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Just mercy through cultural and convict criminology

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Abstract

Purpose – *The purpose of this paper is to explore Bryan Stevenson's (2014, 2015) call to action from within two emergent schools of thought in criminology, "cultural criminology," and "convict criminology", which share a special concern with the contributions that criminological research makes to a climate of social control and punishment. The author's central aim is to explore the capacity of what the author argues is a potentially under-leveraged tool of social change – the philosophies underlying and implemented in cultural and convict criminology.*

Design/methodology/approach – *To demonstrate the potential impact of this research, the author draws upon a purposive sample of qualitative studies that exemplify the particular emotive, moral, and aesthetic goals central to Stevenson's call to action. The impact of the production of images of crime, crime control, and criminals that emerge in the development of the paradigms central to cultural and convict criminology is finally discussed in terms of Stevenson's four prescriptions for social and criminal justice reform.*

Findings – *The underlying philosophies, theoretical assumptions, and methodological approaches dictated by convict and cultural criminology are uniquely equipped to make visible the forces linked to resistance to penal and social reform.*

Research limitations/implications – *In synthesizing cultural criminology and the emergent convict criminology as guides to doing empirical research, and identifying each as embodying Stevenson's call to action, the author hopes – maybe not to extract those easily ignitable, invisible forces away from reform efforts entirely, but at least – to provide those who are interested with a more nuanced map of where they are not likely to live and breathe them. Stimulating and widening the criminological imagination might not satisfy our need to quickly and concretely apply a solution to injustice, but it might be what the problem demands.*

Originality/value – *Stevenson (2014) argues that the extent of injustice in the US criminal justice system is so pervasive, extraordinary, and long standing, that everyone has a role to play in the course of our everyday lives in turning the tide of indifference and cruelty that feed mass injustice and incarceration. Applying his proposals to the on-the-ground working lives of empirical criminologists holds potential for effecting change from the top-down.*

Keywords *Phenomenology, Ethnography, Convict criminology, Cultural criminology, Just mercy, Justice reform*

Paper type *Conceptual paper*

Introduction

The purpose of this paper is to explore Bryan Stevenson's (2014, 2015) call to action from within two emergent schools of thought in criminology, "cultural criminology" (e.g. Hayward and Young, 2004) and "convict criminology" (e.g. Earle, 2016; Richards and Ross, 2001), which share a special concern with the contributions that criminological research makes to a climate of social control and punishment. My intention is not to provide a comprehensive literature review evaluating and contrasting the merits of each school as compared to mainstream criminology nor is it to investigate at length the question of validity which has been done elsewhere (e.g. Wakeman, 2014; Aresti and Darke, 2016; Ross *et al.*, 2016). My central aim is to explore the capacity of what I argue is a potentially under-leveraged tool of social change – the philosophies underlying and implemented in cultural and convict criminology. Tying the criminologies to Stevenson's propositions, I discuss how these criminologies might provide stimulus and redirection for social and penal reform.

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These criminologies “walk the talk” of social justice, and display their most potent form of activism in leading by example – not only in the products of empirical criminological research each produce, but especially in their process. While the accomplishments of these schools in terms of concrete social activism are substantial and commendable (see Aresti and Darke, 2016 for a review of British Convict Criminology’s (BCC) contributions), I am less concerned here with the organizational partnerships formed and reentry services provided, and more interested in the largely invisible and ubiquitous ways that habitual and everyday practices of criminological research – mainstream and convict and cultural criminology – either move toward Stevenson’s mission of just mercy or away from it. I discuss at some length each criminology and their methodological approaches before returning to a discussion of the intersections between cultural and convict criminology and Stevenson’s counsel.

Images of crime and doing criminological research

As people who are involved in studying crime, criminologists create images that become commodities for public consumption, willfully or not. As Howard S. Becker (1963) wrote, “the basic operation in studying society is the production and refinement of an image of the thing we are studying” (p. 12). There is no act of inquiry that does not result in a representation of the thing analyzed; there is no picture without a point of view. Photos taken by two different people of the same object (or by one person at different times) may produce very different images. For social researchers, a point of view inevitably shapes the nature of the processes employed and the conclusions reached (Becker, 1967). Though less often acknowledged, and rarely made explicit, the emotional and moral stances researchers find themselves assuming toward their subjects (e.g. Jewkes, 2011; Sparks, 2001) that play a potent role in the creation of images of crime and criminals. Ultimately, both the product and process of conducting empirical research are part of the same social world that creates images of crime and criminals that loop “between the mass media, criminal subcultures, and crime control agencies” (Ferrell, 2007, p. 3) too often easily lending themselves to the creation of false realities that quickly translate into intractable criminal justice policy.

For instance, in the USA over the past four decades, historically unprecedented rates of incarceration have taken shape and are often understood as the product of changes in sentencing and corrections legislation that have little to do with increases in crime, and everything to do with a punitive turn in public sentiments (Tonry, 2004; Garland, 2012). The politics of fear rely on images; it is the stuff that symbolic and expressive dimensions of crime are made of (see Tyler and Boeckmann, 1997; King and Maruna, 2009). Especially in modern, western democracies such as the USA where imprisonment is the go-to criminal sanction for the majority of law violations, the way that crime and criminals are presented and understood has been indicted in multiple theories seeking to explain the increasing demand for prison in both the USA and the UK (see Scheingold, 1984; King and Maruna, 2009; Sparks, 2001).

