

**Escaping the Logic of Crime:  
Language, Categorization and the Writings of Louk Hulsman**  
*David Scott*

To live in a world without prisons it is essential that we find an effective way to escape from the logic of the concept of 'crime'. The criminal law is a medium of authoritarian state power rooted in violence, repression and control rather than a means of resolving moral conflicts. Legal coercion damages human relationships, weakens solidarity and creates less caring societies that make non-penal ways of thinking about harms, wrongs and problems less likely to develop. The weaker the bonds in society, the less we know of each other, the more likely we are to resort to the criminal law and punishment. Extensive use of the language of 'crime' may be considered as a result of the collective failure of society to appropriately build solidarities around human diversity and the fundamental thing we all share: our common humanity. In practice, the application of criminal laws reflects deeply ingrained social divisions, and distract attention away from some the most harmful and damaging aspects of society. Recourse to criminal law and subsequent forms of penalisation, such as imprisonment, are a sign of failure: they do nothing to help 'victims', cannot deliver justice and dehumanize, humiliate and degrade 'suspects' and 'offenders', and lead to the abdication of responsibilities (Hulsman, 1986a, 1991). Punishment reflects nothing other than an unbridled spirit of violence, and prisons are places of suffering and death transgressing human dignity on a daily basis (Bernat de Celis, 2014; Scott, 2016).

Acknowledgement of the iatrogenic harms of penalisation has never been more urgent than in our times of "penal promiscuity" (Gross, 2012, p. 26). In our historical moment when societies are increasingly falling into a punitive trap where more punishment is considered as the solution to social problems generated by punitive, exclusionary and dehumanizing policies in the first instance, we need to find an escape route. The ideas of the great penal abolitionist Louk Hulsman's (1991) can help us find a pathway to such an exit. For Louk Hulsman (1991), the language underpinning the concept of 'crime' inevitably results in punishment. The only way to avoid the hugely destructive path opened by criminal law is to abandon the language of the concept of 'crime' altogether. When referring to the language of 'crime' I mean to highlight the manner in which a given behaviour is interpreted and dealt with by the institutions of the criminal process – a language which is often uncritically regurgitated by the media and in popular culture more broadly. Crucially, it is a way of thinking and thus a mode of constructing social reality. Rather than the restrictive, rigid and punitive interpretations wrought through the logic of the concept of 'crime', what is required is a form of 'interpretive generosity', that is, a humanitarian and generous interpretation of events, troubles, and problematic situations that can allow for alternative ways of reconstructing events and defining human responsibilities in relation to the actions reviewed. The promotion of a greater understanding of all people involved and the situating of troublesome events within temporal and spatial (time and space) contexts is therefore intended to facilitate the best possible non-penal forms of redress for all concerned.

For Louk Hulsman there are two central elements to the logic of the concept of 'crime': criminal harm and criminal blame. The aim of this chapter is to critically explore both these elements. The chapter starts with a discussion of how the ontological foundations of criminal harm can be successfully deconstructed (Hulsman, 1986a, 1986b). This is followed by an account which questions the moral legitimacy of criminal blame through the lens of liberation philosophy and the ethics of responsibility (Dussel, 2013), which connect closely with the libertarian socialist ideas inferred by Hulsman (1986a). The central claim is that penal abolitionism is a philosophy of liberation and essential component of libertarian socialism that stands outside the logic of 'crime' and aims to initiate non-penal ways of handling individual

and social conflicts. In so doing, it provides an important starting point when arguing *against imprisonment*.

