounding the rise of risk in crime control and concluded that, while the logic of risk undoubtedly pervades the operations of courts, corrections, and policing today, crime control is nevertheless Janus-faced, practical *and* expressive, instrumental *and* symbolic, utilitarian *and* moral. The principal characteristics associated with risk in chapter one were risk identification, risk spreading, and risk reduction – risk as potential harm to be avoided. In chapter two we moved away from the debates on risk management in sociology and criminology to examine the intersection of crime and risk-taking. I argued that criminology provides two dominant images of criminal risk-taking: the *dispositional* offender of positivist criminology is propelled into crime by biological, psychological, and social deficits; and the *situational* offender of administrative criminology is the utilitarian actor making calculated and informed decisions in the marketplace of crime. Both accounts of the criminal risk-taker foreclose the possibility that someone may deliberately seek to take risks. In chapter three I enlisted the work of Katz (1988) and of Lyng (2005) in order to develop a *cultural* approach to risk-taking that avoids the pitfalls of dispositional and situational theories. Unlike the criminal risk-takers found in orthodox criminology, Katz's sneaky thrill seekers deliberately flirt with the risk of humiliation in arrest and capture, and Lyng's edgeworkers intentionally risk their lives so as to 'body forth' in a socio-cultural context of alienation and disenchantment. The principal characteristics associated with risk in chapter three were excitement and transcendence – risk as catalyst for embodied being. Thus, the 'negative' conception of risk in chapter one contrasts sharply with the 'positive' conception in chapter three. It seems that

from the macro-institutional perspective of crime control, risk is seen as a harm to be avoided and managed, whereas in the eyes of risk-takers themselves, risk is embraced for the thrill and excitement it gives – hence the paradox between the politics of risk management and the culture of risk-taking. In sum, the value of the cultural approach over dispositional and situational theories is that it opens up new ways of thinking about risk-taking that privilege the symbolic and experiential aspects of such behaviour while at the same time locating risk-taking in a broader social and historical context. The cultural framework developed in this thesis does not treat risk-takers as rational actors but rather as moral subjects who are compelled to give meaning to their lives. It focuses on the lived experience of risk-taking, or on the seductive foreground of criminality, and weds this interactional focus to background theories of social structure. The framework breaks with the long tradition in social science of treating risk primarily as a problem of loss to be managed, and introduces the idea of noneconomic gains produced by risk-taking. This allows us to get at the affective and moral dimensions of risk-taking which are completely missing in dispositional and situational theories, such as expressivity, excitement, and humiliation.

In terms of future avenues for research and potential applications of the theoretical work carried out in this thesis, I have already suggested (in endnote 25) that a comparative study of Stephen Lyng and Abraham Maslow might yield some cross fertilization between the sociology of edgework and the psychology of ‘peak experience’. In addition, the cultural approach to risk-taking developed in the third chapter of this thesis might provide a valuable way of rethinking young people’s illicit drugtaking. One of the more interesting debates to have emerged in drug policy debates in recent years concerns the so-called ‘normalization’ of illicit substance use within youth populations. Several researchers (Duff 2005, Shildrick 2002, Parker, Aldrige, & Measham 1998) now argue that the use of certain illegal drugs has become a relatively normal feature of many young people’s life experience. Research

conducted by Howard Parker and his colleagues in the UK uncovered a very different type of user to that typically portrayed in drug policy debates. Parker (1997: 25, my emphasis) describes such users as “well-adjusted and successful goal-oriented, *non-risk taking young persons*, who see drug taking as part of their repertoire of life.” Similarly in Canada, a handful of scholars (Hathaway 2004, Erickson 1999) have noted a widening gap between punitive drug laws and the increasingly permissive attitudes and practices of citizens – between a politics of risk management and a culture of risk-taking. However, the normalization thesis is not without its theoretical shortcomings. Authors have recently noted that 1) pleasure tends to be excluded from discourse about drug use (Race 2008, Moore 2008, O’Malley & Valverde 2004); 2) the normalization thesis oversimplifies and homogenizes young people’s experiences of illicit drugs (Shildrick 2002); and 3) the normalization thesis downplays the role of structural influences on drug consumption, preferring instead to emphasize a rational action model of adolescent drug use based on a cost-benefit analysis (Measham & Shiner 2009). What is needed is a framework which recognizes the role of agency and pleasure within broader structural accounts. Situating normalized drug use within the cultural approach to risk-taking developed in this thesis could provide a more holistic and integrated conceptual model for thinking about young people’s illicit drugtaking.

