

Phenomenology, Postmodernism, And Philosophical Criminology: A Conversational Critique

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INTRODUCTION

For the most part, the theoretical practice of traditional (i.e., modernist) criminology relies on causal and structural formulations to describe and explain the existence of crime. Ultimately, these practices focus on individual-level factors and/or socio-economic conditions to situate and validate any subsequent claims concerning the nature of crime and the manifestation of criminal behavior. Thus, so-called "legitimate" determinations of wrongdoing are wedded to positivistic assertions.

For example, theories that seek to explain offenders and their criminal actions as the product of rational choice or as the result of psychological forces typically endorse a cause-effect (i.e., linear, reductionistic) orientation. Similarly, theories that account for the existence of crime by examining economic or socio-cultural determinants (e.g., Critical Theory), mostly support a foundational (i.e., hierarchical, fixed) logic. However, as Arrigo, Milovanovic, Schehr (2005) assert, "Post-Enlightenment thought in the social sciences brought with it a set of core assumptions that [all] too often have remained unexamined" (p. ix).

The conventional practice of theoretical criminology has been particularly guilty of this charge. In large part, it has ignored or, at the very least, has taken for granted the embedded ideology on which much of its policy direction and focus have

been based. Presuppositions concerning the ontology of the self/society mutuality; the epistemology of race, gender, class and the body; and the ethic or aesthetics of their respective connections to delinquent or criminal behavior are not problematized in any appreciable manner. Indeed, these topics of inquiry – so essential to growing a philosophical criminology – receive only marginal attention in the extant literature (Arrigo and Williams, 2006).

Recently, several volumes have endeavored to better specify the theoretical footing of criminology, criminal justice, and offender treatment by contextualizing the broad field within phenomenological (Polizzi, 2009), existentialist (Crew & Lippens, 2009), and post-structural ((Arrigo & Milovanovic, 2009) frames of reference. While this theoretical realignment has been met with skepticism – especially when the push is for more evidence-based science – this new “conversation” has evocatively added to the debates concerning the role of language, the place of the subject, and the construction of social knowledge in criminological *verstehen*. Interestingly, perhaps some of the most rigorous and productive contributions have emerged from discussions within Continental Philosophy, including those insights traceable to phenomenological and postmodern analyses. Although quite brief, the preceding intellectual history informs the trajectory of the present article.

(The conversation that follows was conducted over a twelve month period with Bruce Arrigo via e-mail where we discussed a variety of theoretical concerns related to Continental Philosophy. After approximately nine months into this conversation, Bruce suggested that we might want to publish our musings as an article that could potentially appear in the Journal of Theoretical and Philosophical Criminology. Given that I had already decided to add a “conversation section” to the journal, which would invite various scholars within criminology, sociology, and psychology to

discuss their work and related theoretical concerns or observations, I agreed to use our conversation for the current edition of JTPCRIM. Thus, the ensuing conversation inaugurates this new section of the journal.

Our conversation begins with my response to an article titled "Existentialism and the Criminology of the Shadow" which Bruce co-authored with Christopher Williams who teaches at the University of West Georgia. The concept of the criminological shadow, which Arrigo and Williams (2009) define as "...those covert forces that discipline the body, implode the reality-appearance dichotomy, thwart human agency, and undo positive freedom, becomes the theoretical backdrop of this discussion. (pp. 222-3) Ostensibly, our conversation remains focused on that article; however, it quickly moves to a variety of other topics related to the philosophical projects of phenomenology and postmodernism. Included in our exchange is the relationship between phenomenology and postmodernism, as well as specific summary reviews of those authors most identified with these two theoretical frameworks.