## ONTOLOGICAL REALITY

One of the most striking claims by Louk Hulsman (1986a, 1986b) is that ‘crime’ has no ‘ontological reality’. By this he means that the concept of ‘crime’ has no fixed or essential nature, but rather is open to different and conflicting interpretations. He starts his analysis by noting that there are two broad ways of conceiving social reality: the *catasopic* world view, which operates on a societal level, and the *anasopic* world view, which is grounded in our interactions with people in our specific social groupings. The ontology of ‘crime’ is dependent upon the adoption of the *catasopic* world view (Lasslett, 2010). The *catasopic* world view reflects the hegemonic representations of ‘crime’ in a given historical moment. This dominant social construction of ‘crime’ is disseminated by the mass media and though only certain kinds of harms, wrongdoing and problems are selected as comprising its ontology, the nature of ‘crime’ appears concrete and eternal. The dominance of a given understanding of ‘crime’ is reflected in the manner in which it becomes ‘common sense’ as the taken for granted, true and uncontested meaning of ‘crime’. The contingency and partiality of such framings of ‘crime’ become largely uncontested in popular understandings (Lasslett, 2010). It is important therefore for abolitionists to disrupt certain ‘ontological’ assumptions about the nature of problematic human behaviours.

There is no fixed certainty about what a ‘criminal act’ actually constitutes. ‘Crime’ is an essentially contested concept. There are considerable differences between what is morally wrong, unethical, dishonest, or exploitative and what is defined as a ‘crime’. A ‘crime’ undoubtedly entails consideration of an act that has intentionally generated injury and harm, but exactly what kind of damage and the causes of such hardship are far from certain. What we know is that most problems are not criminalized, but regularly dealt with *outside* any criminal process (Hulsman, 1986a). Likewise, many personal hardships more damaging to the individual than those which are criminalized, are not defined as a ‘crime’. The seriousness of a given behaviour and the most appropriate response are then open to negotiation.

Whilst there is no object way of determining the nature and extent of harm, the more serious the harmful outcome of an act or given behaviour generally, the less likely the language of the concept of ‘crime’ is invoked. There undoubtedly are many difficulties in using the language of ‘crime’ when it comes to atrocities and human rights violations, but it is these scenarios when the logic of ‘crime’ is most likely to be successfully resisted. Definitions of seriousness and the enforcement of laws reflected not only familiarity – that is, behaviours that we can easily understand and identify as problematic – but also stereotypes about the supposed perpetrator and victim. It is not just what you do, but *who* you are, and how closely you conformed to stereotypes of respectability or un-respectability that underscore the *catasopic* world view. Those people who belong to certain social groupings (labelled as ‘high risk’ and of ‘low respectability’) are most likely to come under police suspicion and surveillance. Stereotypes, group characteristics and ‘class bound definitions of harm’ lead to constructions of particular individuals as ‘threats’, ‘dangers’ and ‘risks’ to the existing social order (Hulsman, 1991). The poor are not more criminogenic than the middle classes, but their ‘crimes’ are taken more seriously by law enforcers. Subsequently, it is the poor who are distanced, Othered, criminalized and then penalised. It is the poor who are subject to ‘categorical suspicion’: people regarded as criminal not because of what they have done, but because of *who they are* (Hudson, 2003). It is the poor who are sent to prison.

The normalcy of ‘crime’ is accepted because its classificatory framework already exists and is constantly being ideologically reproduced through the *catasopic* world view. Yet “crime

is a Statist category” (Chartier, 2013, p. 264). ‘Crime’ is a tool of power that cannot be conceived beyond the modern Capitalist State (ibid). The criminal law has historically been invoked to protect the interest of property and to regulate acts that destabilise the interest of capital (Black, 2010). The conflict between the ‘victim’ and the suspected or supposed perpetrator is appropriated by agencies of the Capitalist State which not only rearticulates the problem as one challenging governing authorities, but also generates legitimacy for the legal violence of the criminal process. The criminal law does what it is intended to do: it sends a symbolic message about the power of the Capitalist State and in particular its power *over* the people.

Thus, the availability of the criminal law as a tool of state power means (i) that someone’s body or possessions or both can be subjected to the use of force in response to the reality or possibility of conduct without any demonstration that the conduct has harmed anyone, (ii) that someone can be penalised for their conduct without any serious attempt to determine the *magnitude* of any harm for which she might be supposed to be responsible, and (iii) that someone can be penalised for their conduct without any attempt to see to it that the penalty rectifies any injustice created or constituted by the conduct. (Chartier, 2013, p. 300)

