

CHAPTER 4

Postmodern Justice and Critical Criminology: Positional, Relational, and Provisional Science

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With the publication of *Time* magazine's last issue of the millennium (vol, 154, no.27), the weekly periodical proudly proclaimed that its "Person of the Century" was renowned theoretical physicist, Albert Einstein. The selection of Einstein is significant on a number of fronts and, as icon of the modernist age, he embodies the century's triumph of science and technology. Indeed, few would disagree that his many "thought experiments" forever changed our fundamental understanding of the cosmos.

However, Einstein's significance to the twentieth century, rests principally in the fact that his considerable discoveries helped solidify the scientific dawn of the *postmodern* age. As both symbol of and synonym for genius, Einstein's enduring legacy is that of scientific relativity. His investigations in quantum physics were the driving force behind such related discoveries as Werner Heisenberg's quantum theory of uncertainty (i.e., even at the level of sub-atomic particles, reality is affected by the one observing; thus, establishing some undecidability). From the geometry of Euclid, to the clock-work universe of Galileo, from the physics of Newton, to the biology of Darwin, it is Einstein who, seemingly in a breathless moment, discredited the sacred cows of science: cause and effect, mechanical order, rationalism, absolute truth. And it is Einstein to whom postmodernism owes a considerable debt of gratitude; from art to architecture, from culture to criticism, Einstein spawned a "social theology" (Isaacson, 1999:60) whose legacy lives on in the wake of the new millennium.

Criminology, particularly critical criminology, is no exception to the postmodern vision of Einstein. Although the discipline can hardly be said to have embraced the key beliefs of postmodernist thought (or likened itself to the principles of quantum physics for that matter), many of these notions find growing, although limited, respectability in the academy today. This chapter, then, represents a return to the "social theology" of postmodernism. It is specifically designed to lay out, in accessible, jargon-free format, the main features of postmodernist thought, mindful of the theory's practical limitations. Along the way, several related sub-disciplinary strains of thought will be discussed. These additional lines of analysis return us to the expanse of postmodern inquiry in the twenty-first century, and demonstrate the utility of this rich conceptual paradigm for ongoing critical criminological pursuits. Much like Einstein himself, postmodernist thought represents an elaborate web of complex and often confusing ideas. For purposes of simplicity and lucidity (often contradictions for strident postmodernists), relevant crime-law-justice examples will be employed throughout the ensuing commentary.

A Primer on Postmodern (Criminological) Theory

In a series of previously published articles (Arrigo, 1995, 1999, 2000; Arrigo & Friedrichs, 1997; Arrigo & Bernard, 1997; Arrigo, Milovanovic & Schehr, 2000), I explored, with several colleagues, a number of theoretical, methodological, and practical dimensions of postmodern thought in relation to law, crime, and justice studies. Readers are encouraged to review these articles as they represent both the evolution of my own thinking in this area of social theory as well as my general affinity for this unfamiliar, though provocative, strain of criminological discontent. In this section, I wish to rectify the shortcomings of my previous commentary. Individually and collectively the cited works either fail to communicate the pivotal questions that constitute the postmodernist challenge to modernist thinking, or embody them but lack sufficient reader-friendly prose for the average undergraduate reader. Given these preliminary remarks, I suggest that three (3) key issues principally inform the postmodern and critical criminological enterprise. The observations that follow are drawn from the work of Rosenau (1992) (among others) and form the basis of the postmodernist project I describe.

1. *The centrality of language*—If there is one thing that postmodernists agree upon, it is that language (i.e., written or spoken) always informs the reality we make and live. This understanding of language, however, is not akin to the representational interpretation of symbolic interactionism or the dramaturgic perspective of frame analysis. For postmodernists, language is neither an artifact of culture nor a prop by which we manage the impressions others have of us. Instead, language is both the source and product of our agency and the structural and organizational forces of which we are a part.

The "thought experiment" I use with my students to convey this point is quite simple. I ask them if they can think of something, anything, without first putting their notion into words? No matter how much my students try, they are at a loss to come up with an idea that is not always and already within some form of (unconscious) speech. What this means is that language shapes reality. Another way to convey this idea is that language *speaks* reality.