In the USA, one of the most powerful voices calling to reform the resultant system of mass incarceration is activist attorney Bryan Stevenson. Following the positive reception of his memoir *Just Mercy: A Story of Justice and Redemption* (2014) which is based on his experiences fighting for justice within the system over more than 30 years, Stevenson actively disseminated his call to action in several public talks (e.g., Stevenson, 2015). Recounting his own lifelong experiences working as a black attorney within the criminal justice system, Stevenson offers a four point proscription for social reform distilled from his years of struggling to reintroduce what he calls “just mercy” back into the American Criminal Justice system. His appeal is not just to lawyers or to reformers or to any particular group, his appeal is about as broad as they get. Given the sheer enormity, depth and the duration of the current state of justice in the USA (see Wacquant, 2002 for detailed review of the growth of the “paternalistic penal state,” p. 382), an appeal such as this is wholly appropriate.

I begin by sketching the histories of cultural and convict criminology, synthesizing important distinctions and commonalities between the two, and contrasting them to more mainstream criminology. Then, I explore the philosophical origins of the methods of inquiry advocated by each. Phenomenological insights are prioritized. Subjects’ experiences cannot be reduced to the cerebral even in scholarly contexts; to know it, is to experience it. To demonstrate the potential impact of this research, I draw upon a purposive sample of qualitative studies that exemplify the

particular emotive, moral, and aesthetic goals central to Stevenson's call to action. The impact of the production of images of crime, crime control, and criminals that emerge in the development of the paradigms central to cultural and convict criminology is finally discussed in terms of Stevenson's four prescriptions for social and criminal justice reform.

Comparing cultural and convict criminologies

Origins of cultural criminology

Cultural criminology is a school of thought that began in Britain in the 1970s (Ferrell, 2007) and began to take shape in the late 1990s (see Ferrell and Sanders, 1995). The movement originated with academics such as the late Jock Young (1942-2013) at the University of Birmingham and the National Deviance Conference where a group who were dissatisfied with traditional British criminology and, "deeply critical of the medico-psychological assumptions, social democratic politics, and atheoretical programme of what they termed 'positivist criminology'" (Garland, 2002, p. 44) gathered. The group advocated for women's, gay, mentally ill, and prisoner rights (Garland, 2002). Combining the symbolic interactionist approach of labeling theory and the cultural theory critiques of legal and ideological control, cultural criminology demands a study of crime that is intimately personal and deeply political (Ferrell, 2007).

Jock Young is regarded as the central figure in the development of cultural criminology. Young's influential thoughts on the processes of othering, the forces of exclusion, and the related effects of globalization were published in a trilogy of seminal texts: *The Exclusive Society* (1999), *The Vertigo of Late Modernity* (2007), and finally, *The Criminological Imagination* (2011). In the last book of the trilogy, Young (2011) fully expands his critique of mainstream criminology and its inability to provide meaningful, authentic and ethical research. In a recent homage to Young and his career by Ferrell and Hayward (2014) they explain that Young's centrality to cultural criminology was not always so apparent[1]. Young advocated versions of leftist realism whereas early cultural criminology seemed headed in the direction of anarchist criminology. One belief of Young's, however, that never seemed to change was his fondness for the ideas of early American prison sociologists, "Young's love of American sociology of deviance would remain a constant throughout his career [...]. Young confirmed that the American ideas were 'taken tremendously seriously by us Brits' and that 'we were more versed in American than British sociology'" (Ferrell and Hayward, 2014, p. 10).

Riding a wave of philosophical momentum in the USA sparked by Howard Becker (1963) and stoked by Jack Katz (1988) in his seminal *Seductions of Crime*, today cultural criminologists argue that understanding the foreground dynamics of crime: coercion, power, agency, identity, and sensation as they exist in everyday life, between groups, and in crime control, is essential to the production of valid knowledge in criminology. Cultural criminology thus combines a theoretical stance toward crime and crime control that is centered on understanding political relationships between groups (i.e. subcultural resistance) and the symbolic labyrinths of individual situated sensibilities that they produce. Crime is seen as the product of "the immediacy of the criminal event, and the shared experiences and emotions that develop within moments of criminality and crime control" (Ferrell, 2007, p. 2; see also Katz, 1988).

The emergence of convict criminology

Cultural and convict criminology are "seen as related developments with convict criminology very much the subsidiary" (Nellis, 2013, p. 237). Convict criminology, unlike cultural criminology, originated in the USA at a small meeting of ex-convict academics gathered at the American Society of Criminology conference in San Diego in 1997 (Nellis, 2013). The most central figure in the meeting and in the development of convict criminology is the late John Irwin (1929-2010) (Richards, 2013). Irwin served a five year sentence for armed robbery in California in the 1950s. Irwin (1970/1987) went on to complete his PhD and to publish criminological classics such as *The Felon*. Given that the probability of being processed through the correctional system in the USA has dramatically increased since the 1970s, the number of formerly incarcerated persons who find their way into academia and into the world of criminal justice policy making has steadily grown (Richards and Ross, 2005; Richards, 2013).

Frank Tannenbaum (1893-1969), one of the forefathers of labeling theory as it emerged in sociology in the 1960s, is considered one of the earliest convict criminologists – before there were convict criminologists. When he was 21 years old, Tannenbaum served about a year in a New York City jail for unlawful assembly (Yeager, 2011). In his work with delinquent youth, he used the term “tagging” to describe the imposition of an external, deviant label on one’s identity, and referred to process as the “dramatization of evil” (Tannenbaum, 1938, pp. 19-20):

[...] a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits that are complained of.

Seven years after his release, and just two after he graduated from Columbia University (1916-1920), he published *Wall Shadows* (Tannenbaum, 1922) on his experiences in jail. Nine years later in 1931, he was the main contributor to the Wickersham Commission’s study on Penal Institutions, Probation and Parole (Yeager, 2011).

