

Post-Modernism and Social Justice⁽¹⁾

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June 1997

This paper examines one recent mode of theorising justice issues that claims to offer an alternative to modernist and socialist discourses. Beyond plausible critiques of positivism and errors of omission and commission in mainstream and critical justice theorising, which reflect a parallel theoretical model within modernism, the central concern of the paper is the extent to which such a post-modern and post-critical discourses presents a model of social change which can be considered progressive.

Specifically, I intend to examine some of the arguments developed by Stuart Henry and Dragan Milovanovic in their recent text, *Constitutive Criminology: Beyond Postmodernism*⁽²⁾ (1996). Initially, however, some of the foundations of Postmodernist thinking need to be examined.

Postmodernism would appear to be fueled by three contemporary developments: the decline of the left with its attendant intellectual despair, the rejection of the western philosophical tradition of industrialism, scientism and liberalism, and an interpretation of global transformations in the political economy. The last of these, as what some Marxists might regard as the material foundation for the other two ideological trends, is, not unexpectedly, the least developed aspect of Postmodernist thinking.

The failure of the "left"

Some claim that Post-modernism is fueled by the failure of Marxian-inspired State socialism (Henry and Milovanovic, 1996: 4). I think this is more true in a negative sense; that is, that the failure of state socialism to offer first, an attractive, and later even a viable alternative to western capitalism disinclined otherwise liberal intellectuals to adopt a socialist model. For Marxists, most of them had abandoned the view that the Soviet Union represented "socialism" at many different crisis points during the twentieth century. At best, the failure of actually-existing socialism is a reinforcing backdrop for the Postmodernist turn.

The real failure that is reflected in Postmodernist nihilism is not in the east but in the west - the failure of both new-left radicalism and social democracy, most notably in France, where much Postmodern theorizing originated. For new leftists, it is a small step from abandoning Marxist theory to abandoning theory altogether although, it should be noted, this is true of only the most radically anti-foundational Postmodernists. For other Post-Marxists, the transition was to a thought rooted in Nietzsche (Henry and Milovanovic, 1996: 4). For social democrats, disillusionment with socialism-in-power is a theme which both Canadians and Europeans can unhappily embrace. What, then, can be made of the election of Tony Blair in Britain, the revival of the Socialist party in France, and even the modest NDP break-through in Atlantic Canada? While progressives of all stripes seem elated in the short run, a case can be made that these events represent the demise of social democracy, not its renaissance; the transformation of social democracy from an ideological alternative to capitalism (which is the extent of its earlier

manifestation) to what one can hope is a more humane managing of the dismembering of the welfare state.

Rejection of Enlightenment Philosophy

Both Marxism and Social Democracy rest on a philosophical foundation inherited from the era of the Enlightenment. Postmodernism is, initially and fundamentally, a critique of the Enlightenment and of scientific positivism. The *Philosophers* of the Enlightenment argued that the world could be understood and both "truth" and "justice" could be discovered on the basis of the universal principle of reason. The application of scientific principles to social life would uncover the laws of society, making human life predictable and social engineering practical and possible.

Postmodernists argue that this claim for the universality of reason was ethnocentric in that it privileged one western view of the world while discounting other views, including alternative voices in the west as well as world views which originated in non-western societies. Given European evolutionary views of social change, in this view, difference became defined as necessarily backwardness (Kiely, 1995: 153-154).

Western models were defined as "true"; pre-colonial models were "false". Hence, truth claims were part of a relationship of domination, a claim to power. Given the history of colonialism, neo-colonialism and globalisation, as well as the environmental destruction and alienation they brought in their wake, this critique reverberates with an alternative truth and not merely righteous indignation and moral superiority. This, however, begs the question on what basis competing truth claims can be judged.

Truth and falsity, for the Postmodernist, are purely relative; each culture has its own standard for judging truth that is not inherently superior to any other. As Einstadter and Henry (1995: 278) assert, in the social sciences (a Postmodern contradiction in terms), Postmodernist analysis is a method to uncover how the world around us is made to appear real, "thereby questioning that it is real in truth or fact, or that there is any way of making such judgements" (quoted in Henry and Milovanovic, 1996: 4). No truth claim, and certainly not Enlightenment scientism, rests on any more secure foundation than any other. No knowledge claim is privileged. Each rests ultimately on philosophical assumptions, axioms and values that can not be easily refuted. Scientific skepticism about spiritualism, for example, is based on a bracketing of the spiritual -- setting it aside on the grounds that science cannot deal with a supernatural claim - rather than on an ability to disprove it.