Endnotes

¹ Featured near the end of the documentary film *Man on Wire*, directed by James Marsh (2008).

² For journalistic accounts of Philippe Petit's walk and the critical reception of *Man of Wire*, see Smith (2008), Brown (2008), Knight (2008), Fuller (2008), Howell (2008), and Monk (2008). Two other good online articles that I have found useful in putting together this chapter are http://www.rfi.fr/actuen/articles/107/article_2232.asp and <http://www.telegraph.co.uk/culture/film/starsandstories/3557290/Man-On-Wire-the-poet-of-the-sky.html>

³ Most of my knowledge of social theory comes from 'the critical realists': Ian Craib, Andrew Sayer, Frank Pearce, Anthony Woodiwiss, and Jonathan Frauley. In calling this thesis a 'theoretical investigation' of the crime and risk literature, I mean that my main preoccupation in reading texts is with answering the question: "How can one discover that about which the author is silent?" (Woodiwiss 2005: 154). I seek to find latent "in the theoretical structures of one tradition the concepts of others" (Woodiwiss 2001: 73). In this sense this thesis is a theoretical mapping of crime and risk. This kind of research

takes as its data the conceptual systems that make up a discipline. Without these conceptual systems, science would not be possible. [...] Our thought (whether common-sense thinking or that of social science) is disciplined, shaped, and guided by the concepts that we use. Together these concepts form an analytical framework that we peer through; they filter what we see and how we can understand the things we experience or imagine. [...] We cannot make sense of anything without employing some set of categories to help us organize and interpret, so conceptualizing is a crucial foundation for all social science practice...[...] It is the quality of our concepts, the continual development and refinement of criminological ideas, and improvement of the craft of social science that enables the extraction of new meaning and allows us to visualize new criminological significance within our data.

(Frauley 2011:, 5, 7, 6, 78)

⁴ Beck (1992: 36, 52, 53) claims that the risk consciousness of second modernity has displaced the class consciousness of first modernity:

poverty is hierarchical, smog is democratic...in class positions being determines consciousness, while in risk positions, conversely, consciousness (knowledge) determines being...the extent and the symptoms of people's endangerment are fundamentally dependent on external knowledge...In risk positions then, unlike class positions, quality of life and the production of knowledge are locked together.

Beck's point here is that the constant discovery of new risks by science (knowledge) is an important source of ontological insecurity (being). He is saying that risks do not exist outside of our knowledge of them, that risks are 'made real' by scientific inventions and interventions. Beck, however, has a tendency to argue inconsistently from either an ontological or epistemological premise with regard to the nature of risk (cf. Lupton 1999: 59-63). On the one hand, he argues that the rise of risk society is the result of an actual increase in ontologically real modernization risks manufactured by the industrial mode of production. Beck (1992: 23) demonstrates this realist approach to risk when he writes of "toxins and pollutants in the air, water and foodstuffs" that induce "systematic and often *irreversible* harm" to plants, animals, and people. In this sense, the increased preoccupation with and proliferation of risk information is simply a function of what is actually a riskier world - being determines risk consciousness. On the other hand, Beck (1992: 55) sometimes produces statements that collapse the distinction between reality and its perception, completely reducing ontology to epistemology: "It is not clear whether it is the risks that have intensified, or our *view* of them...because risks are risks in *knowledge*, perceptions of risks and risks are not different things, but one and the same."

Beck here momentarily forgets the crucial point that perceptions of risk both shape and are shaped by reality. Being still determines consciousness; class, gender, and race undoubtedly shape the experience of risk. The value of Beck's work lies in its recognition of the interrelationships between the reality of risk and its social construction. His work is compatible with the epistemology and ontology of critical realism insofar as it treats risks as real *and* embedded in subjective interpretation. As Rigakos and Law (2009: 95) highlight, Beck's theory of risk is "based not only on ontological changes in our level of risk susceptibility, especially ecological fallout and disaster, but also how perceptions of risk are changed by these very real developments."

⁵ Elsewhere, Pratt (2000a: 134) has compiled a number of developments that seem to indicate the resurgence of emotive and ostentatious punishment in contemporary penality:

Against the 'closed off' nature of penal modernity, we find an increase in the public visibility of punishment; against its productive intent, we find an emphasis on its destructive, incapacitatory qualities; against the prominence of penal bureaucracies, we find greater community participation; against the tradition of fixed and certain punishments and the protection of individual rights, we find an increase in uncertainty and arbitrariness, an abandonment of individual rights before community interests; against the grand narrative of reform which imprinted itself on modern punishment we find relativism and fragmentation; and against the normative training of offenders in modern penality, we find a new array of shaming punishments – 'reason' thus giving way to emotion.