The movement has since expanded to include those outside of the USA and to individuals who have not served time, “non-cons” (Jones *et al.*, 2009). An invitation was extended to British criminologists at the British Society of Criminology conference in Newcastle in 2011. In 2012, the BCC was formally established (e.g. Earle, 2016, Davies, 2015). As of 2016, the group is said to have approximately 100 members (Aresti and Darke, 2016). While the more general critiques of alternative methods and schools of criminology are discussed below, questions about minority representation and non-con membership in convict criminology have recently received attention (Belknap, 2015).

Aresti and Darke (2016) provide some answers. First, they argue that voices not typically represented are present, at least in BCC, through the inclusion of the lower working classes who are often overlooked when their economic status does not intersect with race/gender minority status. In other words, while some (e.g. Belknap, 2015) argue that voices of the marginalized are not included in convict criminology, Aresti and Darke (2016) point out that defining “the marginalized” without a recognition of class as a source of relegated status dismisses a group who are given voice in convict criminology.

The second question regarding the apparent irony of non-cons doing con-criminology is not without merit. Aresti and Darke (2016) remark, however, that the contributions of non-cons need not be defined strictly by having done time. A consideration of the very different lengths of prison time, the number of sentences, and types of time served by many convict criminologists, helps to see convict status on a continuum, making clearer that, “what binds out members is not so much the common experience of prison but a common desire for radical reform of prisons, and a common belief that insider perspectives have much to contribute to research activism” (Aresti and Darke, 2016, p. 539). Many who have never served time (even if they have participated in the same illegal behaviors) may share similar backgrounds and experiences that provide a perspective in line with that of an ex-convict. Likewise, especially in the American context, the proportion of individuals who have had contact with the correctional system at some level or who knows someone intimately who has (e.g. visited prisons regularly, corresponded with family members for lengthy periods of time who are inside), is so elevated that it makes little sense to discount their membership.

Commonalities

Convict criminology provides a realistic approach to studying corrections, one in which the true experience of being incarcerated can be more fully and more humanely understood. Unlike cultural criminology, convict criminology has a more specific focus and explicit activist aim and prison focus. What they share is a commitment to the authentic (offender) experience, a desire to transform the way that criminal justice research is done (e.g. emphasize concrete expressions over abstractions), a commitment to treating subjects as human beings (e.g. understand subjects as agentic, embrace emotions, and visceral sensations), and a belief that the production of knowledge in criminal justice is a political endeavor.

In sum, there are some differences of focus and of breadth between cultural and convict criminology, but the theoretical assumptions about crime and crime control, and the commitment to humanistic aims are the same. Arising out of this same etiological soil then, we should not be surprised that the two seek to cultivate knowledge utilizing similar tools. What is relevant for this

discussion is the ways that these tools and outcomes manifest Stevenson's broad call to action for social and penal reform. To put this in perspective, I first enumerate some of the features of mainstream criminological methods.

Characteristics of mainstream methods

Below, I briefly discuss the central critiques of mainstream criminological research provided by cultural and convict criminology, and the reasons each school offers as to why common traditional, positivistic strategies fail to meet their aims. Then, I review the philosophical history and context of prominent research methods that emerge within each. Next, I provide an overview of ethnography, narrative, auto-ethnography, and some of their most compelling contributions. Finally, I bring together the enterprise of these methodologies and discuss their relevance to Stevenson's call to action.

The focus on subjectivity, power, meaning making, emotions, and symbols in these criminologies brings with it two consequences: one is methodological, and the other is political. Methodologically, subject traits cannot be reduced to manageable, artificially precise variables in an attempt to make sense of the criminological world. The fluid cannot be made static, the situated cannot be un-situated; quantitative, objective, and positivistic methods are viewed as part of the problem, not as a pathway to change. Politically, the focus on these themes exposes perhaps unconscious agendas on the part of mainstream criminology that are at their best empathetic to the plight of convict and cultural criminologists, but at their worst are ideological, self-interested, and negligently deaf.

Agenda driven

Cultural and convict criminology are intended in part as an antidote to what Mike Nellis (2013) argues is "complacent, collusive research which either ignored the tough questions or simply and cruelly served state interests and legitimized the status quo" (p. 237). Official records of crime, arrests, and convictions are not simple social facts; they are "specific constructions of crime and documents/records of the judgmental and classification work done by the institutions of the criminal justice system" (Löscher, 2000, p. 2). Writing in a similar vein, Hamm (1998, p. 114-5) comments on the research literature on terrorism:

Most studies of terrorism are wholly derivative of official documents and journalistic sources. As such, these studies represent secondhand observations of the criminal event, observations that are simply passed from one source to the next without the benefit of serious criminological inquiry.

Thus, not only are official data products of the system, but these products are also mediated like a child's game of telephone. Exposing and illuminating this truth is something that both convict and cultural criminologists engage in whether passively in the course of their work, or actively – like whistleblowers, who despite their own best interests, come forward about potentially harmful untruths.

Qualitative methods that dominate major works in both paradigms are commonly viewed as products of inferior scientific methods rather than as powerful tools against a system that seeks to maintain its prominence. From this point of view, administrative or positivistic research[2] which contributes to an image of human beings as fragmented into variously classified bits and pieces who exist apart from the lived experience of their being is part of a project of control, whether purposeful or not. Thus, according to the critique, establishment research in criminology functions so that findings are seen as "influence free" and of "pure merit," but are, at their core, agenda driven.