The fact that language is so integral to who we are and to what we do is of considerable consequence. It is particularly noteworthy in the field of criminology. If words define us, our interaction with others, and the institutions in which we work and play, what implicit values and/or hidden assumptions are contained in the language we use to convey our thoughts? In other words, whose values and/or assumptions are given preferred meaning or special consideration when we speak or write? Relatedly, whose values and/or assumptions are ignored, dismissed, or silenced when we speak or write?

If you have ever witnessed the unfolding of a trial (civil or criminal) the problem of language, specialized meaning, and values is readily apparent. Imagine a criminal case in which an indigent defendant, incarcerated for several long years, elects to represent himself in the courtroom. Assume further that as a "jailhouse lawyer" this individual has learned a great deal about the trial process, filing motions, rules of evidence, and examining witnesses. Indeed, one could say that, although not formally schooled in the practice of criminal litigation, this defendant has mastered both legal logic and the "legalese" associated with it.

Even if the indigent defendant wins his case, postmodernists seriously question the linguistic conditions under which this victory occurs (Milovanovic, 1988). Just as there is a unique language that constitutes the law (i.e., legalese), there is a unique grammar that represents prison life. In fact, there are a great number of language systems (e.g., computers, sports, advertising) that variably affect us. Each of these systems of communication relies on certain words or phrases to convey specialized meaning. For example, the phrase "tossing salad" is an unambiguous sexual reference in prison parlance whose meaning differs dramatically when used in every day, casual conversation. The expression "objection your honor, lack of foundation," means something quite specific within the courtroom setting but lacks the same specificity outside of that environment. In order to comprehend the full intent of what is being communicated in these and similar instances, one must insert oneself into or be situated within the language system in use.

This immersion into specialized discourses is fine if we are talking about fairly innocuous language systems. No one is personally harmed, for example, when failing to understand what a "ground rule double" means in baseball, or what a "formatted, high-density disk" means in computer-speak. However, there are entire fields of communication that require a careful adherence to their internal logic. The language of law is one such case in point. According to postmodernists, the problem is that by remaining faith-

ful to how the legal system understands crime, criminals, and the criminal trial process, alternative understandings for such matters are dismissed. In addition, particularly in the instance of our indigent defendant, a more natural, true-to-self presentation of the case and the facts surrounding it are not possible. Legal language endorses only that speech that reaffirms its own legitimacy to settle disputes. Anything falling outside of the judicial sphere is declared inadmissible, irrelevant, immaterial. What this signifies is that all the shadings and nuances of meaning that might otherwise be conveyed if one were to speak his or her "true words" (Friere, 1972:57-65), are filtered through the lens of law-talk. Entire ways of knowing are denied expression and legitimacy in the courtroom. A fuller, more complete sense of being is silenced for our jailhouse lawyer, for other criminal defendants, and for anyone similarly disenfranchised.

2. *Partial knowledge and provisional truth*—The centrality of language in postmodern analysis gives rise to many understandings about society in general and to a host of practical comments about the nature of crime and justice in particular. If discourse structures thought in ways that are not neutral, then rationality, logic, and meaning (components of reality construction) are limited by the (dominant) language in use. Thus, not only are entire fields of understanding devalued or repudiated, but what we come to regard as meaningful is itself forever incomplete. The stories representing our lives, the narratives comprising the social order and human affairs, the stock of knowledge forming the basis of civilization are all partial, fragmented, unfinished projects. To some extent, this is because such "texts" are always evolving. More significantly, however, this incompleteness is a function of how privileged systems of communication (e.g., law, medicine, science) embrace certain understandings about the world and people in it, while resisting or dismissing others. As a result, what we take to be "truth," as an articulated expression of knowledge, can, at best, be defined merely as a provisional, relational, and/or positional reality.

Consider the example of law enforcement patrol work. The police stop, detain, and arrest suspects routinely as an expression of their "protect and serve," order-maintenance function. But how do officers understand police-citizen interaction? In other words, what are the linguistic forces that determine how patrol officers stop, detain, and make discretionary decisions about arresting suspects?

Students usually take for granted the manner in which police-citizen exchanges occur. However, when I question individuals in class about this interactional process, most admit how important it is to listen to what the police say and do what they are told, or else suffer the consequences. But in these telling comments we can begin to understand the power of language, partial knowledge, and positional truth to determine the fate of police-citizen encounters (Manning, 1988; Shon, 2000). One classic illustration is the case of Don Jackson, an African-American undercover surveillance officer in California.