It is interesting to note that, whereas for Feeley and Simon the newness of the new penology lies in what they identify as the increasing reliance on standardized risk factors in the operations of criminal justice, what is new in postmodern penality for Pratt is the growing recourse to emotive punishment. Thus, while the term 'postmodern' attempts to denote a marked break with modernist crime control, there is a serious inconsistency in the criminological literature as to what exactly constitutes the 'post' in postmodern. As will become evident in subsequent pages, this inconsistency is resolved in David Garland's account of the recent history of crime control. Not only does Garland's account do away with the slippery semantics of the term 'postmodern'; more importantly, Garland's account is able to explain the field of crime control in its ambiguity and contradictoriness. In other words, his theoretical categories are capable of accounting for the co-presence of rational and emotional punishments in the governance of crime.

⁶ Some governmentalsists have argued that risk-based, actuarial, or insurantal crime control displaces disciplinary crime control because of the former's superior efficiency over the latter's costly and wasteful methods that are outdated in their focus on indicting and rehabilitating individuals. These authors claim that, whereas the old disciplinary measures sought to close the gap between moral norm and deviation (i.e. turn criminals into law abiding citizens), the new actuarial measures do not seek to change individual offenders at all. Instead, the new post-disciplinary focus is squarely on reducing opportunities to offend by strategically embedding control in the environment: "criminologists should not concern themselves with trying to change the individual – his dispositions, traits or personality – but instead should concentrate on modifying the environment with which the criminal is faced when carrying out his criminal acts" (Litton 1982: 126). In Simon's (1988) view, this move away from discipline and toward external environmental control increases the efficiency of power by minimizing the potential for resistance. Castel (1991: 281) goes so far as to suggest the emergence of a 'post-disciplinary order' that is more efficient, less coercive, and thereby less likely to provoke resistance. Similarly in Shearing and Stenning's (1985: 347) account, an emerging actuarial order is identified in which "control is embedded, preventative, subtle, co-operative and apparently non-coercive and consensual."

In an important article, however, O'Malley (1992) argues that to read the rise of post-disciplinary, risk-based penal initiatives in terms of the evolving efficiency of power is to profoundly misunderstand the implication of Foucault's work on power (which serves as the background influence for governmentalsists). The implication is not to chart an evolution, but to understand the dynamic and sometimes mutually reinforcing relationship between risk-based and disciplinary techniques in crime control. O'Malley's (1992) seminal contribution has enabled criminologists to better grasp the ways in which actuarial and disciplinary crime control co-exist in a symbiotic relationship (e.g. Simon 1998), rather than falsely claiming that the former has recently superseded the latter (i.e. Feeley and Simon 1992, 1994).

⁷ It should be noted that, since Feeley and Simon's (1992, 1994) seminal articles on 'the new penology' and 'actuarial justice', the authors have published works in which they concede that risk initiatives are as much about vengeance and outrage as they are about rational management. Simon (1998, 2000), for instance, has investigated how actuarial and punitive governance intertwine in American sex-offender notification laws.

⁸ Although her work is not discussed here, the cultural approach of Mary Douglas shares this view of risk as danger. Douglas (1990: 3) makes this particularly explicit when she writes that: "Whereas originally a high risk meant a game in which a throw of the die had a strong probability of bringing great gain or great loss, now risk refers only to negative outcomes. The word has been preempted to mean bad risks." This fails to take account of all 'good risks' found in, for example, stock market investing, extreme sports and, as we will see, certain types of crime.

⁹ This appears to be inconsistent with the idea that the welfare state facilitates risk-taking: "Insurance underpins the free play of autonomous and self-directed transactions within the economic and social spheres by constructing a safety net beneath them. Risk-taking, including individual decisions about work, marriage, child-bearing, investment, etc., is thus facilitated by its existence" (Garland 1997: 181). So while in welfare states risk-taking is facilitated by social insurance, neo-liberal governments strip away the social safety net and compel people to take and manage their own risks.

¹⁰ Cf. Lupton and Tulloch (2003: 58) who, in their study of risk in everyday life, uncovered seven kinds of risk in participant narratives: environmental, intimate, lifestyle, workplace, economic, health, and criminal.

¹¹ BASE is an acronym that stands for four objects from which to jump: Buildings, Antennas, Spans (bridges), and Earth (cliffs).