Our exchange first examines the Freudian/Marxist perspective generally associated with the work of Fromm (1994, 2003, 2005) and then pivots to a brief discussion of Foucault (1972, 1977), Derrida (1977, 1978) and Lacan (1981, 1985, 2007) in which we assess their respective positions on language and subjectivity. Finally, our focus shifts to a more general critique of the postmodern position relative to phenomenology. Here, we consider the contributions of Husserl (1962, 1970) Heidegger (1962), and Merleau-Ponty (1964, 1968, 2002). It is important to note that our overarching conversational concern is with the underlying philosophical foundation of the Arrigo and Williams (2009) article. It represents a significant departure from those matters noticeably featured in criminology proper exhaustively debated by its strident positivist adherents. Thus, our exchange probes the

criminological enterprise, mindful of its (often misguided) ontological, epistemological, ethical, and aesthetical commitments.

Polizzi: Though I have never been all that interested in Freudian-Marxism generally or Fromm specifically, I generally like the discussion even though it tends to essentialize capitalism as the problem and indirectly seems to essentialize Marxism as the solution. It is possible, however, to step outside of this false necessity. (Unger, 1988) Cornelius Castoriadis, also a Freudian-Marxist, does so quite well without evoking a comparison between the two or evoking a demand which insists that a critique of the one demands the support of the other. I'm not sure Fromm's analysis leaves one with a place to stand. Any relationship with the State, regardless its ideological makeup, will have significant impact on the possibility for personal freedom and social responsibility. There is no question that the myth of modernity in general and capitalism specifically, has merely replaced one type of feudal relationship with another. Capitalism certainly freed us from the traditional bonds of feudalism, but in doing so has simply replaced one repressive relationship with another, and in the end proving to be equally problematic for personal freedom or social responsibility. The Marxist state evokes the same dynamic, and recreates the same type of repressive bonds, even though the specific image of these bonds is seemingly different due to ideological considerations. Much like the movement away from feudal societies, which constructed capitalism as the new liberator, Marxism fills a similar role relative to capitalism, and sadly delivers the same distorted sense of identity and self.

I think Foucault provides the best answer to this ideological dilemma: He urges yes not to become overly comfortable with the certainty of our own presuppositions. (Fromm's trinity I think) We must always be willing to challenge that which is closest to us, that which remains most familiar and that which often

provides us our greatest sense of comfort. The vigilance to which Foucault eludes seems to me the clearest sense of personal freedom and the most profound sense of social responsibility because it demands that *we never become too comfortable*, (Nietzsche, 1967), never assume that there is not more after the discovery of this liberating fact (Capitalism, Marxism, etc.), and never assume that we can realize the potential of personal freedom or social responsibility without constantly seeking to redefine the truth.

I know we do not agree on Lacan. I prefer the phenomenological Lacan and you the later work that seems to have held serve for a number of decades. I'm not certain that the postmodern critique of phenomenology based on the subject and language actually achieves what it claims or that it actually transcends what Merleau-Ponty's (1964; 1968) later work articulates prior to Derrida, and his intentional misread of Husserl. (Marion, 1998; Derrida, 1973)

I think when the subject of desire and the unconscious is discussed within Lacanian theory, it is important to point out that this is Freudian unconscious of classical psychoanalysis; that is, the unconscious constructed by oedipal desire. (Deleuze and Guattari, 1983). I do not believe that this is a minor point, but is one that is constantly covered over. If the unconscious, that is, the unconscious of Lacan's Real Order, is being discussed, it is impossible to maintain that this unconscious is structured by symbolic categories. If the real is situated outside of the constructing grip of the Symbolic Order, it also lays outside of language as well, unless of course one is privileging language as its own ontological category, which is problematic and fundamentally structuralist in temperament. If in the beginning there was the Word, it is a beginning after existence and not before it.

When Lacan states that language speaks us, it is a "speaking" that is fundamentally and perhaps exclusively situated within the context of the Freudian unconscious. My desire to make whole the lack evoked by the loss of the symbiotic

bond with the mother makes sense within this oedipal structure. The split nature of discourse, again, exists within the consequences of the Freudian unconscious and the process of repression that this structure demands as its artifact. The Freudian unconscious is indeed structured like a language, but it is language which structures the unconscious and gives it its symbolic power.