The main weakness of relativism, which is well recognised, is that it offers no basis for evaluation. All claims are valid, all social practices are merely cultural variations, neither inherently inferior nor superior to any other. This extreme relativism is at the root of the view that Postmodernism is progressive and at the same time exposes its reactionary character. Relativism does not challenge the status quo. On the contrary, as Kiely (1995: 155) argues, the appeal for tolerance and pluralism "at its worse . . . simply ignores, or even becomes an apology for, all kinds of oppressive practices." As the twist on Descartes puts it, for Post-modernists, "I think, therefore, whatever." In this regard, relativism becomes an apology for all kinds of practices that violate our sense of human and social rights. Clearly, there are implicit value

judgements in the definitions of "oppressive practices". The fundamental question becomes on what basis we can make relative and tentative claims for truth. I mourn the victims of the Tiananmen massacre. I don't claim that it didn't happen, as Baudrillard might be accused; nor that it represents merely different valuations of individual and social rights.

For my part, I am unwilling to equate truth claims. For example, I am willing to accept the "fact" of the recent visit of the Hale-Bopp comet as making sense of what I observed nightly in the western sky. I don't put the truthfulness of this assumption on the equivalent footing with the claim that there was an alien space ship on the distant side, using the comet to shield it from earthly detection. At the very least, this latter, other-worldly assertion had consequences I am willing to assume were pernicious. Bracketing certain unverifiable claims to truth is not the same as ignoring the social consequences of such beliefs.

On the other hand, the potentially progressive point of relativism is to challenge thinking in the west - to challenge the absolutist assumptions of the superiority of, for example, western economics and capitalism (Kiely, 1995: 155). Here, we locate the third foundation of Postmodernist (or the first, it may be claimed): transformations in the modern political economy.

Postmodern Political Economy

For Henry and Milovanovic (1996: 4), the new Postmodern era is characterized by a shift of production "from manufacturing goods and services for their usefulness to the production of goods and services valuable only for their image" - from a manufacturing society to a service, consumer and information society. This era is also characterised by "materialism and informational communications rather than social relationships."

These brief observations suggest that only the most superficial changes in the structure of global capitalism are envisioned. They also betray a certain ethnocentrism, projecting some of the changes in the political economies of the most advanced industrial societies, such as the growth in information technologies and the centring of research and development in the first world, onto developing societies where the actual practice of global capitalism is quite different. Are China and India "consumer", service-oriented societies where "the old class-interested order . . . has been replaced by the postmodern clusters of its consumer order [where] . . . no longer socio-economic relations but discursive relations become central" (Henry and Milovanovic, 1996: 55)? Does Postmodern theory assume that the advanced societies merely show the developing societies the image of their own future?

Introduction to Constitutive Theory

Constitutive Criminology offers more than only an "affirmative" theory of crime. Of interest to social thinkers generally is the "constitutive" social theory underlying the approach to criminology which Henry and Milovanovic develop from a number of Postmodernist sources, most notably, Chaos theory. Modernist social theories are outlined and castigated, as in Postmodern analyses generally, as embodying a metaphysics which privileges particular discourses while silencing others and serving to recursively reproduce crime and other social harms. Specific modernist theorists are partially resurrected by the authors to the extent they

anticipate Postmodern critiques. Notable here would be Giddens, whose theory of structuration posited a contingent social structure recursively reproduced by human agency, Friere's dialogical pedagogy which emphasised the transformative powers of speaking "true words", and Matza's conceptualisation of delinquent "drift", interpreted as indicative of a state of maximum indeterminacy.

What the author's term "sceptical" Postmodernism is useful critically, in the deconstruction of modernist assumptions, but not constitutively since its radical anti-foundational stance leads nowhere other than to nihilism. Such a position is "an evasion of critical scholarship" (: 64). Henry and Milovanovic's integrative approach builds on an "affirmative" Postmodernism that takes seriously the contingent "virtual" realities that are socially constructed through interaction and discourse.