Louk Hulsman (1986a, 1986b) offers us a different analyses of the ‘ontological reality’ of ‘crime’: the anascopic world view. He reminds us that our lived experiences occur within a diverse, fragmented and tribal social relations, rather than as members of a one-dimensional society where everyone has similar human encounters and life conditions. Hulsman (1986b) demands that we critically interrogate our ‘natural attitude’ and suspend what we think we know about ‘crime’. In so doing, common sense reasoning is problematized, laying bare the norms, rules and expectations of everyday human interactions. Because of our rich human diversity and the plurality of interpretations open to us, it is important to explore the meanings people attribute to acts and behaviours within the situational context that they arise rather than rely on the ideologically loaded constructions of the media: the language of ‘crime’. The concept of ‘crime’ does not come ready made. Meanings are products of interactions mediated and negotiated by the individuals involved rather than objectively pre-given realities. The real is an ongoing accomplishment, a subjective process that is always open to future reinterpretation and re-evaluation (Kitsuse and Spector, 2001). The anascopic world view focuses on the language, interpretive resources and other ‘raw materials’ available when categorising troubling events. There are different ‘frames of interpretation’ that can be drawn upon (Scott and Codd, 2010). We may have a sense that something is not as it should be – that it is a problem – but how do we define it, interpret it and classify it is not pre-determined.

For Louk Hulsman (1986b: 29) there is “no *ontological reality* of crime”. There is no common denominator between problematic behaviours and problematic situations which are defined as ‘crimes’. These are just a diverse collection of acts that have nothing else in common except that they are dealt with by criminal law. The essential aspect or nature of the object is missing. Louk Hulsman asks us to think about the similarities (or lack of) between a rape, environmental pollution, a death generated by systematic failure to adhere to health and safety laws, substance misuse, sex work, a bank robbery and benefit fraud? They are all criminalized, but there is no clear essential component that unites them except the criminal law itself.

Further, the logic of ‘crime’ removes an incident from its situational context, isolating it from the meanings and interpretation of those involved. The (in)stability of the interpretation of a given incident can be illustrated by considering just a few examples of what many people would consider serious harm that could in certain circumstances be defined as ‘crimes’.

- *A man is beaten by another with their bare hands until their body is battered and bruised.* This may not be considered a 'crime' if
  - A) It took place between two consenting male adults in a boxing ring. We could call it sport.
  - B) It took place between two consenting adults in the act of sado-masochism. We could call this sexual activity.
  - C) It took place thirty years ago in a UK school by a teacher on a pupil for ill-discipline or breaking school rules. It would have been called corporal punishment.
  
- *A woman is killed by another person via a form of physical suffocation.* This may not be considered a 'crime' if
  - A) It was during a time of war and the woman was a spy killed to prevent releasing secrets damaging to national security. The killer could be called a war hero.
  - B) It was an assisted suicide undertaken by a compassionate friend, partner or medical practitioner because the woman no longer had any quality of life. Depending on the country where this took place, this could be called an act of love.
  - C) It took place in the United Kingdom prior to 1958 when a woman could be legally hanged till she was dead. This would have been called capital punishment.
  
- *A child dies as a result of being subjected to violence.* This may not be considered a 'crime' if
  - A) The child was a suicide bomber who dies at the hands of security forces. This could be called an act of societal self-defence.
  - B) It was a child who dies of malnutrition because of the structural violence of poverty. This could be called a natural death.
  - C) It was a child in a secure training centre (child prison) who could not cope with the daily harms generated by the institutionally-structured violence of the prison place. This could be called a self-inflicted death.

The label of 'crime' is a false abstraction that cannot accommodate all the nuances, complexities and contradictions of the human condition. When we speak of 'crime', meanings are created through the criminal process itself resulting in the 'abstraction' of a given social situation so that it fits the language and logic of the criminal law. This reality needs to be 'deconstructed' back to the original construction in the situational context of the life world so that it once again reflects the original meanings and intentions of those involved in the conflict. We should resist temptation to speak the language of 'crime' whenever possible. There always will be troubles, conflicts and problems. Yet, whilst we should accept the inevitability of antagonism and social conflicts whatever the social system, that does not mean that we should accept the inevitability of the punitive rationale. We should make a stand against prisons and punishment. For Louk Hulsman (1986a, 1986b), penal abolitionism is a vision of imperfection, conflicts and problems: human are and will remain fallible. We all make mistakes, but by utilising alternative language to understand our life world we can start to think about alternative non-penal ways of conceptualizing our problems and how we can most responsibly address them.