During the 1980s, Jackson came to believe that the Long Beach police practiced and endorsed institutionalized racism in the department. In an effort to prove his point, Jackson engaged in a number of field experiments. For example, while typically wearing plain clothes and driving an unmarked car so as to not draw attention to his police officer status, he traveled late at night in communities known for their high rates of crime, reportedly perpetrated by black males. On one occasion, with video and audio equipment strategically and secretly stationed in his car, Jackson was pulled over by a white male cop who did not recognize him. There was no indication that Jackson was speeding or violating any other traffic laws.

Rather than remaining in the vehicle and saying nothing until approached by the officer, Jackson exited the car and repeatedly, but politely, asked the officer for an explanation. The officer insisted that Jackson remain still and quiet. Jackson continued to press the cop for an explanation and for more information on why he was being detained. The more that Jackson asked for clarification, the more the officer assumed that the "suspect" was potentially dangerous. The officer insisted that Jackson put his hands on his head, and face his vehicle. Jackson refused. The officer took out his billy club, demanding that the citizen-suspect comply. Jackson firmly but courteously continued to ask for an explanation. As the video footage discloses, Jackson eventually found himself thrown head-first through a store-front, plate glass window. He was subsequently handcuffed and taken into custody for further questioning by the officer for resisting arrest.

What are we to make of this curious, if not tragic, event from a post-modern perspective? In part, the officer was responding to what he perceived to be a potential high-risk situation: it was late at night in an area known to be pocketed by violent crime perpetrated by black males. However, on closer inspection, the escalation of this police-citizen encounter was based on an exchange of different language systems and their corresponding values.

Jackson did not comport himself, through speech or behavior, consistent with what the officer understood to be a "good" citizen-suspect. The officer's knowledge of patrol work was circumscribed by his Academy training and field experience. As any rookie cop will tell you, controlling the situation (through words, gestures, and actions) is pivotal to avoiding potential conflict. But in the case of Don Jackson, did the officer's knowledge confirm an absolute truth about policing? No. In fact, Jackson embodied an alternative expression of knowledge (i.e., question police practices cordially but directly), yielding a different truth about patrol work (i.e., sometimes officers stop and detain black suspects without cause). The officer's rationality, logic, and meaning (control the situation) was incompatible with Jackson's (elicit information). By seeking an explanation for the officer's behavior, Jackson articulated a different set of citizen-suspect values than those harbored by the officer, leading to an atypical exchange that resulted, regrettably, in the officer's display of (excessive) force.

3. *Deconstruction, difference, and possibility*—Students often find unsettling the notion that truth is not absolute and that language is the culprit in this charade. Somehow it doesn't seem as if discourse could produce such devastating outcomes. Yet, the world "out there," once named as such, is value-laden. Certain expressions within the dominant language system in use (e.g., law, policing) filter the way in which people are to think, feel, act, and be. As postmodernists remind us, because our awareness of reality is circumscribed, constantly spawning fragmented knowledges, positional beliefs, and relational truths, there is a certain undeniable relativity to being human. This relativity returns us to Einstein and the uncertain, non-absolute, and random world in which he described the ordering of the cosmos.

One technique employed by many postmodernists to interpret this randomness is termed "deconstruction." Deconstruction or "trashing" entails a careful reading and de-coding of a text (written or spoken). The purpose of deconstructing the text is to unveil the implicit assumptions and hidden values (i.e., often inconsistent, contradictory beliefs about social phenomena) embedded within a particular narrative. Deconstruction shows us how certain truth claims are privileged within a given story while certain others are disguised or dismissed altogether. Because deconstruction focuses on the actual words people use to convey their thoughts, it attempts to uncover the unconscious intent behind the grammar people employ when writing or speaking. Thus, language or entire systems of communication are put under the microscope for closer inspection. In a sense, then, trashing a text entails reading between the lines to ascertain the meanings (i.e., ideology) given preferred status in a particular language system.