(Arrigo explores the way in which capitalism through its relationship with the media creates and manipulates the desiring subject and by so doing reduces it to a function of that desire, the state's desire. He then introduces what he has identified as the "criminology of the stranger" which seeks to free the subject from this endless cycle of objectification and toward the possibility for transformation. Within this context, transformation or becoming represents or introduces us to a different type of subject who is not reducible to a set of socially derived categories. Once liberated from the objectifying quality of these categories, the possibility of becoming can be realized insofar as it represents the ontologically unfinished character of being.

*Taken from a far less theoretical point of reference, the relationship between imposed social categories and the transformation of the subject is easily witnessed through the image of the criminal. In their work, *Revolution in Penology*, Arrigo and Milovanovic (2009) point out the way in which the process of imposed categorization continues to imprison the subject in an ever-evolving cycle of otherness that fundamentally denies being the possibility of transformation. Whether these categories evoke essentialized differences related to ethnicity, gender, or socio-economic status, the result is still the same. The individual caught up in the criminal justice system is essentially reduced to those categories imposed by the system or by state, and becomes socially defined by them. Once constructed and coded as criminal, the possibilities for being are greatly restricted; however, such restrictions never completely eliminate or preclude the possibility for transformation and it*

remains possible for the individual to employ a variety of strategies of resistance that can liberate the potential for transformation, the potential for becoming other.)

Arrigo: The chapter "essentializes" the conspicuous consumption of media manufactured capitalism (by way of Baudrillard's insights), mindful of how such ravenousness fosters what Foucault identified as docility in which the subject is panoptically reduced to a functionary of the state. Moreover, the critique draws support by invoking Lacan and his position on the *discourse of the master* and Fromm's analysis on mechanisms of escape.

My view is that the emphasis on "being" rather than "having" is more akin to Aristotle (by way of Fromm), and the emphasis on becoming is closer to Deleuze and Guattari. Chris (Williams) and I don't spell out these transitions other than to invoke the need for a philosophy of the subject or, if you will, a "criminology of the stranger." In my forthcoming book with Dragan Milovanovic titled, *Revolution in Penology: Rethinking the Society of Captives*, how such a transition would occur is much more fully specified. Here, Dragan and I invoke the work of Deleuze, Deleuze and Guattari (e.g., molecular forces; schizoanalysis, rhizomatics; anti-Oedipus), Nietzsche (e.g., overcoming; a will to power), Lacan (e.g., *discourse of the hysteric/analyst*), complex systems science (e.g., stranger attractors; dissipative structures; far-from-equilibrium conditions), Fromm (e.g., positive freedom; spontaneity) and Derrida (e.g., critique of the metaphysics of presence; reversal of hierarchies). Freire's dialogical pedagogy is also employed in parts.

The concern for personal freedom and social responsibility to which you elude is quite important and I agree that Foucault (as you cite him) is instructive. I would further argue, consistent with postmodern or ultramodern sensibilities, that one's presuppositions must be provisional, positional, and relational. I take this to be compatible with Judith Butler's notion of "contingent universalities."

I like your position on Lacan, even though we differ here. But, of course, Lacan was a Freudian revisionist as you note. So, it follows that the former's observations address the "law-of-the-father" (the Symbolic Order) and not the Real Order. Of course, in his work on *Feminine Sexuality* (1985) Lacan did make a case for an *écriture féminine*; that is, the variable contexts in which a woman's desire or *pas toute* (not-all) could be reclaimed. I think Luce Irigaray and Julia Kristeva were better in expressing how a reworking of language was but one dimension of this reframing toward an *écriture féminine*. Consider, for instance, Irigaray's (1985) *This Sex Which Is Not One* or Kristeva's (1980) *Desire in Language*. I don't believe either author would argue that language is an ontological category for the reasons you specify. However, their respective critiques of Lacan seem to understate (misstate?) his view on the topic.