Constitutive Criminology develops a self-consciously "utopian" and "romantic" vision of social change which the authors claim is necessitated by the failure of modernist-inspired change, principally Marxism. Constitutive theory, which is "beyond" both (sceptical) postmodernism and Marxism, is touted as a progressive alternative to both.

The authors chose to structure the text conventionally, developing constitutive Postmodern positions on the human subject, social structure, law, definitions of crime, and causality, followed by the policy implications of their analysis and practices consistent with this policy.

Overall, I found the argument quite dense. Remaining wedded, instead, to a critical Marxism, my understanding of Lacan and chaos theory, for example, is confined to what Henry and Milovanovic chose to reveal in their book. It was a vertical learning curve that I only partly navigated successfully. In fairness, the authors go to some pains to present their versions of others' texts in accessible ways, repeating meanings and reiterating points throughout, while respecting the complexity of the conceptualisations. At many points, examples help to illustrate the abstract arguments. Rather than simplifying the discourse to make it understandable (for some but not others), the authors' use an alternative discursive analysis to emphasise potentiality and change. The authors' challenge, then, is to understand the new.

The human subject

According to affirmative Postmodernists, the human subject is one or a number of ideological constructions, "mere illusion" (: 27). They are discursively constituted and therefore transient, emergent, subjects-in-process. Given this assumption, constitutive theory is concerned about "the power of thought through discourse to create a convincing truth claim about the reality of any subject". This begs the question of what makes such a claim "convincing". Henry and Milovanovic imply that a convincing truth is developed through critique of existing models and the development of an argument which makes intellectual sense when depicting human action. For Henry and Milovanovic, "the totality of human biography . . . is discursively constructed in particular culturally and historically specific societies" (: 38). Reductionist abstractions are caricatures of "human subjects" who are "social projects in their own making" (: 38). Consequently, "Newtonian physics, Aristotelian logic, Euclidian geometry and the linear causality they presume" (: 35), which are no longer even acceptable models for physical science,

are incapable of incorporating human agency as, minimally, an equal component of understanding the human subject. As in the physical sciences, which are developing complex alternative models for processes in motion, such alternatives as Chaos Theory do provide a more appropriate model for what is termed the "social sciences".

Drawing on the Postmodern image of the de-centred subject, human agents have a multifaceted nature that is both unique as well as socially and discursively constituted. Following the insights of quantum mechanics, which asserts it is impossible to simultaneously specify velocity and location, humans are subjects-in-process (: 11). Human subjectivity is "emergent, contingent and revisable" (: 12). Subjects are continually recreating themselves while simultaneously continually recreating the social context that shapes their identity and potential as well as the identity and potential of others. This context is structured through discourse. Human agents are all "investors" in constructing their version of reality. Minimally, then, as Marx asserted, "'the human essence is no abstraction inherent in each single individual. In its reality it is the ensemble of social relations'" (1968: 29; quoted in Henry and Milovanovic, 1996: 26).

At this stage, Henry and Milovanovic are more interested in depicting alternative, Postmodern models of human agency (such as Chaos Theory) than in explicating further what was noted above as "particular culturally and historically specific societies". This point is never followed through. In fact, such analysis is implicitly denied in favour of "replacement discourses", as discussed below.

In this view, the Hegelian/Marxian notion of praxis must be abandoned in favour of "the richer notion of transpraxis" rooted in Nietzsche. Henry and Milovanovic define Praxis as "purposive social activity born of human agents' consciousness of their world, mediated through the social groups to which they belong". Praxis assumes dualistic forms, such as negation/affirmation. Hierarchies are often reconstituted through negation; they are subject to deconstruction through affirmation. "Transpraxis assumes that critical opposition must be aware of the reconstitutive effects - the reproduction of exploitative relations of production - in the very attempts to neutralize or challenge them" (1996: 8).