**PEOPLE IN GLASS HOUSES  
SHOULD NOT THROW STONES**

The second core element of the criminal law concerns what Louk Hulsman (1991) calls the ‘culpable author’: that is, a person deemed blameworthy through the criminal law. Louk Hulsman (1991) reminds us that in determining culpability and blame the criminal law provides a ‘last-judgement’ view on the world. For its advocates, the ‘last-judgement’ approach is merely an expression of human nature. Resentment, indignation and disapprobation are for them all healthy human emotions (Strawson, 1962). It is natural for people to demand the withdrawal of good will when they have been wronged, and expect in its place the infliction of pain and suffering. A “*just* punishment and *moral* condemnation imply moral guilt and guilt implies moral responsibility and moral responsibility implies freedom” (Strawson, 1962, p. 60). Further, those who have shown harmful intent and then the “subject of justified punishment, blame or moral condemnation must really *deserve* it” (ibid, p. 61). The ‘last judgement’ of the criminal law is therefore primarily about the interconnections between *freedom*, *moral responsibility* and *just deserts*. It is primarily about blaming a morally responsible agent for wrongdoing. Blame and pain go hand in hand. Whilst there have been philosophical treatise aiming to redefine blame (Sher, 2006; Scanlon, 2008) so that it is not linked to retribution, pain infliction and just deserts, these approaches cannot be expanded to cover the legal /criminal conceptions of blame (Shoemaker, 2013). Thus, whilst some advocates of blaming may feel uncomfortable about deliberate pain infliction, the two are intimately intertwined in the criminal law. Let us consider the ‘culpable author’ by first critically considering the ‘last judgement’.

The last judgement of the criminal law inevitably leads to pain delivery. Louk Hulsman (1991) questions whether anyone has the right to inflict pain on another person, in so doing placing the ‘power to punish’ on trial. Legal judgement and the application of the criminal label are a way of generating practices that divide monsters from angels, good from bad, saint from sinner, and punisher from the punished. Abolitionists such as Louk Hulsman (1991) have long recognized that we all have the potential to do great acts of kindness or wickedness. There are no ‘radical differences’ between the law-abiding and those who break the law: the criminalized are not ‘exceptional people’ who have social or biological characteristics that make them stand apart from the rest of society. We are united in our common humanity and common failings.

More than this, Louk Hulsman (1991) reminds us of the broader problem of judging others: who are we to condemn our neighbours or indeed complete strangers? Nobody ever has entirely clean hands and we should put our own house in order (which can never be complete as the daily exercise of life constantly makes our houses messy) before we look at the disorder of others. Totally objective judgements are impossible. Judgements, even by the most morally competent of people, are always subjective: we never see the complete picture only aspects of it. Whilst it is imperative that all people are allowed to give a full account of themselves and that such testimony is heard, good judgement also requires that we put ourselves in the other person’s shoes. Even then, judgements should be open to counter-revision where and when necessary. Further, no judgement, legal or otherwise, can be considered wise or ‘just’ if it generates injustice. Indeed, it is the injustice of the judgement of the criminal law that has often fuelled calls for the abolition of state punishments. Because of the many difficulties associated with judgement we should always be reluctant and unwilling judges.

Rather than condemn others through legal judgements, Louk Hulsman (1991) promotes an alternative normative framework privileging cherished values such as love, care, compassion, understanding, forgiveness and kindness. Other humans are to be treated as ends in themselves rather than as means to an end. Emphasizing our responsibilities for the weak, ‘loving our neighbour as oneself’ and providing hospitality for strangers are of considerable importance. Two wrongs can never make a right, and so we should turn the other cheek and forgive rather than retaliate or seek vengeance. Justice then entails aspirations to address hurt

and loss, heal those who have been wounded, mend what is broken, and repair that which is damaged. Significantly, *justice* is not based on either merit or desert. We are obligated to not only help people who reciprocate and share own conception of the world, but those who are in need whoever they may be.