In the first chapter of their groundbreaking volume on convict criminology, Ross and Richards (2003, p. 1) bluntly articulate what the methodologies espoused by this type of criminology can do to the standards and values of researchers at the ground level:

Academics or consultants who have had minimal contact with the criminal justice system [...] These individuals appear content to conduct research from the safety and comfort of their offices, often in an effort to simply increase the revenue of their firms, improve their status inside their companies, enhance their chances of tenure and promotion, or improve the working conditions in correctional institutions.

In this professional and social context, it should not be surprising that the methods inherent to these two schools have been the subject of predictable, sustained efforts to subvert their legitimacy and authority. Often viewed as radical, research methods such as ethnography, field research, and narrative/qualitative analysis are inextricably linked to political outcomes.

Remote

When researchers are faced with choosing between the realities of each type of method – between, for instance, designing an online survey, downloading results into a spreadsheet, and analyzing data – all from within the comfort of one's office, vs laying the social groundwork for trusting relationships within a subcultural group, traveling through unknown neighborhoods, interviewing people where they are, transcribing interviews, and so on, it should not be surprising that personal and professional desires weigh in. The work of cultural and convict empiricists almost always involves getting close to ones' subjects in a visceral manner – to the smells, sounds, and feel of these people and their worlds, and this can be an emotional expense (not to mention the additional ethical, physical, and legal risks that can accompany this approach). As Jock Young (2011) so eloquently put it, “the more quasi-scientific the rhetoric, the more sophisticated the statistics, *the more they are distanced from what they are studying, the more secure they feel*”[3] (italics added; p. 13). That the methods that flow from these critiques have been the subject of derision cannot be entirely divorced from the sheer convenience that their alternative offers in terms of emotional distance. Yet, cultural and convict criminologists argue, “such research is seldom safe, convenient, or professionally efficient; *it is only necessary*” (italics added; Ferrell and Hamm, 1998, p. xvii).

Both schools have brought attention back to topics in research criminology that had fallen by the wayside until labeling theory made its comeback. Two areas emerged as particularly important: the interaction process itself “by which the institutions of social control (police, courts, social work, psychiatry and others) produce the social reality of deviance and crime as it is documented in official statistics” (Meuser and Löschper, 2002, p. 2); and, individual offender accounts of their own trajectories and narratives (i.e. Maruna, 2001). This second area of inquiry has manifested in research into the developmental life course of offenders, especially as researchers examine processes of desistance from crime. It has also produced a wealth of literature into the negotiation of social identity as it relates to matters of crime and justice. Before describing two of the most widely respected and utilized strategies of representing crime from this point of view: ethnography (including auto-ethnography) and narrative inquiry, a brief account of phenomenology and hermeneutics from which each emerged.

Philosophic traditions of cultural and convict criminology methodologies

Phenomenological research and hermeneutics strategies are used to interpret accounts in convict and cultural criminology. While many use the terms interchangeably, historically, they have slightly different implications in a methodological sense[4]. For the purposes of this paper, it is sufficient to understand both as the basis for a constructivist approach that acknowledges multiple, equally valid realities and that uses approaches such as ethnography and narrative to reveal “individually constructed realities through interactive dialogues between storyteller and listener” (Robertson, 2013, p. 24)[5]. Many convict criminologists, of course, have the benefit of an additional perspective, that of an ex-con who has his or her own unique experience of life on the inside and of life back in the community. Yet, from a phenomenological position, the extent to which a non-con can adopt this perspective provides additional depth and understanding beyond traditional methods.

Phenomenology seeks to understand the subjective, lived experience “of the deviant act that may or may not be viewed as deviant or problematic by the individual” (Polizzi, 2011, p. 129). Hermeneutics can be regarded as a form of phenomenological inquiry concerned with how individuals construct personal meanings and interpret the world. Both seek to fill gaps in understanding crime that positivistic paradigms regard as inaccessible, can be characterized as humanistic, attempt to make findings more pertinent to actual lived experience, and revere the integrity of the “whole person.” For instance, finding that gender identity is used by drug addicts in selecting their crime of choice (Caputo and King, 2015), that murderers feel righteousness in killing (Katz, 1988) and that chronic drug and property offenders desist from criminal careers by constructing life narratives free of remorse (Maruna, 2001) are just a few of the insights into crime provided by research in these traditions.

Jack Katz's (1988) *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* reinvigorated an interest in roots of inquiry central to cultural and convict criminology – narrative,

“textual, semiotic, and visual analysis,” (Ferrell, 2007, p. 22), case studies, and ethnography. Katz approaches the nature of crime phenomenologically teasing out ethnographically the personal and political in the visceral lived experiences of offenders themselves. He is one of the most memorable voices articulating a need to understand crime not through the background variables of offenders but through “the positive, often wonderful attractions within the lived experience of criminality [...] the seductive qualities of crimes: those aspects in the foreground of criminality that make its various forms sensible, even sensually compelling, ways of being” (Katz, 1988, p. 3). Katz’s work is regarded in many circles as a seminal work in the literature in cultural criminology and on the role of emotions in crime.

Ethnography and narrative

Ethnography initially came to criminology via anthropology and the sociology of deviance. Sutherland (1937) and Clemmer (1940, p. 158) were two of the first sociologists to research criminality and penal institutional settings using ethnographic methods (see also Sykes, 1956, 1958; Sykes and Messinger, 1960). Many of the earliest, and most well-known studies came out of the Chicago School (i.e. Anderson, 1923; Thrasher, 1927; Landesco, 1929; Thomas, 1923; Whyte, 1943/1993). Clifford Shaw’s (1930/1966) *The Jack Roller* serves as a foundational study of criminality in the ethnographic tradition. Shaw (1930/1966, p. 2) comments on the value of narrative in his opening chapter:

It is desired that his story will reflect his own personal attitudes and interpretations, for it is just these personal factors which are so important in the study and treatment of the case. Thus, rationalizations, fabrications, prejudices, exaggerations are quite as valuable.