Structure

Unlike modernist conceptions of structure which posit an underlying "reality" which can be apprehended empirically, according to affirmative Postmodernism, structural contexts are discursively constituted. Discursive practices produce culturally and historically specific representations (images) which are imbued with object-like reality and attain relative stability. They then become the co-ordinates of reconstructive action (based upon and upholding specific agents' version of these images) which reproduce the representations. Consistent with phenomenology, what are defined as "social structures" are not based on "real materially grounded social forms, but on the categories of classification of the events that they allegedly represent." Routine, every-day constructions and "activity organised in relation to" such structures, make them seem real, "concrete entities". Once constituted as image, "reality" is reproduced, often unwittingly, in everyday discourse, giving structures a sense of stability "that subordinates its unwitting users to the powerful effects of domination by orchestrated categories of reality, as well as by the logic of the discursive practices that they use" (: 52).

In this process, other representations are silenced or denied and the human agency that constituted the contingent and transitory "reality" is hidden (: 40-41). While discursively constructed, these social structures are intricately interconnected, constitutive interrelational sets which constitute and inhabit each other; they exist in a dialectical flux which is, in principle, unstable and unpredictable. At any instance, however, certain depiction's gain ascendancy and are strengthened by social action which is undertaken in relation to them. Social actors "invest" in these depictions; they organise action to defend specific representations, giving them the appearance of stability and, hitherto and presently (though not necessarily), producing the dynamics of subordination and oppression. What is created, then, is a discursively constituted "virtual" society. In principle, however, instability is the norm for social structures; local knowledge reveals the gaps, the fissures, the silences, between the inter-connected structures.

On the one hand, then, built into this perspective is the motor of social change: orchestrating competing and, might I describe as "liberating", discourses and, hence, alternative realities. This leaves two questions: the basis for opportunities for change and the social agents who will bring change about. To simplify Marxism, for example, the laws of motion of capitalism create contradictions that become the fault lines upon which the system founders, creating the opportunity, even, in some versions, the necessity of change. And it is the proletariat who occupy the strategic material and ideological location to effect the change. In Postmodern theory, "initial states are always uncertain and undecidable . . . and . . . iteration over time produced disproportional effects", the outcome of any development is necessarily unpredictable. Inevitably, "cracks and slippage always exist" providing "the basis for strategic intervention" (:62). "[L]ocal knowledge is superior to global theory because, far from reinscribing differences that have marked oppressed people as inferior, it reveals fissure lines marking the interests of the oppressed as different from those of the people in power" (Hayles, 1990: 212-213; quoted in Henry and Milovanovic, 1996: 68). Micro-interactions provide contradictory evidence potentially disrupting "abstractly constructed distinctions". Action is then organised to defend the representation. In the end, according to constitutive theory, structures and well as subjects possess "relative autonomy" while being co-dependent (:69).

The human subject is a "role-maker", patterned in overall behaviour (complexly so, occupying a variety of discursive subject positions), "yet indeterminate in any specific act". This "recovering subject . . . can simultaneously de-identify with a social position . . . and engage in re-identification with others . . . and engage . . . in the co-production of 'contingent universalities' . . . that provide provisional bases for social action" (: 70, my emphasis). The subject "can"; the question is, why would the subject re-identify, and with what?

Crime and harmfulness

Consistent with affirmative Postmodern interpretations, crime and harmfulness are discursively constructed categories that are, nevertheless, "real" in their consequences. Particular relatively stabilised social forms (constitutive interrelational sets) provide the basis for two types of harms (crimes): harms of reduction, which occurs when a social agent experiences a loss of some quality, and harms of repression, which occur when a social agent experiences a restriction from achieving a desired end. Crime is the outcome of an agent's "investment" in constituting a difference which, through the exercise of "disrespecting" power over others, denies their full

humanity and, thereby, renders them powerless to constitute their own differences. Far from being confined to "law", in this expanded view, the exercise of power is the genesis of harms of all types and, hence, of crime. Law merely legitimises existing social relations of power. Crime, then, is a contingent "universality": Victims are numerous but are constituted contingently, relative to historically specifiable relations of power. Power itself is produced and maintained through ideology, through discursive practices. While all humans invest in their respective constructions of reality, some become "excessive investors", conflating socially constructed differences with differential evaluations of worth, reinforcing a social hierarchy while suppressing others' co--production, rendering them silent.