Then, too, Deleuze (1983) – often in collaboration with Guattari – (1984, 1987) helped to demonstrate that desire is not "lack" (unless within a Freudian reworking). Instead, it is productive, transmutating, "becoming other;" or as they proclaimed, "a people yet to come." Once again, language is but one facet of this metamorphosis.

(Our conversation moves to a more specific exploration of the concepts of Being as discussed by Heidegger in Being in Time and the notion of becoming, as discussed by Deleuze in his text Nietzsche & Philosophy and Lacan's notion of the Other. Arrigo applies his discussion of the Lacanian Other to his concept of the shadow. In part, through its speaking the subject, the Other sustains the shadow and the shadow holds us captive. Whereas I see a more fluid development of these ideas from phenomenology to critical theory, to postmodernism, Arrigo maintains that the movement from critical theory to postmodernism is a more accurate read of this ultramodern condition.)

This discussion has particular significance for criminology relative to the construction of racism, crime and the criminal other. The liberation of the shadow seems most related to the way in which certain subject positions, be these based on race, gender, or socio-economic class, construct the subject and subjectivity and by so doing, restrict the possibility of becoming. Deconstructing these covert forces that discipline and control social presence, allows subjectivity to free itself from this "diminished milieu" (Deleuze, 1983) or, at the very least, allows for this possibility.)

Polizzi: But wouldn't you say that ultimately the notion of becoming, which comes from Nietzsche (actually, the pre-Socratics, at least in Western thought), is also situated in Heidegger's notion of being/becoming and isn't this same relationship to being/becoming also present in Merleau-Ponty as well and then brilliantly taken up by many writers in the Post-Modern movement? The notion of docility is also present in the work of Castoriadis, which I believe both pre-dates and overlaps the published writing of Foucault. Castoriadis (1988; 1997) is particularly critical of the role of the proletariat, and uses virtually the same language to describe the problem.

I guess my issue with the discourse of the Other is that not only does it evoke the shadow of Heidegger's discussion of authenticity/inauthenticity and Heidegger's concept of the They-Self, but also seems to maintain that we can truly free ourselves from the Other. Though I completely agree with Lacan, at least relative to the internal logic of classical psychoanalysis that subjectivity must find a way to speak for itself and not be spoken through by the discourse of the Other, we are never completely free from this relationship. Perhaps this dovetails somewhat into Fromm's notion of personal freedom and social responsibility. (I have not really read that much of his work.)

For personal freedom to be possible it must find a way to not only liberate itself from the desire of the Other or what the Other wants, but also re-establish a

relationship with this Other, with the Symbolic Order, that does not deny the legitimacy of that freedom. (Lacan, 2007). Right, to have therefore I am, is not a very liberating foundation for human freedom. The conspicuous consumption of media manufactured capitalism, if I understand you correctly, is the discourse of the Other that not only speaks the subject, but limits any real possibility for personal freedom/social responsibility. My point was that Critical Theory in the end, really only offers more of the same and in the end, may simply invite the possibility for a different type of alienated subject.

(Our discussion moves to an exploration of the relationship between phenomenology and postmodernism. Included in this discussion are a variety of theoretical concepts which are not specifically defined. Thrownness, a concept introduced by Heidegger (1962), describes the social character of human being. Human being or experience for Heidegger, always finds itself situated or thrown within very specific cultural, historical linguistic or sociological contexts which help to define the possibilities for human being. For example, the possibilities for black experience are fundamentally restricted if "thrown" into a social context of anti-racism, which seeks to criminalize the social presence of blackness. (Polizzi, 2007) The Lacanian concept of the Other represents that aspect of the Lacanian Symbolic registrar that seeks to control desire through its ability to control subjectivity and individual desire. Entry into the symbolic is the entry into language and the confrontation with the desire of the Other.

Within both of these concepts we can witness the way in which the possibility for personal experience and responsibility is confronted by a meaning generating process that seeks to control or configure the contours of human experience. In neither of these conceptualizations is there a complete foreclosing of human

possibility; however, the potentiality for human expression does remain contingent to this undeniable and unavoidable meaning generating dynamic.)