¹² The term 'dispositional' was originally coined by the American sociologist Edwin Sutherland (1947).

¹³ Jeffery (1972: 488) summarizes the basic postulates of positivist criminology as follows: "(1) a rejection of legal concepts of crime and criminal procedure, and their replacement with individualized justice based on a therapeutic model, (2) a rejection of punishment and its replacement with correctional treatment, (3) a rejection of free will and its replacement with scientific determinism, and (4) a rejection of the study of criminal law, and its replacement with a study of the individual offender and his medical, psychological, and social characteristics."

¹⁴ From Goddard (1914: 170): "Every feeble-minded person is a potential criminal. This is necessarily true since the feeble-minded lacks one or the other of the factors essential to a moral life – an understanding of right and wrong, and the power of control...Even if he is of sufficient intelligence and has had the necessary training so that he does know, since he lacks the power of control he is unable to resist his natural impulses." Jennifer Stephen (1995) has shown how the category of feeble-mindedness was constructed and applied to young working-class women at the Toronto Psychiatric Clinic during the early twentieth century. Her work provides valuable insight into the ways in which moral regulation is justified by biological determinist theories that claim to be scientifically neutral.

¹⁵ Merton (1968: 185-214) identified three primary adaptations to strain: innovation (+/-), ritualism (-/+), and retreatism (-/-). While the conformist (+/+) accepts *cultural goals* and the *institutional means* for attaining these (and so experiences no strain), the innovator accepts cultural goals but adopts illegitimate means for achieving them; the ritualist rejects cultural goals but continues to abide by normative institutional means to maintain his modest social standing; and the retreatist rejects both. For Merton, the bulk of crime is committed by the innovator, the offender who wants to achieve wealth and status but lacks legitimate opportunities to achieve these goods.

¹⁶ [Clarke et al. 1975/1993: 4-5, 43-44] [Culture is] that level at which social groups develop distinct patterns of life, and give *expressive form* to their social and material life-experience. Culture is the way, the forms, in which groups 'handle' the raw material of their social and material existence...**[It is the practice which realizes or objectivates group-life in meaningful shape and form]**...The 'culture of a group or class is [its] peculiar and distinctive 'way of life'...Culture is the distinctive shapes in which [the] material and social organization of life expresses itself. A culture includes the 'maps of meaning' which make things intelligible to its members. These 'maps of meaning' are not simply carried around in the head: they are objectivated in the patterns of social organization and relationship through which the individual becomes a 'social individual'...A social individual, born into a particular set of institutions and relations, is at the same moment born into a peculiar configuration of meanings, which give her access to and locate her within 'a culture'...These structures – of social relationship and of meaning – shape the on-going collective existence of groups. But they also limit, modify and *constrain* how groups live and reproduce their social existence. Men and women are thus, formed, and form themselves through society, culture and history.

Cultural patterns form a...pre-constituted 'field of the possibles'...which groups take up, transform, develop. Each group makes something of its starting conditions – and through this 'making', through this practice, culture is reproduced and transmitted. But this practice only takes place within the given field of possibilities...Culture, then, embodies the trajectory of group life through history: always under conditions and with 'raw materials' which cannot wholly be of its own making.

It is this reciprocal effect, between the things a group uses and the outlooks and activities which structure and define their use, which is the generative principle of stylistic creation in a subculture. This involves members of a group in the appropriation of particular objects which are, or can be made, '*homologous*' with their focal concerns, activities, group structure and collective self-image – objects in which they can see their central values held and reflected.

¹⁷ The notion that pleasure is simply interesting as an element in a cost-benefit calculation gives a rather narrow and limited view of the role of emotionality and morality in risk-taking. While pleasure is central to Bentham's

utility principle ('Nature has placed mankind under the governance of two sovereign masters, pain and pleasure'), Bentham conceives of pain and pleasure as concrete objects which can be added and subtracted, and hence quantitatively measured. For Bentham, the balance of pleasure and pain determines the rightness or wrongness of an action. He makes no qualitative distinctions between pleasures. The quantity of pleasure being equal, 'pushpin is as good as poetry', is his famed example. For Miller's (and Katz's and Lyng's) risk-takers, conversely, the feeling of pleasure is a subjective state of mind that cannot be perceived or measured by an external observer, but only related by the risk-takers themselves, who are engaged in symbolic interaction. Moreover, the pleasure reported by Miller's risk-takers results from an absence of *boredom* (a subjective state of mind) and not pain.