Seeing the world and the offender through his own eyes and in his own voice is embraced as a necessary stance if sociologists want to maintain the integrity of the meaning of the information they solicit. The implications of this are theoretical as well as therapeutic (Shaw, 1930/1966, p. 19). In other words, treatments, interventions, and preventions cannot develop in an effective manner without this personally embedded, subjective evidence. One’s cognitions are representations of consciousness, breadcrumbs to connections in the social and cultural world as one has created each, and to one’s own past, present, and future.

Auto-ethnography

In addition to the importance of narrative criminology for these criminologies, a particular type of ethnography, one that incorporates an autobiographical genre with ethnography, the auto-ethnography, is especially relevant for convict criminologists. Steve Wakeman (2014) writes that auto-ethnography is a “form of ethnographic inquiry that maintains a strong focus upon the researcher’s biographic and emotive self” (p. 706). He goes on to argue that “the self is and always has been present in criminological research, but it is infrequently acknowledged and rarely if ever prioritised” (p. 706). For convict criminologists who can provide something different from what “outsider research” (Ross *et al.*, 2016, p. 489) the auto-ethnography offers “an enhanced heuristic perspective” (Wakeman, 2014, p. 705) that deepens our understanding.

Auto-ethnography is not without its critics. For those who do not share a deviant identity, the question of the scientific value of bringing one’s self-identity into ethnographic fieldwork has been debated (e.g. Wakeman, 2014; Crewe, 2012). Why, one asks, should I bring myself into a study that has nothing to do with “me”? For convict criminologists such as Rod Earle (2016) who do (or have at some point) shared a deviant identity, the question may be mute. However, not only as Wakeman (2014) advises are there countless examples where “distinctions between ‘researcher’ and ‘researched’ identities start to seem a little less secure” (p. 708), but developing an openness to what links researcher and researched together beyond personal identities has more far reaching implications.

Auto-ethnography is described in Socratic fashion by anthropologist Carolyn Ellis (1999). A psychology graduate student comes to Ellis and asks if she would be willing to be the qualitative researcher on her committee for her dissertation on women’s experiences with breast cancer. Ellis asks, why this topic? The student answers that she was diagnosed with breast cancer seven years prior and quickly assures Ellis that she will not let her experience bias her research.

The student casually adds that she has not been asked this question by anyone else on her committee. Why is Ellis asking her? Ellis (1999, p. 673) proceeds to answer with a description of auto-ethnography:

[Autoethnography] displays multiple layers of consciousness. Back and forth autoethnographers gaze, first through an ethnographic wide angle lens, then, they look inward, exposing a vulnerable self [...] distinctions between the personal and cultural become blurred [...]. Usually written in first-person voice, autoethnographic texts appear in a variety of forms.

The student wonders if this amounts to “just writing about your life” and comments that the task sounds relatively easy. This is a common misperception. Ellis’s (1999, pp. 671-2) answer clarifies the different types of burdens this form of inquiry introduces that are often dismissed or ignored entirely:

Most social scientists [...] are not sufficiently introspective about their feelings or motives or the contradictions they experience. Ironically, many aren’t observant enough of the world around them. The self-questioning autoethnography demands is extremely difficult. So is confronting things about yourself that are less than flattering [...] honest autoethnographic exploration generates a lot of fears and self-doubts – and emotional pain.

For many, the value of getting in touch with one’s vulnerabilities is nil. Ellis’s reply proposes more than an alternative methodological approach. In her willingness and ability to connect with this student’s subjective experiences, personal consciousness, and attitudes, she walks her talk. She goes on to expose a value system underlying this approach – one that embraces getting close, getting uncomfortable, and more collective concerns (1999, p. 672):

There are rewards, too: For example, you come to understand yourself in deeper ways. And with understanding yourself [sic] comes understanding others. Autoethnography provides an avenue for doing something meaningful for yourself and the world.

From this methodological point of view, being vulnerable is worth something and one’s individual experiences are regarded as part of a much larger whole. The significance of looking for common ground rather than for fine lines of distinction is perhaps most uniquely pronounced in another form of unique ethnography, virtual ethnography. In what follows, the visceral and aesthetic experience of moving through common spaces – with a mass murderer – reveals an outcome of unexpected yet constructive alignment.

Virtual ethnography

Ethnography comes in many forms. Criminologist Mark Hamm demonstrates how virtual ethnography contributes to the goals of cultural and convict criminology. Hamm retraces the steps of Timothy McVeigh who prior to leaving a truck filled with explosives under what was the Alfred P. Murrah Federal Building in Oklahoma City killing 168[6] stayed in a small hotel in Arizona. As Hamm (1998) shadows the movements of the domestic terrorist prior to the attack, he observes the effects of place on his own consciousness (p. 120):

Route 66 had become one of the nation’s darkest alleys [...] desolate, primarily because of the winds [...] Stepping to the door of Room 212 and looking out at the massive, black granite Hualapai Mountain Range – ragged cliffs, buzzards soaring in the blue sky – you quickly gain a sense of perspective: the feeling that you are a very small human being in a very large and brutal landscape [...] Rational thinking disappears and is replaced with existential fear.