Arrigo: I regretfully confess ignorance on the work of Castoriadis. I need to rectify this as you have referenced his work a number of times in our email, phone, or in-person conversations. Thank you! I agree with the development of thought on being/becoming as you delineate it above.

I also agree that we can never free ourselves entirely from the "Other" as in Heidegger's (1962) notion of "thrownness," or, if you will, as in Buber's notion of the I-Thou relationship. But why would we want to and, more philosophically, why should we? As you correctly point out, the question is the character of this thrownness, the character of the I-Thou relationship (Buber, 1970), the character of the "Other" (when placed in Lacanian psychoanalytic terms), or the character of Heidegger's (1962) *dasein* analytic as in a being-toward-care. And it is here that authenticity or *alethia* (interestingly, for Aristotle it is *eudaimonia* or excellence as in a flourishing of being; as in living a virtuous existence), that comes into play.

Does the critical theory-to-postmodern movement merely substitute one form of alienation for another? Perhaps, however, I think the latter's reading of the "ultramodern" condition is a bit more accurate than any other and, to this extent, makes for a compelling critique of the *zeitgeist* beyond what their philosophical predecessors identified. Of course, this is not to dismiss their predecessors as much as to assess the relative contribution such antecedent philosophy offers in an account of any existing issue. Still, the question is how to confront the crisis that sustains the "shadow" in society and in our lives today. This is a crisis in which the call to personal freedom and social responsibility must be re-conceptualized. From my perspective, this implicates a new theory of the subject or, if you will, a philosophy of the stranger. In part, I believe that *Revolution in Penology* endeavors

to tackle this very vexing, but prescient, problem. We'll have to see what the reviewers/critics of the book have to say about this.

(A question is raised concerning the philosophical implications toward a postmodern/poststructural understanding of language. It is argued that such formulations cover over an implicit structuralist understanding of the role of language that, at its worst, reduces existence and subjectivity to that of a collection of epiphenomenal artifacts of this process. For example, the sign, "criminal," can only construct a variety of signification that remains more or less consistent and contingent upon this beginning category, but this process does not and cannot construct the actual presence of the sign, the presence of this actual human being, only its diminished meaning.

This section of the conversation is related in part to the earlier discussion of the shadow in criminology and the need for its transformation; existing categories imposed upon the subject work in concert with the signifying process erected by language, which results in the diminishment of human possibility. To be constructed as offender or even former offender, still carries with it the crippling affects of imposed social meaning. A word or concept like rehabilitation or restorative justice rather than invite the possibility of transformation remains caught within this process of objectified meaning that continues to deny being or subjectivity the full breath of its potential.)

Polizzi: I have a question for you: How do the various postmodernist perspectives (or your own) on language, escape the very obvious essentialism that is explicit in their theorizing? It seems that these types of critiques are caught by an implied or implicit logic that appears to be contradictory to the very project(s) they are attempting to bring forth. These critiques, particularly of phenomenology or at the least, those critiques which identify their target as phenomenology seem to take on

very structuralist proclivities which merely substitute language for subjectivity. Also, (referring to Michelle Brown's article in *Philosophy, Crime and Criminology: The Aesthetics of Crime*) how would Lyotard's description of the sublime differ from a phenomenological exploration of the same concept? People like Foucault maintain that they want to get as far from phenomenology as they can, but yet don't really appear to have moved that far away at all.

(Arrigo clarifies the postmodern position on the role of language. He argues that language carries with it established cultural, social, and political implications that are embedded in the dominant discourse and helps to construct what he calls the person-world dialectic. Though certain deterministic qualities may exist in language this is not due to a linguistic determinism, but the way in which these narratives impose a specific meaning upon the person-world dialectic. Positive Postmodern thinkers—authors who espouse a philosophical practice that is nondogmatic, tentative and nonideological (Rosenau, 1992)—seek to evoke what Arrigo identifies as evolving strategies of re-framing or re-constituting which seeks to liberate the subject from this objectifying cycle reproduced by language.)