The "thought experiments" I entertain with students on this matter vary considerably. One example that they tend to appreciate, however, is sentencing mentally incompetent prisoners to death (Arrigo & Williams, 1999). Generally speaking, execution can only occur if one is psychiatrically competent. In other words, death row prisoners if incompetent, must be restored to competency before the execution can occur. Typically, some form of drug therapy is administered to restore to competency a psychiatrically disordered death row prisoner. Postmodern deconstructionists question what it means to receive such "treatment." One meaning of treatment is to confer upon another a gift or a reward. Medical intervention, then, represents the gift of reparation: it repairs, corrects, and remedies illness and disease. It intends the elimination of suffering and pain.

However, the reward of drug therapy for persons awaiting execution is built on faulty logic. Indeed, how can such a gift eliminate suffering if its obvious effect is the termination of one's life? What pain is eliminated that produces execution? Thus, following deconstructionism, drug therapy is not "treatment" or reward. It is the exercise of state-enforced power to regulate the mental state of prisoners. This regulation is particularly problematic when disordered prisoners receive forced drug therapy (i.e., treatment) over their constitutional right to object to it. Thus, competency restoration

signifies a political and oppressive, rather than medical and humane, act to control the fate of death sentenced citizens. As a practical judicial matter, however, the United States Supreme Court continues to acknowledge the legitimacy (i.e., the value) of restoring to competency death row inmates so that they may be executed.

Deconstructionism allows us to see how certain ways of knowing are privileged while certain others are not. Therefore, the social theology of postmodernism seeks to include the voices of those whose understanding of the world would otherwise remain dormant and concealed. The postmodern challenge invites us to embrace articulated differences, making them a part of the social fabric of ongoing, civic interaction. This call to express one's authentic being and genuine humanity moves us beyond the modernist logic of tight, rigid control to the postmodernist sensibility of fluid, evolving possibilities.

In the realm of critical criminology, the language of possibility means that expressions of law, crime, and justice must reflect the multiple and disparate ways different people (or collectives) come to experience, know, and live reality. One illustration that poignantly captures this sentiment is the manner in which legal and psychiatric decision brokers civilly and/or criminally confine the mentally ill (Arrigo, 1996). Typically, in order to be released from custody, psychiatrically confined citizens must first turn to the very systems (i.e., the mental health and/or criminal justice apparatus) responsible for their institutionalization. Mentally ill persons must comport themselves in such a way that they convey "psychological wellness." In other words, their speech-thought-behavior must be devoid of deviant-oriented, disease-minded, or dangerousness-prone tendencies. In short, they must be made functionally well, corrected, and de-pathologized. But such cleansing often comes at a debilitating price. On the one hand, while ridding oneself of such predilections may stave off sustained confinement, forced compliance quashes a person's more natural, non-homogenous identity. On the other hand, refusing to comply, while affirming one's "right to be different," most assuredly results in protracted institutionalization.

The postmodern logic of difference, inclusivity, and possibility would acknowledge that neither of these options is particularly humane. Instead, creating enclaves of support or establishing zones of safety where expressions of nonviolent nonconformity are a welcome relief from the din of conventionality are integral to realizing a more just resolution to the dilemma of meaning (i.e., conformity) versus being (i.e., difference) described above. The challenge is in recognizing and accepting that different people express themselves differently and that ALL citizens (e.g., the chemically addicted, the frail elderly, the working poor, the mentally disabled, the homeless, adult and juvenile offenders), short of harming others, need a supportive space within which to articulate who they are, freed from the normalizing constraints imposed upon us first and foremost by disciplinary language systems.

The Limits of Postmodern Thought for Critical Criminology

The precepts of postmodernist thought have been questioned on a number of fronts. Indeed, there are many, many criticisms. This notwithstanding, three particular challenges seem most problematic. In what follows, I summarize each criticism and offer a response to the identified limitation.

1. *Nihilistic, pessimistic, fatalistic science*—According to critics of the theory, postmodernism's refusal to accept absolute truths or foundational knowledge seriously undermines its legitimacy as a bonafide investigatory paradigm (Hunt, 1990; Schwartz & Friedrichs, 1994). Indeed, if everything is relative, as postmodernists most assuredly contend, how is it possible to make any statement about reality, events and people in the social order, and ongoing human interaction? If the world "out there" is forever incomplete, lacking any certainty, subject to randomness, isn't it impossible to speak about progress, knowledge, truth, and the like? Critics argue that this world view is too nihilistic, too pessimistic, too fatalistic, and too relativistic. Postmodernism, they conclude, is nothing more than subjectivism, masquerading as pseudo-science (Handler, 1992).