Looking through this methodological lens instantly widens our scope. As long as we are not too quick to dismiss what we see as irrelevant to understanding criminal behavior and decision making, we can see much more. How could this place affect the consciousness of someone whose criminal actions were motivated by feelings of inferiority in relation to his own government?

Mainstream sociologists and criminologists have tended to view place only as a source of information about structural demographics, throwing away a significant amount of critical information in the process. Poets and writers have long lamented the power of place. We pay homage to its power every day; when we spend hours searching for a home and a neighborhood that feel just right, or when we travel hours to arrive at an ocean side vista, or return again and again to a park or a place that brings us a sense of peace, we are acquiescing to the power of place to color our mood, inspire us, support us, shape our focus, and our thoughts. That we imagine that

this basic, visceral relationship between person and place does not exist for those who might not share our personal identity, is a defect if one's aims are to make a difference in the lives of others.

Hamm (1998) goes on to describe the town where the hotel is located, downtown Kingman, Arizona. McVeigh stayed there for two weeks prior to the bombing. He observes the unusual absence of retailers that most have come to expect in an Arizona urban environment, "There is no bookstore. There is no record store, art gallery, coffee shop, beauty parlor, or even strip joint. In fact, there are almost no people at all" (Hamm, 1998, p. 121). He goes on to describe the local politicians whose agendas are wholly in line with the odd hegemonic reality of the streets there; there are no American Indians or Mexicans. The local weight lifting gym and a survivalist store called "Archie's Bunker" are the only places with any traffic, albeit unnatural, white traffic. It is also a place like many in America especially today where a particularly divisive form of conservative talk radio echoes like wolves howling in the night[7]. This description of the physical space inhabited by McVeigh can have the effect on the reader (ironically) of softening the sobering blow that a human being intent on mass murder once walked these streets. Like an absorbing movie that suspends one's disbelief in the pretense of a false reality, this place does little to oppose a belief that one's political grievances can be righted with violence.

Interestingly, throughout the ethnography Hamm purposefully divides his focus between McVeigh and the extraordinary pain and loss he inflicted not only on the victims themselves, but on this community as a whole, and the families who lost loved ones. For instance, he warns that we are being taken to an uncomfortable place, one that Michel Foucault called "the blood that has dried on the codes of law" (Hamm, 1998, p. 115). Typically, the pain and suffering of victims is not explored at this level in research on offenders. Its effect is uncomfortable, but powerful. In describing a chance encounter with two children while inspecting the site of the blast one tells him that his two year old cousin died in the bombing, and then says "Yeah, it was his birthday. It's sad you gotta die on your birthday" (p. 116).

The call to action and criminological research

A central albeit implicit proposition of cultural and convict criminology is that when we as researchers act as if those who commit crime, even ones of the magnitude of mass murder, do not share a common humanity, when we purposefully or negligently engage in a process that ignores or denigrates data points because they are uncomfortable or inconvenient, we are being complicit in the creation of an image of the criminal that is otherworldly – which despite the best efforts of Hollywood producers and opportunistic politicians, is simply a metaphysical impossibility. In doing so, we dangerously flirt with what is an indulgent fantasy of fear, not a confrontation of danger, that makes the dramatization of evil within our own lives more seductive and temporarily satisfying, but that ultimately contributes to a project that divides and conquers many of our conscious goals for the justice system.

Within each type of research approach discussed above: narrative, ethnography, auto-ethnography, and virtual ethnography, the "researched" are quite distinctly approached as human beings who are believed to be fluid, multidimensional, and situated entities. The overall aim places one's ability as a researcher to move into the subjective domains of personhood – not away from it – as paramount (see Aresti and Darke, 2016). Like Stanislavsky (1961) who argues that an actor cannot authentically inhabit a character without knowing him or her from the inside out, cultural and convict criminology demand that researchers move inside as a way of understanding. This has multilayered and pervasive implications not just in terms of the potential bias (validity) question which has been addressed at length elsewhere (e.g. Becker, 1967; Wakeman, 2014; Ross *et al.*, 2016), but for my purpose here – for how we collectively create notions of criminal justice, especially for who we imagine those involved in crime to be, and what passions are stirred as a response to it, and to them.

During a period when the prison industrial complex was combusting (Schlosser, 1998; Wacquant, 2002) the type of work that cultural and convict criminology champions was needed most. Sparks (2002) writes, "the grander their scale (prisons), the blanker and more secreted the faces they present to the world, the more entrenched and impervious their position in the self-images of the age, the more urgent the task of exploration becomes" (p. 578). While the outcomes may have

been entirely predictable for some, for others, the role played by images of crime and criminals in social identity has been largely dismissed. The underlying philosophies, theoretical assumptions, and methodological approaches dictated by convict and cultural criminology are uniquely equipped to make visible the expressive and symbolic forces linked to social identity that underlie resistance to penal and social reform (King, 2007). Below, I situate further examples of these criminologies within the context of Bryan Stevenson's call to action. Stevenson (2014, 2015) argues that the extent of injustice in the US criminal justice system is so pervasive, extraordinary, and long standing, that each of us – students, correctional officers, lawyers, and teachers – every citizen, has a role to play in the course of our everyday lives in turning the tide of indifference and cruelty that feed mass injustice and incarceration. Applying these proposals to the on-the-ground working lives of empirical criminologists holds potential for effecting change from the top-down.

Getting close

The first of Stevenson's prescriptions is to get proximate to suffering. More often than not the inhabitants of American prisons are minorities, the poor, the mentally ill, the marginalized, and disenfranchised (Zaw *et al.*, 2016). Stevenson argues that if one can understand the "nuanced experiences of those who suffer from and experience inequality" and be "willing to get closer to people who are suffering, you will find the power to change the world" (Fernandez, 2016).