Causality

With respect to causality, given the complexities of existence and the fundamental indeterminacy of causal relations, affirmative Postmodernism again turns to Chaos theory for an image of a complexly dialectical theory. Constitutive dialectics envisages numerous inter-penetrating relational sets that co-exist and mutually interact, each with their own logic that, at any time, can be complementary or antagonistic to the others. Each has an influence on any given, transitory outcome, although one may be dominant, most influential at any given time. All of these inter-related sets co-exist in a flux that is in principle unstable; they feed-back upon each other and, at any given moment, the outcome is unpredictable. Human subjects exist within a fluid and dynamic set of discursive subject positions - dialectical chaos -- within which they take action, constructing reality and recursively constructing themselves and others. At any given point, what appears to be global stability masks an underlying local indeterminacy where what appear to be insignificant factors may have disproportional effects. One vote may, in this view, make a considerable difference.

Certain of these complexly inter-related sets involve the logic of domination; in a given historical period, certain ideological practices and institutional processes which sustain differences of power are celebrated and sustained, legitimating the conception and construction of those agents who objectify and harm others. Social critics who remain wedded to the discursive practices of contemporary criminal justice, for example, address and thereby unwittingly reproduce the constitutive practices that maintain the oppressive "reality".

While these discursive practices divide and separate people, invoking unequal evaluations and hierarchies of power, they exist in an uneasy tension with alternative and silenced conceptions. In a sense, then, conceptions of social reality are the outcome of struggle. Adopting "modernist" terminology, "variables" are never simply discreet but exist in interrelation with other "variables", mutually constituting each other. Hence, change in one "variable" necessarily affects all others. Furthermore, the points of intersection of these "variables" represent points of maximum indeterminacy, the points that are central to the analysis of constitutive theory.

The "virtual society", then, may have the appearance of a monolith in which continually emergent discursive practices are reproduced, resulting in relatively stable meaning constructions. But in the very reflexive reordering of social "reality" lies the opportunity for social change.

Alternative Discourses

In the medium and long run, constitutive theory proposes that current constructions that are productive of social harms need to be replaced with alternative discourses. This is not a matter of substituting genuine truth for a false truth or recreating another "master" discourse, but it does recognise the necessity for practical and effective agency for their to be certain "universals", albeit of a contingent and provisional nature. Such "replacement" discourses not only deconstruct assumed "truths" but have to provide "alternative visions", alternative "virtual realities" invoking a multiplicity of resistances (p. xi). Such visions are to be the outcome of an agent's (a "cultural revolutionary's") conscious investment of energy in the engendering of alternative discourses and in the resurrection of those voices of the marginalized which do not simply mirror the hegemonic. The cultural revolutionary does not generate these visions alone - producing a "master" discourse. They must be developed in a dialogical encounter with others, reclaiming silenced knowledges.

Transformative Practice

The justice practice of constitutive theory involves three micro-technologies, the first of which is to intervene at the generative sites of discursive production, principally the mass media. Cultural revolutionaries must invoke an alternative image of the total constitutive process as well as of the excluded, silenced parts, in an environment dominated by an hegemonic discourse. "[N]ew discursive orders are always in process, and are forever incomplete"; but "influence can be exerted on their emergent form" (:186). Replacement discourses are part of a prevention policy (:187). Replacement discourse, rather than being oppositional, which utilises and thereby reinforces existing conceptions and virtual realities, deconstructs "prevailing structures" and replaces them with "new conceptions, distinctions, words and phrases, which convey alternative meanings" (:204). The site of struggle is primarily "public debate . . . through the news media and popular culture" (: 205). Replacement discourses derive from several perspectives, including "Lacanian, Freirian, feminist, [and] social constructionist", empowering alienated subjects while avoiding the reconstitution of "dominant symbolic arrangements (hegemony)." The authors cite Sutherland's broadening of the conception of crime to include white collar violations as an example of a successful replacement discourse (: 204).

Cultural revolutionaries must eschew "master discourses", and engage in a dialogical encounter "in which the sender and receiver of the message find themselves alternatively within each's discursive subject position". In this "speaking true words", action and reflection are combined because it is a means of changing the world. Essentially what Henry and Milovanovic mean here is that the process of *conscientization* "decodifies key signifiers" and connected with a "socio-political reality". The oppressed are distanced from what was and develop "authentic abstractions", or visions of what could be". "Alternative visions are connected with alternative realities" (: 209). The question here, though, is how they are connected. The question of political mobilisation is left, by default, to spontaneity. In other words, merely creating the ideational representation is itself the crucial step in social change. This point is made again below in the image of the future society Henry and Milovanovic present, a version of "superliberalism".