Much like Einstein witnessed, the notion that uncertainty pervades nature and the universe is uncomfortable, to say the least. When realizing the implications of such a scientific conclusion, the renowned physicist famously and frequently insisted, "God does not place dice." In his later years, Einstein unsuccessfully attempted to develop a unified theory that explained what appeared as random in the cosmos. It was not until the scientific breakthroughs wrought by chaos theory that such an explanation was possible (Gleick, 1987). The insights of chaos or complexity theory are significant to the modernist charge of relativism, subjectivism, and nihilism leveled against postmodernist thought.

Chaos theory or nonlinear dynamics argues that orderly disorder governs the behavior of all natural systems. Natural systems include such things as the movement of the stars, the regularity of snow fall, and the activity of the brain in humans. In each instance, there appears a certain randomness in behavior, making it difficult to predict how such systems will function with any certainty. The principle of orderly disorder, however, indicates that it is possible, over time, to plot the movement of natural systems. In brief, chaos theory tells us that all systems settle into or tend toward a certain patterned regularity. At the situational or micro-level there is considerable randomness, flux, and unpredictability. However, at the global or macro-level a pattern of behavior emerges that can be mapped out. This pattern can evolve over time; however, an identifiable configuration nonetheless exists. Thus, orderly disorder (i.e., chaos) governs the behavior of all natural systems.

Nonlinear dynamics confirms the postmodernist conviction that there is an appreciable degree of uncertainty underpinning the manner in which reality is constructed and lived. Where postmodernist thought relies on

language to convey this point, chaos theory mathematically verifies the (dis)order in the universe. Social systems, too, are subject to the same logic. In the field of crime, law, and justice, research is now just beginning to emerge, applying the insights of chaos theory to concrete social problems (e.g., Milovanovic, 1997; Williams & Arrigo, 2001). What this means is that far from being nihilistic, pessimistic, or fatalistic, postmodernism represents an intellectual paradigm consistent with those scientific discoveries advancing the work of Albert Einstein. Moreover, as the critical criminological studies in this area suggest, alternative truth claims are possible, provided they are understood as positional, relational, and provisional.

An example of how chaos theory has been appropriated in the criminological literature is found in a study I conducted involving one single room occupancy (SRO) community for working poor and formerly homeless men and women (Arrigo, 1997). Over a seven-year period, I was able to demonstrate how orderly disorder was integral to the prosocial behavior of this vertical neighborhood. On a daily basis, when relying on a strength-focused approach to designing the SRO culture, there was a great deal of confusion, uncertainty, and unpredictability in tenant activity. Critics of the model warned that without greater control and structured interventions, crime and deviance rates would be high. However, when plotting out the behavior of the residence over time, a pattern of crime responses, measured by eviction notices and house rule infractions, emerged. When comparing these data against the previous SRO strategy which emphasized a needs-based approach with planned interaction, the level of crime in the community was considerably lower with the strength-focused model. Indeed, when principles of orderly disorder operated in the community, incidents of crime (e.g., destroying property, physically harming others) were nearly three times less likely to occur than during the building's more structured and organized phase (Arrigo, 1994). The more freedom SRO occupants had to shape, re-shape, change, modify, or eliminate various facets of their community, the more ownership they felt toward the facility and the more investment they described in making sure it was safe.

2. *Contradictory and elitist logic*—Critics of postmodernist theory contend that defining what the perspective “is,” is inherently contradictory. Focusing on a singular or limited definition is a reduction in meaning that invalidates one of the theory's main principles; namely, resisting and renouncing all privileged points of view. To describe postmodernist thought one way, is to elevate that interpretation over and against all others. Thus, defining postmodernist theory and, more particularly, postmodernist criminology, is an inherent contradiction (Hunt, 1991). Relatedly, opponents of the perspective argue that much of the writing is idiosyncratic, abstruse, and incoherent (Schwartz & Friedrichs, 1994). The dense and cryptic prose not only fails to ingratiate postmodernist thought to a larger, relatively impartial, audience, it also suggests that the theory is fundamentally elitist. The delib-

erately obscure language undermines the perspective's notion of inclusivity and, accordingly, renders the theory nothing more than self-aggrandizing prattle (Cohen, 1993).