¹⁸ Compare Becker (1963: 9): "deviance is *not* a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender". The deviant is one to whom the label has successfully been applied; deviant behavior is behavior that people so label." And also Quinney who 'brings the state back' in the analysis of criminal behaviour (1970: 207): "No behavior is criminal until it has been so defined through recognized procedures of the state. In this sense criminal behavior differs from non-criminal behavior only according to the definition that has been created by others. It is not the quality of the behavior, but the nature of the action taken against the behavior that gives it the character of criminality." And finally Jeffery (1972: 485): "It is not the intrinsic nature of my action that produces the sanction which follows, but the fact that the act violates the rule which forbids it."

¹⁹ Sykes' and Matza's techniques enable offenders to neutralize what social psychologists call 'cognitive dissonance'.

²⁰ *Analytic induction* is a research logic with a lineage that dates back to influential Chicago School thinkers such as Herbert Blumer and Edwin Sutherland. These authors emphasized the importance of the negative case, which falsifies the hypothesis, as the key to advancing scientific knowledge (Becker 1998: 195). Canonical studies within this tradition include Lindesmith's (1947) study of opiate addiction, Cressey's (1953) on embezzling, and Becker's (1963) on marijuana use (see Becker 1998: 194-212 for an overview). Becker (1963) did not think that patterns of marijuana use could be explained by the standard physiological and psychological theories. He set out to explain the voluntary action of marijuana use for pleasure, coming up with a three stage process: learn to ingest properly; learn to recognize effects and attribute them to having taken the drug; and learn to enjoy the effects. When a fellow musician confided to Becker that he smoked 'not to look like a square', Becker (1963: 44) dropped the case from his sample, describing it as a case "in which marijuana is used for its prestige value only, as a symbol that one is a certain kind of person, with no pleasure at all being derived from its use." This illustrates how particular cases may be discarded so that the final model derived from analytic induction applies to all cases. It may also be necessary to refine the model or redefine the phenomenon under investigation as negative cases are encountered throughout the research process.

In investigating the phenomenological foreground of crime, Katz draws on the symbolic interactionist tradition in the sociology of deviance. Katz (1988: 325, fn. 1) acknowledges this when, in a footnote, he cites Howard Becker and David Matza as two of the rare authors who have "taken up the challenge in explaining the qualities of deviant experience" (see Katz 1983 for a detailed discussion of qualitative methodology).

²¹ Compare Matza and Sykes (1961: 718): "the existence of juvenile delinquency in the middle and upper classes poses a serious problem for theories which depend on status deprivation, social disorganization, and similar explanatory variables."

²² See especially the special issue on cultural criminology in the academic journal *Theoretical Criminology*, 8(3) and the more recent collaboration by Ferrell, Hayward, and Young (2008), *Cultural Criminology: An Invitation*.

²³ To be fair to Katz's method of analytic induction, we could simply discard these cases as instances of shoplifting where the motivation is exclusively material. Katz's sneaky thrills model is not meant to apply to all cases of juvenile property crime, but only to the ones considered in his sample, which, as we have seen, is mostly comprised of affluent university students. In positivist methodological terminology, we can defend Katz's account of sneaky thrills by asserting that it aims for idiographic validity, not nomothetic explanation.

²⁴ Cf. Aldous Huxley (1954/2009: 62) who years before had written "That humanity at large will ever be able to dispense with Artificial Paradises seems very unlikely. Most men and women lead lives at the worst so painful, at the best so monotonous, poor and limited that the urge to escape, the longing to transcend themselves if only for a few moments, is and has always been one of the principal appetites of the soul. Art and religion, carnivals

and saturnalia, dancing and listening to oratory – all these have served, in H. G. Well’s phrase, as Doors in the Wall.” Perhaps we should say that, for edgeworkers, bodily and criminal risk-taking are doors in the wall.

²⁵ A comparative study of Stephen Lyng and Abraham Maslow (1993/1971, 1994/1970,) – the famous psychologist who coined the term ‘self-actualization’ as well as the well-known concept ‘hierarchy of needs’ – might yield some cross fertilization between the sociology of edgework and the psychology of ‘peak experience’. This could promote conceptual clarity and perhaps even conceptual innovation.

²⁶ For debates on the gendered quality of risk-taking in edgework, see Eleanor Miller’s (1991) critique of Lyng and his response in the same issue (Lyng 1991), O’Malley and Mugford (1994: 206-208), Hargreaves (1997), Walklate (1997), Lupton (1999: 157-163), Chan and Rigakos (2002), Lois (2005), Lyng and Matthews (2007), Batchelor (2007), Laurendeau (2008), and O’Malley (2010: 75-79). A critical analysis of these debates remains a task for future research.