Furthermore, Henry and Milovanovic maintain, "we need alternative discourses grounded in political economy" (: 205). Again, as noted in several places here, what is meant by political economy is left unspecified, other than, in this instance the following: "one version of this is a narrative therapy" (: 205). That version is discussed below.

The second micro-technology is based on pacifism, the rejection of the view that it is necessary to use power or force to effect social change. By the definition of the authors, any excessive investment in the use of power is "crime" because someone is clearly harmed. What are necessary, then, are peacemaking activities that will transform the practices and ideologies of previous "excessive investors" in power and, thereby, actually reduce the incidences of power as crime. Peacemaking criminology such as sentencing circles, or restorative justice (forms of social judo) represent examples of contemporary developments consistent with this approach. Certain other practices which have evolved within the criminal justice system provide examples of successful "replacement discourses" operating among those conventionally defined as criminal. The authors claim that the "democratic participation" concept in the prison and in the community, structures alternative, respectful conceptions of inter-relationships and replaces individualism with co-operation. Alternative discursive frameworks and constructions of reality are generated in these settings (: 222-224).

Some recalcitrant excessive investors, impervious to these collective solutions, might benefit from "narrative therapy", the third micro-technology, mentioned as a "version of an alternative discourse grounded in political economy" above. The dominant narratives which have shaped the agents' constitutive work are deconstructed and they are assisted in developing "liberating life narratives" which redirect their constitutive investments in inter-personal relations. Both victims and "excessive investors" must become "recovering subjects" who are conscious not only of the constitutive nature of "virtual reality" but of their role in engendering and potentially transforming it. Transformation occurs in a complex interaction in which all agents are changed in a complexly reflexive and ultimately unpredictable way.

Ultimately, social conflict is necessarily ubiquitous. What is required is a dynamic social process that repudiates the search for consensus while limiting the harms of excessive investors. This is a delicate matter. On the one hand, it is necessary to develop informal, non-state forms of conflict management (not resolution) which would serve to shrink the formal state apparatus; on the other hand, such an apparatus must be maintained at the minimum level necessary to prevent new forms of domination, new definitions of "difference" which entrench novel forms of oppression.

Postmodern Political Economy

These local, micro-level interventions have to be included in a strategy that also transforms discursively entrenched state and institutional structural systems (p. 235). The authors, then, develop a vision of a Utopian political economy in which "humans have a genuine power of self-determination". Maximum human freedom exists in a constituted set of social interrelationships that are in a state of disequilibrium. Social order is always open, subject to change. In such a political economy, no system of domination or dependence can be entrenched. Rather, the conditions are maximised for the creation of alternative discourses and the reconstitution of subject positions. For example, even presently these conditions may be approximated by "job

enrichment", the rotation of subject positions, thereby minimising the tendency to adopt a narrow discursive framework. Writ more widely, such de- and re-identification helps generate a transformative consciousness which rejects dominant subject positions and informs social struggles against inter-penetrating forms of domination. The result is mutual privileging of multiple groups that strive for the production of new, alternative signifiers, and struggle to realise their versions of "reality". In this respect, *Constitutive Criminology* builds upon social movements' analysis. (The book is dedicated to: "The resurrection of subjected knowledges and the reclamation of impoverished souls"). New structures that take form are, however, contingent and transitory and infinitely revisable. Rather than striving to achieve an impossible (and undesirable) new consensus, social conflict is ubiquitous, socially managed in a way that prevents excessive investment. To achieve this necessary protection, certain principles must be maintained in an empowered democracy (the recognition and protection of fundamental rights) in order to prevent the reconstituting of conditions of oppression.⁽³⁾