There are many strains of postmodernist thought and many ways to describe these perspectives. Postmodernists often qualify much of what they say for fear that their meanings will be regarded as dominant or privileged interpretations. The difficulty in conveying what the perspective signifies is that it calls for some reduction; a definable, tangible statement that the theory stands for some thing apart from what other theories represent. Moreover, in describing the perspective this way, it quickly transforms itself into a (post)modernist and, eventually, a modernist theory. Again, this is why there is such resistance to singularly defining the postmodern attitude, perspective, knowledge process, and the like. It is difficult to shed the baggage of modernist sense-making. Postmodern feminists (e.g., Irigaray, 1993), for example, have been particularly vocal on this point. They insist that the challenge women confront is to construct a contingent method of communicating feminine ways of knowing freed from the trappings of masculine logic, sensibility, and discourse. This project is still in the making.

In part, efforts to establish different modes of expression contribute to the often cumbersome, clumsy, and confusing postmodernist writing styles. There is something of a political statement embedded in the complexities of the prose. Creating a space within which meaning is not immediately recognizable or instantly grasped allows the reader to explore the subtleties of thought (e.g., ideology) that might otherwise be overlooked in the text. Typically, when we read something there is an expectation that coming to a period will produce *precise* meaning and *clear* intent. But this expectation leaves little room for different interpretations, different understandings of the same thought. The problem with this outlook is that certain views become "right" or "true" interpretations while other views, and the people who harbor them, are understood to have wrong explanations and are summarily dismissed because of them. Developing a writing style that slows the reader down compels one to study the text over and over again. This strategy fosters multiple and divergent interpretations, making possible the inclusion of many different ways of knowing without privileging any one of them.

Students often question whether it is possible to write or speak in such a way that allows different voices to be heard, without valuing one position over others. The "thought experiment" I rely upon centers around the experience of rape or domestic abuse (Manning, 1995). I ask individuals in class to imagine how they would articulate this harrowing event in a court of law without having opposing counsel object, claiming that such testimony was prejudicial, inflammatory, or misleading. Usually, several responses are offered, mostly dealing with the technicalities of direct testimony and trial procedure. I then ask them to consider whether words can fully convey the pain, trauma, devastation, or humiliation a rape survivor lives with daily. Often students are quiet; it is as if language escapes them, leaving *them* help-

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less. Then, in that long pause, someone finally says something that rescues the rest of the class: "words are all that we have." In that moment, students recognize that writing and speaking are both source and product of our identities. Language both constrains *and* liberates us. For the victim of domestic abuse, much like for the rest of us, the possibility of establishing a non-hierarchical, non-oppressive grammar that captures the felt experiences of people, resides in language and our evolving conceptions of it.

3. *Deconstruction as apolitical, ahistorical, non-humanitarian speech*—Opponents of postmodernist theory question how language helps us understand the problems posed by race, gender, and class disparities in any meaningful way (Lynch, Lynch & Milovanovic, 1995). In other words, the material or social forces that inform existing power relations wield effects that far surpass linguistic interpretations. What more can mere words tell us about the exercise of coercive power, corporate exploitation, worker alienation, brutalizing police practices, state-sponsored oppression, hegemonic legal decisions, and the like? It is hard to imagine how postmodern analyses can advance our knowledge of these very "real" experiences, much less change them. In short, postmodernist thought, especially in its reliance on deconstruction, represents an apolitical, ahistorical theory, fostering an anti-humanitarian "ideology of despair" (Melichar, 1988:366).

Postmodern deconstruction alone is not the answer to the social conditions that give rise to problems in crime and justice. Having said this, a critical deconstruction, grounded in materialist assumptions (i.e., race, gender, and class inequalities), directs our attention to the very structures of thought that create occasions for sociopolitical marginalization, victimization, and alienation. Thus, on a practical level, postmodernist thought can tell us "something more [than we presently know] about how jurists, criminologists, and criminal justices view themselves in relation to their respective practice roles" (Arrigo, 1995:449). This form of understanding allows for a more reflective social criticism about police, court, and correctional personnel and the institutions in which they work. Perhaps more significantly, a critical deconstructive investigation, especially when combined with other strains of postmodernist thought not discussed here (e.g., semiotics, psychoanalytic, and post-structural), potentially creates a *reconstructive*, though contingent, vista from which to promote a more humane, transformative, praxis-oriented philosophy about social life and civic affairs. Meaning can be created from the depths of despair and postmodernist thought provides us with the necessary intellectual tools to accomplish this.