Echoing Ellis's description of auto-ethnography discussed above, Stevenson frames proximity as not just essential to the world, but also to self-growth and change. In the same way Richards and Ross (2001) write, "[...] there remains a disjuncture, and serious distance, between the critical empirical literature and the real world of convicts. Our remoteness from our subject might be considered as a *crisis best remedied by utilizing the emerging research we are introducing as convict criminology*" (p. 180, italics added; see also Young, 2011; Crewe and Levins, 2015). The nature of this "crisis" is twofold with negative humanitarian implications as well as scientific ones. Like the founders of convict criminology and their intellectual forefathers, Stevenson draws connections between proximity and effective public policy (Varela, 2016):

We have too many people trying to problem-solve from a distance [...] when you try to problem-solve from a distance you miss the details and the nuances of the problems and your solutions don't work very effectively.

These sentiments can be heard in Becker's (Shaw, 1930/1966, p. ix) introduction to *The Jack Roller*:

Our attention today is turned away from local ethnography, from the massing of knowledge about a single place, its parts, and their connections [...] researchers are increasingly mobile [...] building no fund of specialized local knowledge and passing none on to their students [...]. The trend is to move away from the community study [...] and what a great loss it will be.

If there is one thing that many in the world of social science research learned in the wake of elections both in the USA and in the UK in 2016, it is that a lack of proximity to the people who make up large survey research samples can produce erroneous information that can have a lasting impact. Not only is closeness critical, but without it, we may change the world in ways not intended[8]. As Stevenson similarly lamented, "We cannot make good decisions from a distance" (Greenberg, 2016).

The "closeness" between researcher and subject in cultural and convict criminology is not without risks just as it is not without risk to get close to suffering in the way that Stevenson advises. For researchers, the risks have been identified: legal, ethical, and emotional, but are not as straightforward as they appear. For instance, the human tendency to assign guilt by association (and our awareness of this) keeps even those who are willing to get close at a distance for fear of judgment (see Wakeman, 2014; Contreras, 2013). For criminologists who get close much of the judgment is covert – until it cannot be. Due to the appearance of having taken a side (Becker, 1967; Liebling, 2001), prison researchers especially can become aligned with offenders in the eyes of the establishment and vulnerable to similarly unpleasant consequences. For example, Richard Sparks (2002) laments his possible role as a researcher in the closing of a special progressive prison unit during his fieldwork in Scotland in the 1990s. He suspected that staff and prisoner testimonies he had shared in an effort to preserve the unit had ultimately been part of an endeavor to close it. After working through what he refers to as a "paralyzing" sense of disappointment in himself, he writes of the ordeal, "I failed as a sociologist in not seeing that their

stigma could be transferred to me [...] in not having understood the nature of the game now being played and hence having played into others' hands" (p. 573).

For Tunnell (1998), the alignment with his subjects was direct, explicit, and public. During his ethnographic fieldwork with property offenders, he is forced to confront his own values (Becker, 1967). After prosecutors learn about his research, he is threatened with subpoena of confidential interview tapes and called to testify under oath. He describes his difficult decision (p. 212):

Getting close to participants means confronting, with head and heart, the myth of value-free sociology [...] Much of my decision to safeguard him [his subject, Forrest] and our secrets was not based on some rational standard of scientific evaluation [...] We were and are friends, which means emotion was crucial to the ongoing conflicts over this research, the data, our academic freedom, participant protection, and confidentiality. Thus, lying and deceiving those in positions of power over Forrest, the research, and myself became the only choice.

What is perhaps more troublesome is that "the establishment" need not be agents of the criminal justice system. Being seen as more closely aligned with those one is trying to get close to can cause identity crisis (e.g. going native), and/or similar disturbances in one's personal and professional relationships. Still, the question of how close is too close is usually negotiated by the best ethnographers with what at first might seem to be a rather flimsy tool, but given the problem, perhaps one of the most fitting and effective, hope – also prescribed by Stevenson.

Faith and hope

For Stevenson, hope is the thing that gives one the courage to believe in one's self and his or her particular interpretation of the world "Your hope is essential [...] to change the world you've got to stand up when everyone else is sitting [...] Hope is what gets you to speak when other people say be quiet" (Varela, 2016). This kind of hope manifests itself in two significant ways in these criminologies. First, to conduct this type of research in the face of multiple practical reasons not to requires a belief that what you are doing is important to some larger goal. Similarly, it might not make sense from a strictly practical point of view to refuse to be a bystander to injustice (e.g. liability, threat, and stigma), standing up is not always easy, but as noted regarding ethnography, it is necessary.

In addition to believing that what one does in the field is important, these criminologists have to have faith in themselves. The emotional security needed to enter what is not always a world of property offenders or drug addicts – to go into the darkness and the abyss of violent offenders – and refuse fear, self-doubt and uncertainty requires hope. Again, Stevenson's conception of hope is reflected in the conscious strategies employed by criminologists working within cultural or convict paradigms. Hamm (1998) describes hope in this way as a matter of choice. Purposefully summoning what for him are anchors of light he discusses how he actively creates hope to counter the evil he confronts in his work:

That is what I draw on now [...] and fill Room 212 with the [...] spirits of tenderness, compassion, and the holiness of life. This momentarily heals me by confirming an ideal I have cherished for years: That it is far more important – indeed, far more noble – to be true to one's vision of goodness and beauty than to succumb to the darkness of fear and evil.