One further important principle is that people should practice what they preach. There can be no ethical dualism: abolitionists should live their daily lives in close adherence to their ethical and political values. For Louk Hulsman (1991) abolitionism is a way of life. Abolitionists should fulfil their ethical responsibilities to other people, and cleanse the punitive rationale from their private and public lives. Whilst the ethical threshold of penal abolitionism is a high one and virtually impossible to meet all the time, abolitionists should oppose the alleged naturalness of blaming (Strawson, 1962) and constantly resist the temptation to succumb the logic of ‘crime’ or punitive emotional constellations such as resentment or indignation. The abolitionist should on moral grounds be a conscientious objector to punishment and the prison place.

The language of blame can lead to victims blaming themselves when they have been harmed (Lamb, 1996) and there are sometimes harms when nobody is to blame or there is no obvious culprit. In the wider logic that for us to solve a problem we need first to have someone to blame, the search for blame can lead to injustice. It can result in the blaming of the innocent. It can also lead to attempts to ‘shift blame’ away from ourselves – if we are not to blame we should point the finger at those who are. This transference of blame onto somebody else can simply create ‘folk devils’ and scapegoats (Douglas, 1995). They take the blame because somebody has too. The logic of ‘crime’ may well demand resentment and that we identify blameworthy individuals, but sometimes the horror of an atrocity is so great that it cannot be tied down to one individual. Ultimately, the language of blame does not satisfy us. It does not give us what we want. We are still left feeling outrage, injustice and hurt.

Blaming is to be deserved, but the last judgement of the criminal law inspires blindness and focus only on the individual. There is only a narrow emphasis on the immediate context and no attention on causes or differences that matter, such as class and social inequality. Predicated on the assumption that all are equal under the law, the criminal law is underscored by a retributive logic that ‘justice’ is accomplished if law breakers are punished according to what they deserve. This is of course reminiscent of the arguments of Thomas Mathiesen (1990) and his critique of the fools pursuit of justice, where it is believed that the taking of human time and life through penal confinement can somehow repair what has been damaged or replace what has been lost. The criminal law is seen as holding people responsible for their actions. It assumes that people are agents in control of their destiny and that all people have the same capacities and have had the same life chances and resources in the past. None of these assumptions are correct.

Not only do people have different “raw material” to work from and different “self-making skills” (Waller, 2011, p. 23), everyone has different situational contexts and lived experiences. These differences in our histories are important. In socially divided societies people have unequal starting points. Our different abilities, capacities and capabilities and resources for self-making lead us down divergent pathways. The formation of human identity is an accumulative process for “our choices today shape our choices and our characters of tomorrow” (ibid, p. 34). We cannot consider problematic and troublesome conduct just within specific frozen moments in time as our life-course develops within social contexts and is influenced by a wide range of factors. This does not mean that we cannot recognize character flaws or virtues, but because they are shaped by factors often beyond the individual control of that person we need to think carefully about desert, individual responsibility and blame.

It is possible to recognize that a person’s behaviour is wrong without necessarily regarding the agent legally culpable. We can and should recognize the difference between

“character fault” and “blame fault” (ibid, p. 157). Rather than have certainty in terms of judgements of others we should have doubt, recognize that things are often more blurred and hazy than simply black and white, and hesitate when it comes to blame, legal or otherwise. A person can be at fault, they may have done a wrong, but this does not equate with a justly deserved condemnation or punishment.

The last judgement of the criminal law also fails to take account of structural divisions, inequitable power relations and social injustices. Indeed, to talk of dishing out desert exclusively through the criminal law in contemporary societies is nothing but hogwash. To be sure, where rewards are unevenly distributed in society so inevitably are obligations and responsibilities. Rather than deliver justice, the last judgement can simply render invisible the very real human costs of economic and social inequalities. As discretion and discriminatory stereotyping continue to operate across the criminal process, talk of ‘just deserts’ can ‘freeze in’ (Hudson, 1987, p. 114), rather than ‘magically eliminate’ injustice. Especially in times of economic crisis, the ‘crimes of the poor’ are presented as a threat to social order. Indeed, such a strategy of blaming the poor for their poverty and associated difficulties is essential: anything other than their inherent criminality and individual pathology might lead to questions being asked as to why the economically powerful did not do more help ease their predicament (Hudson, 1987, 1993).