²⁷ *Species-being* is a concept that the young Marx borrows from Feuerbach but which he drops from his conceptual apparatus in his later scientific works. Hence the epistemological break between the younger ontologically humanist Marx and the older non-humanist Marx. Young Marx had a model for humanized labor in which the product would no longer dominate the producer, the thing the person, the object the subject. In an ideal communist society, labour would be an end in itself. “A *species-being*” writes Kain (1982: 83, 88), is

a being for whom the species can be the object of both thought and practice. This distinguishes the human species from animals; it identifies the human essence, or human nature. Human kind is able to conceive the species as a whole (i.e., to conceive universal or general ideas), whereas animals can conceive only particulars. The species can also be the object of practice; humanity as a whole can be the object or goal of human activity. The development of the species toward its end is brought about by its own consciousness and activity.

The species must consciously direct this process [of objectification] toward the goal of benefiting or improving the species as a whole. In this way the object, in the sense of the purpose of the species, also becomes a universal. Only in this way can the species be free. The species will be consciously *self-determined* toward a universal end, toward itself as universal. This does not imply a fixed, static, asocial norm toward which the species must strive. The goal itself is this very process of free activity and development. The goal is conscious, collective, self-determined, and purposive life activity. Lacking this, the species will be driven by need, dominated by the process of production, and controlled by the laws of social interchange – its members will scarcely be better off than animals. The animal is one with its activity; it produces under the domination of immediate need. It is a slave to nature. Man can make his activity the object of will and consciousness. Men do produce when no longer dominated by physical need and truly produce only in freedom from need.

²⁸ Quoted in Williams (2008).

²⁹ Katz (1988: 324) echoes this when he concludes his *Seductions* by noting the “piercing reflection we catch when we steady our glance at those evil men.”

³⁰ Cited in an interview posted online at <http://www.filmakermaganize.com/issues/summer2008/manonwire.php>

³¹ [Stallybrass and White 1986: 188] In *The Civilizing Process* Norbert Elias charts a gradual raising of what he calls ‘the threshold of shame and embarrassment’ until the nineteenth century. He shows how aspects of the body, its secretions and fluids, which had formerly been acceptable even to court élites and afforded no particular social or psychological difficulties in manners or conduct, were first projected as characteristic of the ‘bestial’ lower orders and then gradually expelled from the culture altogether.

³² [Stallybrass and White 1986: 22, 191] The classical statue has no openings or orifices whereas grotesque costumes and masks emphasize the gaping mouth, the protuberant belly and buttocks, the feet and the genitals. In this way the grotesque body stands in opposition to the bourgeois individualist conception of the body, which finds *its* image and legitimation in the classical body. The grotesque body is emphasized as a mobile, split, multiple self, a subject of pleasure in processes of exchange; and it is never closed off from either its social or ecosystemic context. The classical body on the other hand keeps its distance. In a sense it is disembodied, for it appears indifferent to a body which is ‘beautiful’, but which is taken for granted.

The division of the social into high and low, the polite and the vulgar, simultaneously maps out divisions between the civilized and the grotesque body...[These divisions] cut across the social formation...in such a way that subject identity cannot be considered independently of these domains. The bourgeois subject continuously defined and re-defined itself through the exclusion of what it marked out as 'low' – as dirty, repulsive, noisy, contaminating. Yet that very act of exclusion was constitutive of its identity. The low was internalized under the sign of negation and disgust. But disgust always bears the imprint of desire. These low domains, apparently expelled as 'Other', return as the object of nostalgia, longing and fascination. The forest, the fair, the theatre, the slum, the circus, the seaside-resort, the 'savage': all these, placed at the outer limit of civil life, become symbolic contents of bourgeois desire.

³³ An ethic is “a way of knowing, seeing, living, and experiencing human existence and the relationships that human beings maintain with themselves, others, and their world. Having an “ethic” – being “ethical” – reflects a commitment to certain ways of being and ways of relating, a valuing of certain forms of experience, a preference for certain things over and above others, and an underlying motivation to pursue these commitments, values, and preferences” (Williams 2006: 170).

³⁴ M.H. Abrams (1971) refers to this indwelling spirit as the *lamp of expressivism* in contradistinction to the *mirror of neo-classicism*.

³⁵ Cited in an interview posted online. See fn. 30.

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