Inevitably, committing one's self to the project of making a more just world means confronting current realities that can be overwhelming and challenge even the most well intentioned. With hope and the familiarity that comes with proximity, Stevenson again resonances these criminologies admonishing us not to ignore the power of faith to propel us toward things that might be uncomfortable.

Vulnerability and discomfort

Stevenson's third prescription for creating a just world is expect the painful, "to truly fight for justice, one must be prepared for an uncomfortable journey [...] there is no path to justice that is only comfortable and convenient" (Varela, 2016). This discomfort can come in many forms. The perception that a convict or cultural criminologist is "taking sides" (see Becker, 1967; Liebling, 2001) rather than engaged in a larger fight for the greater good can be uncomfortable, but is just one of many discussed above. Stevenson's greatest contribution to this point comes in

his discussion of the need to embrace our own vulnerabilities. He argues that in acknowledging and being aware of our own fragilities our own “brokenness” we gain an essential building block of compassion. He states, “It is the broken who understand why we need mercy. It is the broken [who] can show us how we make our commitment to justice actionable” (Fernandez, 2016).

This sentiment reverberates in the above discussion of auto-ethnography, As Stevenson so eloquently writes, as hard as these feelings of vulnerability and brokenness might be to experience, without them, we all lose something essential to our sense of humanity:

We've submitted to the harsh instinct to crush those among us whose brokenness is most visible [...] [but] embracing our brokenness creates a need and desire for mercy [...] When you experience mercy, you learn things that are hard to learn otherwise. You see things you can't otherwise see; you hear things you can't otherwise hear. You begin to recognize the humanity that resides in each of us (Stevenson, 2014, p. 290).

For many of us, getting close usually means getting uncomfortable. Stevenson acknowledges embracing one's own vulnerabilities as a necessary condition of creating social reform and justice. This requirement is also espoused in the work of convict and cultural criminology.

Flipping the script: making the invisible visible

A final piece in creating social change shared by this reformer and the methods of these criminologies is a desire to alter common narratives available to explain crime and crime control in a climate of law and order politics. Both argue that current narratives make it all too easy to disregard the plight and the needs of the most vulnerable amongst us. Cultural and convict criminologists force us to look at how we as researchers and criminologists either combat these scripts or feed into them.

Awareness is often the first step to recovery. The implications from these sorts of theoretical, conceptual, and methodological approaches for penal policy and reform may not be as concrete as we would like, but are appropriate to the scope and depth of injustice witnessed in the criminal justice system in the USA over the past 40 years. In Wacquant's (2002) ethnography of the Los Angeles County Jail, he cites the testimony of the former director of the California Department of Corrections, who in explaining the high rate of inmates killed by guards there between 1992 and 1998 (exponentially higher than the rest of the nation[9]) says, “The expansion of the system has been so sudden that it was uncontrollable” (p. 381). The sense that the current situation in American corrections spread uncontrollably like a wildfire to every possible nook and cranny, of perhaps not just every facet of the criminal justice system, but also to the wider culture, presents a useful analogy. At some point, an irrepressible fire becomes so all-consuming that spot targeting areas of the blaze with blasts of water might keep it at bay for a while or push it to another area, but never gets at the invisible force that sustains it (oxygen).

In synthesizing cultural criminology and the emergent convict criminology as guides to doing empirical research, and identifying each as embodying Stevenson's call to action, I hope – maybe not to extract those easily ignitable, invisible forces away from reform efforts entirely, but at least – to provide those who are interested with a more nuanced map of where they are not likely to live and breathe them. While some have suggested a “sea change” shift away from mass incarceration in the USA. (Goode, 2013), the slight decreases in prison populations since 2010 (see Carson and Anderson, 2016) are so small (especially when compared to pre-boom rates) that to believe that the downward trajectory will continue, especially taking into account the American political situation since the 2016 presidential election, requires an astonishing leap of optimism. Extraordinary times call for extraordinary measures. Stimulating and widening the criminological imagination might not satisfy our need to quickly and concretely apply a solution to injustice, but it might be what the problem demands.

Notes

1. Ferrell and Hayward actually mark the complete “convergence” of Young and cultural criminology as occurring just in 2003.
2. Both cultural and critical criminology push back on what is variously termed: traditional, administrative, managerial, establishment, and positivistic criminology.

3. Also see Ferrell and Hayward's (2014) article, "Never boring: Jock Young as cultural criminologist" a year after Young's passing where Young's critique of the positivist school's obsession with statistics is termed "numerical fetishism" (p. 183).
4. Phenomenological approaches tend to assume that some degree of objectivity between researcher and subject is possible (Husserl) whereas hermeneutical approaches do not (Heidegger).
5. It is beyond the scope of this paper to debate the merits of the methods that emerge from these philosophical traditions outside of the context of these schools and their shared goal of social reform.
6. In total, 19 of which were children under the age of 6 who were in the daycare above. Prior to his execution in 2001, McVeigh denied knowing this. However, evidence contradicted this; he had been inside the building a year prior to the attack.
7. Here in AZ during this time is was a hard lined Republican with his own radio show in town, Assemblyman Joe Hart.
8. In line with the late Mike Presdee (1944-2009) who wrote, "This exclusion of the researcher is a form of revenge by the researched, personal compensation for their exclusion from mainstream society" (2004, p. 42) many commentators on the 2016 elections noted the likelihood of a similar dynamic having occurred with pollsters ("silent voter theory").
9. In California, correctional officers were allowed larger firearms and recourse to lethal force because the inmates so outnumbered guards due to the sharp and sudden increase in inmate numbers (Wacquant, 2002, p. 381).

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