Where an individual’s social situation may not only leave them more vulnerable to offending but also, whatever their behaviour, more vulnerable to criminalization, their culpability must be evaluated. Punishment sends a moral message that conveys blame, but obligations to obey ‘white middle class man’s law’ are not something possessed equally by all. In a materially unequal society we do not all have the same life opportunities or attachments. As Barbara Hudson (1993, p. 195) has noted: “That individuals have choices is a basic legal assumption; that circumstances constrain choices is not”. Poor offenders will have less attachment to society and it may be that their attitudes and beliefs about ‘crime’, and its potential costs and benefits, are different to other people who are socially well integrated (Hudson, 2003). There may well be degrees of human wickedness and if this is the case then we must ask if the wrath of the law should fall with the same weight upon the heads of all people who are accused or suspected of offence?

The criminal law is, however, a blunt instrument. It requires simplistic, dichotomised and binary solutions to problems resulting in a very narrow and simplistic classifications. Individuals are separated from the situation in which the behaviour takes place. The logic of ‘crime’ can then become a dehumanizing ideology leading to abstractions, reification and inadequate reflections of humanity (Hudson, 1987, 1993). The logic of ‘crime’ produces a defensiveness and an insular mind set, rather than cooperation and a collective mind-set that aims to make things better. It does not ask us to consider how we can cultivate a more cooperative and shared sense of ethical responsibility or build a movement working towards social justice. Nor does not lead to greater understanding of external factors and constraints that shape us. Indeed, blaming prevents such an analysis.

[...] if we blame people for the fault, they will be less likely to acknowledge and confront it and less likely to seek effective means of eliminating or controlling it. And if we blame the individuals who have genuine character faults, then our focus will be both too narrow and too shallow, and we will ignore the deeper sources of the problem and the most promising ways of fixing it. (Waller, 2011, p.163)

Focus on identifying Hulsman’s ‘culpable author’ makes people less likely to admit their mistakes. Blaming is easier than looking into the specific situational and biographical factors that have shaped problematic behaviour or a troublesome event. The key lesson is that we must

eliminate blame and focus instead on addressing problems. This means trying to avoid the ‘last judgement’ and changing our focus from blaming to taking responsibility. This requires an alternative conception of responsibility for harm that goes beyond the moral responsibility of the culpable author. Acknowledging wrongdoing without blaming still requires the perpetrator (supposed or otherwise) to take responsibility. Rather than adopting a ‘victim’ mentality, the taking-charge responsibility approach encourages people to take responsibility for the future and to find new collective and collaborative solutions (Waller, 2011).

## **RESPONSIBILITIES FOR THE OTHER**

The ethics of responsibility (Dussel, 2013) stands outside of praise/blame, notions of just deserts and the logic of ‘crime’. From this libertarian socialist perspective, it is crucial that we acknowledge human worth and dignity for all and that we start to work against those penal institutions which systematically deny human dignity. Yet, to escape the indignities of punishment we need to also escape the logic of ‘crime’ (Hulsman, 1991). Blaming is counterproductive and unfair. We need to find ways to let go of resentment and blame: to recognize a moral fault without also making a negative moral evaluation of the wrongdoing (Waller, 2011). This means to recognize the importance of acknowledging harm done, while also looking to understand and handle the problem in the most constructive way possible. This means identifying and meeting needs; attempting to understand the complexity of human relationships; approaching the nature of conflict from all perspectives; ensuring that all have ability to participate in terms of the decision making process; and working together to find mutually agreeable consensus of how to move forward (Kottler, 1994).

People can apologize without necessarily being held morally responsible: it is a way of showing that they also regret what has happened and their part in it. Taking responsibility can mean self-reflection such as looking hard at the self and endeavouring to do much better next time by understanding what went wrong and how it can be fixed. It also means focusing on the *importance of regret and sadness*, rather than the Strawsonian ‘natural attitude’ of resentment, indignation and punishment. The ethics of taking responsibility means to foster a culture of sadness and regret for the harm or hurt perpetrated and understanding the cause of this injury and how it can be prevented in the future.