One facet of developing a reconstructive agenda entails replacement discourses (Henry & Milovanovic, 1996). Replacement discourses encourage us to resist the power others have to shape, through language, our identities in repressive, reductionistic ways, while affirming, in speech and behavior, the intrinsic humanity those others possess. The creative nonviolence movement of the 1960s led by Dr. Martin Luther King, Jr., and the peace protests that occur today around the country for economic, political, and social jus-

tice, exemplify the philosophy of replacement discourses. Becoming the change one seeks begins when people express their humanity and validate the humanity of others.

The entire restorative justice model, and its corresponding intervention of victim-offender mediation (VOM), is built on the premise that supportive healing, conveyed through words and action, makes meaningful reconciliation possible (Arrigo & Schehr, 1998). Talking openly about suffering and sadness for all parties in a criminal dispute and for the community affected by it, is the first step toward reconciliation and redemption. What these and similar initiatives (e.g., community policing and corrections) indicate is that making peace with crime and restoring justice to society entails a reconceptualization of how the criminal justice apparatus functions. Postmodernist theory simultaneously "subverts the comfortable structures of thought, images of reality, and certainty of thinking that underlie criminal justice science" (Arrigo, 1995:449), while challenging us to invent positional, relational, and provisional methods in which we retrieve and rediscover our unfolding humanity. Much like Einstein, the postmodernist project is a science built, in part, on the premise that we live in a world that is fundamentally disorganized, incomplete, and fragmented. The challenge for us all is to thrive in the face of this uncertainty.

Summary

Postmodernist thought, as a form of critical criminology, continues to evolve. This chapter examined several of the more prominently discussed features of the perspective, mindful of the theory's general limitations and practical problems in crime and justice research. In no way was this presentation exhaustive and readers are cautioned to understand that this objective was never intended nor pursued. The future viability of postmodernist thought, as a strain of critical criminological analysis, lies in its capacity to show, through ongoing application studies, where and how ideological forces saturate police, court, and correctional institutions, practices, and policies. In short, the sustainability of postmodernism, as both theory and method for conducting critical criminological inquiry, rests in its ability to show how language significantly shapes the identity of people and the organizational and structural forces of which they are a part. Beyond this, the postmodernist challenge is to develop multiple ways, through written and verbal texts, where the voices of the disenfranchised can find fuller, more complete expression within the very institutional arenas that define, reduce, and delimit their existences. This is an invitation to emancipate the subject and his/her meanings, borne of the despair that comes from oppression, exclusion, and silence.

Discussion Questions

1. Postmodernists (including postmodern criminologists) argue that language is pivotal to creating reality. In fact, they contend that we cannot think of a thought without first putting it in the form of a language. Please explain this statement. Can you think of a relevant criminal justice example to support your analysis? Be specific.
2. How does the language of law deny alternative or replacement readings of legal actors, institutions, procedures, and events? What are some of the limits of using legal language in a court of law, especially when addressing criminal issues like sexual assault, competency to stand trial, or a capital case?
3. Postmodernists contend that reality gives us partial knowledge and incomplete truths. Please explain this observation with reference to one specific criminal justice issue or controversy.
4. In this chapter, much was made of the case of Don Jackson, an African-American, former undercover surveillance officer in Long Beach, California. From a postmodernist perspective, what were some of the problems Jackson confronted?
5. What is deconstruction and how does it work? Please explain how the phenomenon of executing mentally incompetent prisoners can be deconstructed. What do we learn when we deconstruct this phenomenon?
6. What do postmodernist criminologists mean speaking about languages of possibility? Please give an example of how this notion operates in a criminal justice context.
7. One limitation of postmodernism is that it may be too nihilistic, pessimistic, and fatalistic. Please explain this. Use a crime and justice example to refute this claim.
8. One limitation of postmodernism is that it promotes contradictory and elitist logic. Please explain this. Use a crime and justice example to refute this claim.
9. One limitation of postmodernism is that deconstruction is a form of ahistorical, apolitical, and non-humanitarian speech. Please explain this. Use a crime and justice example to refute this claim.
10. As a student of criminal justice, what is the most significant strength and limit of postmodern criminology? Please explain your responses in detail.