This vision of liberation entails both cultural and discursive changes as well as a "materialistically based change in socio-economic and political conditions" (p. 239). Virtual reality may be discursively constructed, but it is constructed in a way that entrenches the powerful position of certain "excessive investors". Social change is not simply brought about by a change "in their heads" because social practices construct relatively permanent institutional orders. However, it is through the struggle of agents occupying discursive subject positions that social change must be directed. Replacement discourses must inform changed practices that construct alternative inter-relational sets of a transitory kind. Mindful of the impracticality of "extremely radical" reforms which "neglect the force of existing totalities", this super-liberalism envisages a "transitional redistributive principle where both the well-off and the disenfranchised are benefited" (emphasis in original). Employees, for example, would build equity in corporate stock, eventually becoming co-owners of their corporations (p. 243n). It certainly isn't clear how this will benefit the most well-off. It might benefit them more than a radical alternative, of course, but Henry and Milovanovic do not envisage such a threat. As with any such scheme, the unanswered question is how the "excessive investors" in corporate power will react to threats to diminish their control and their excessive consumption of material goods.

In sum, *Constitutive Criminology* presents a model of the creation of social "reality" which is built from micro interactions, a vision of a "utopian" society existing in far from equilibrium conditions and, in between, some relatively undeveloped practices to move from the present to the future. Ultimately, my reservations about this theoretical set will reflect my "modernist" biases.

Materiality

Human action is materially transformative. The time and space in which humans learn and develop conceptual practices is structured by hegemonic discourses which are contextualised in a materially constructed environment which has a physical reality independent of conceptions about it. The actual constitution of this materiality reinforces hegemonic conceptions, making them seem natural and inevitable, shaping and influencing the agency of humans within them. The physicality of the world humans (some more than others) have constructed makes certain practices and discourses more probable. Furthermore, humans, as physical creatures, orient their

actions to the material world. No doubt money is merely an ideational representation. A \$1,000 bill, for example, is only valuable within a set of socially constructed meanings. But it also represents a material share in real resources, real things to which people orient their actions and interactions. Like sex, consumption is a sensuous, physical act. Postmodernists might "do it in their heads", as Henry and Milovanovic suggest, drawing the phrase from a bumper-sticker, but that only suffices for the most platonic (as opposed, perhaps, to the Aristotelian) among us.

The transformation of structures is as necessary as the transformation of consciousness and needs to be undertaken deliberately, consciously. Henry and Milovanovic point out, in a number of places, that not only discourse but also structure needs to be changed. But in their view, alternative discourse is itself transformative action. Given the fundamental indeterminacy principle in their version of social reality, social change is not just a real crap shoot, which to some extent it is, but is in principle so. Theirs' is not a theory of social change, then, but only an image of social reality within which change is ubiquitous.

Theorising Political Economy

Constitutive theory is built on a vision of a post-industrial order in the developed "west" where "information" and knowledges replace in importance material production. It is within the "academy" (the epitome of post-modern society) in the over-developed world that discourse analysis has achieved some ascendancy among critical intellectuals. In my view, insufficient attention is given to the material basis of this specific social order. Analysis should be grounded in a materialistic analysis which is based on the production and distribution of the physical necessities of life in the global era in which the over-developed world occupies a particular place (research and development - information and knowledge) in the global division of labour. This would mean developing such concepts as global "political economy" which the authors use without theoretical elaboration.

Theorising the State

The "state" is also under-theorised, although in their critique of anarchism, the authors indicate that there would be the need for some central authority to protect the necessary rights in the super-liberal social formation. Social hierarchies may be based on many definitions of "difference". Access to economic wealth, for example, is not the only form of domination. In the socialist revolutions of the 20th century, access to political and ideological power consolidated a new dominant, exploitative group. It would still be useful, I would argue, to theorise the forms of power which result in a dominant form of oppression in any given social formation, without assuming that they must be identical in all other times and places.

Theories of political economy and of the state allow the identification and targeting of certain "excessive investors" in their version of social reality without assuming that all excessive investors are the same. Those with control over more (material) resources, as well as investing excessively in representations which reinforce their particular (and oppressive) interests, do more to shape social reality, within which less powerful people have to function, than those subject to such material power. In other words, there is an important - if not exclusive - truth to the claim that power grows out of the barrel of a gun.