Developing this ‘non-blame’ approach to addressing and responding to social problems requires us to escape the language and logic of state defined ‘crime’ and harm, and look instead for the root cause of the problem, which can then hopefully be corrected. Taking responsibility though is not just restricted to suspected and supposed perpetrators of legally defined harms. Following the insights of Iris Young (2011) and Enrique Dussel (2013), it is imperative that we locate the origin of social problems within their broader structural inequalities and that we acknowledge our broader ethical responsibility for helping other people with or without their reciprocity. For Dussel (2013) our responsibilities for the Other means acknowledging our daily obligations and joining those in need in their struggles for social justice, along with the desire to repair and build their lives. It means to act together in solidarity to collectively transform socially unjust lived human contexts (Young, 2011; Scott, 2016).

The “social connection model” of responsibility finds that all those who contribute by their actions to structural processes which result in some unjust outcomes share responsibility for the injustice. This responsibility is not primarily backward looking, as the attribution of guilt or fault is, but rather primarily looking forward. Being responsible in relation to structural injustice means that people have an obligation to join with others who share that responsibility in order to transform the structural processes to make their outcomes less just (Young, 2011, p. 96).



It is then our ethical and political responsibility to take a stand against social injustice and structural disadvantage. In other words, the ethics of ‘taking responsibility’ means having a responsibility to change societal structures. In this libertarian socialist understanding of ascribing responsibility (Scott, 2016) responsibility for justice begins not with the last judgement and the culpable author, but with considerations of social and distributive justice, and the problem of social and economic inequalities. It is about taking responsibility in a common political struggle to transform inequitable social realities so that they meet the demands of social justice.

We live in societies where there is too much blame and not enough responsibility. Whilst blame is a backward-looking concept, the meaning of an ethico-political notion of responsibility is to be looking to the future (Young, 2011, p. 92). Taking responsibility means building a genuinely healthy society for all based on the recognition of common humanity, mutual (and non-mutual) cooperation, and communal support and encouragement. It means being *for the welfare of Others* and holding those in power to account if they do not meet the needs of the most vulnerable in society. When thinking about human problems, wrongs and troubles, the ethics of responsibility means escaping the logic of ‘crime’ and in its place promoting policies which foster the paradigm of life for everyone (Dussel, 2013).

### **ESCAPING THE LOGIC OF ‘CRIME’**

In conclusion, let me briefly return to the ideas of Louk Hulsman (1986a, 1986b, 1991). This chapter has attempted to disrupt the dominant ontological assumptions about the nature of problematic behaviours and troublesome human conduct that have become encased within the logic of the concept of ‘crime’: criminal harm and criminal blame. Taking inspiration from the writings of Hulsman (1986a), this chapter has questioned both the way in which criminal harms are socially constructed and problematized the last judgements of criminal blame and culpability. Hulsman (1986b) reminds us of the importance of looking at the life world from bottom up, and how social reality is constructed through specific interpretations of events and behaviours. By stepping away from the certainty of the last judgement and interpretations found in the concept of ‘crime’, we find pathways which lead us to not only greater understanding, kindness, compassion and solidarity with other people, but also the possibility for promoting radical alternatives to punishment that can provide the appropriate care, support and assistance required by all those involved in a problematic event. But Hulsman’s (1986a) ideas also take us beyond merely addressing the immediate interpersonal contexts – the implicit libertarian socialism within his thought points to the importance of *taking responsibility* for the broader social, political and economic factors which lead to the generation of many conflicts; designate the ‘suitable enemies’ against whom the criminal label will be applied and who subsequently inhabit prisons; and present obstacles to the realisation of social justice. Following the insights of Hulsman (1991) provides an important platform for not only arguing *against imprisonment*, but also provides a space for us to stand against the harms, violence and injustice generated by the ‘criminal justice’ process and the application of the concept of ‘crime’ itself.

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