Definition of Crime and Social Harms

The definition of crime is all-encompassing. Any instance of "excessive investment" is in principal similar to any other. This has the benefit of theorising multiple harms that are ordinarily disregarded as crimes. Particularly, it can be said to include the every-day economic harms of the powerful that result from the routine operation of the logic of capital. This all-inclusive definition, however, makes it difficult to theorise a more particular definition of "crime". It would seem to me to be useful to theorise the difference between the harms that are recognised and defined as crimes in a particular constellation of constitutive relational sets and those harms that are ignored or deemed lawful. A political economy approach must theorise the kinds of harm which are consistent with the logic of capital and are perpetrated by those in command of the resources which the majority of people need to live (however variable and socially relative people's material needs are).

Postmodern Social Practice

The examples of practices consistent with constitutive criminology are drawn from interventions that are directed at conventional definitions of harm (the narrow definition of crimes). The major generative source of harm in the new economic order, however, is the actions of those "excessive investors" who have privileged access to the resources of power - dominant groups in charge of the state and trans-national corporations. The usual answer to obliging the powerful to accept social change is to subject them to counter-power. This strategy is negated by the author's pacifism. Minimally, the utopian, romantic vision of change that includes the privileged, those who benefit materially from the hierarchical "virtual" society that they have constructed, remains undeveloped.

Constitutive Criminology represents the evolution of the theorising of two major figures in the Postmodern tradition. It builds on the previous work of both Henry and Milovanovic while representing a stage in an as yet unfinished project. It is a stimulating book, raising issues that must be confronted by scholars in the empirical, romantic and Marxist traditions of modern theorising. I remain sceptical of the efficacy of social change having its source in the activities of the academy. Ultimately, then, having eschewed the notion of a progressive vanguard (either in class, gender or racial terms, or as a minority of committed revolutionaries), constitutive theory elevates intellectual workers to the vanguard. It is with them that replacement discourses will originate. I would argue that we need some alternative organisational framework for determining and judging the consequences of transformative social practices rooted in a social scientific model which, despite its limitations and short-comings, is superior to philosophising.

Postmodernism: Progressive or Reactionary?

Ultimately, then, the question remains whether the Postmodern turn in social theory is progressive or reactionary. The term "progressive" implies a valuation. Clearly, Westerners may more easily see problems in Islamic extremism, such as the attacks on women's rights in Afghanistan or female circumcision, than on problems inherent in liberal democracy or corporate capitalism. Is there simply an impasse when western theorists demand "human rights" be protected in State socialist societies while apologists for such regimes claim that "social rights"

are, in fact, addressed? Constitutive theory would be unwilling to accept this relativism. What Henry and Milovanovic term nihilistic Postmodernism is an apology for accepting everything and doing nothing. The very concept progressive inherently declares that something is truer than something else; that something is "advanced" while its alternative is "backward". In this respect, it is a very modernist question. But at least with respect to Henry and Milovanovic's approach, it can be asked even within the author's own terms.

The question boils down to, first, whether, in the contemporary period, replacement discourses, pacifism, and peacemaking activities are progressive activities. I would think they are. But romantic, utopian idealism provides neither the foundational analysis for a material and necessarily conflictual transformation of the world, nor a strategy uniting discursive creators (intellectuals) with materially situated agents of social change. At best, their analysis undergirds a social movements' theory - numerous, locally-situated overlapping and particular struggles over ideational representations (or, more correctly, the distribution of material resources). Again, such struggles are progressive in the given time and place. In my view, however, work needs to proceed on a revised meta-narrative, rooted in an historical and material analysis of social formations, which can provide an alternative hegemony sensitive to reflexivity and iterations and to the potential for the reconstitution of oppression. This means developing an appreciation for what is genuinely new (and what isn't) in the global political economy and re-examining critically the false revolutionary starts of the twentieth century.

References

Stuart Henry and Dragan Milovanovic
1996 *Constitutive Criminology: Beyond Postmodernism*. London: Sage.

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1995 *Sociology and Development: The Impasse and Beyond*. London: UCL Press.

Endnotes

1. Presented at the Annual Meeting of the Society of Socialist Studies, St. John's, Newfoundland, 7 June 1997. A truncated version appeared as a Review in *Canadian Journal of Sociology*, Vol. 23, No. 1 (Winter, 1998): 109-113.
2. All otherwise unreferenced page numbers in this paper refer to this edition.
3. It is instructive to note that this image of a superliberal (or perhaps anarchic) future is rooted squarely in Enlightenment modes of thought.