Arrigo: Different postmodern theorists provide a response to your question. My view is that language always already serves as a mediating force (variable, factor, and vehicle) for naming the person-world dialectic. This is not the same as linguistic determinism. Many postmodern scholars are keenly aware of the social and material realities (e.g., race/gender/class disparities, access to opportunities, political status) that establish the extant conditions in which people live. However, just as Ricoeur (1973) once observed, in order to shatter and to increase our reality we need to shatter and to increase our language. Affirmative postmodernists want to de-stabilize the implicit values, hidden assumptions, and concealed meanings embedded within

dominant discourses (e.g., science, law, politics) that linguistically (and socially) structure the person-world dialectic. Moreover, HOW this occurs for affirmative postmodernists is through such things as contingent universalities (Butler); dissipative structures, non-linearity and far-from-equilibrium conditions (chaos theory); non-hierarchical reversal of hierarchies in binary opposition (Derrida); position, relational, and provisional truth claims (Arrigo), the individual as a subject-in-process (Kristeva), a will-to-power and transpraxis (Nietzsche), critical dialogical pedagogy and speaking "true words" (Freire); the discourse of the hysteric/analyst (Lacan); and becoming other/imperceptible, schizoanalysis, and minor literatures (Deleuze & Guattari). In short, rather than linguistic determinism, evolving strategies for "reframing" or re-constituting the self and the social in multiple non-static form is recommended, given the historically contingent political-economy from which we speak and into which we are inserted (a reference to Althusser and his notion of interpellation).

As for your question about Foucault, Lyotard, and the sublime, my reading of Michelle's piece was closer to a cultural and post-structural critique rather than a phenomenological account. I could be incorrect. Part of what I struggle with is that I tend to put phenomenology and structuralism within a similar camp. How they respectively access meaning differs but a foundational "reality" is ascertainable for both of them. Post-structural philosophy does not assess interpersonal and social reality this way; instead, there is an unfolding of meaning that defies closure and is subject to multiple, divergent, and poly-vocal readings. Am I mistaken about phenomenology?

(The conversation moves to a more specific focus concerning the philosophical assumptions underlying phenomenology and postmodernist thought. The current conversation emerges from a discussion of the philosophical notion of the sublime

which is found in Kant and later discussed by Lyotard and Foucault. Within this context, Lyotard's critique of the modernist understanding of the sublime, which includes the transcendental phenomenology of Edmund Husserl, more generally reflects the underlying assumptions of conceptual thought and the self that he finds problematic within modernist formulations.

This conversation raises the more general concerns related to the post-structuralist assumptions about the so-called structuralist proclivities of phenomenology. A structuralist perspective assumes the existence of basic underlying "causes" that once uncovered provide a specific objective and systemized structure to social knowledge, the self, consciousness, and its objects, etc. Husserl can be seen as following this structuralist perspective, when he maintains that those aspects of human experience which remain implicit or remain as a background to those objects which appear to consciousness, can become knowable. Husserl puts forward the belief that for human experience to be totally intelligible, that is—for human consciousness to know what is unknowable—it must be able to make these implicit backgrounds or horizons explicit and accessible to consciousness.(Husserl, 1962; Gurwitsch, 1964; Dreyfus, Rabinow, 1983) His answer to this difficult task is found in the transcendental reduction or epoche, which seeks to place the phenomenologist outside of consciousness so as to describe what remains unknowable to that consciousness.(Husserl, 1970; Dreyfus, Rabinow, 1983) Such a methodological adaptation certainly appears rather tenuous at best, if one is intending a complete and total "knowing" of the objects of consciousness; however, such a "failure" but does not necessarily collapse the total project of phenomenology in on itself, unless of course one assumes that there exists only one serious read or critique of phenomenology.

Though phenomenology presumes a subjective point of departure from which the world is perceived as meaningful, this does not also imply a structuralist

foundation for this process. Consciousness makes sense of the world by the way the world appears to consciousness; however, to assume that this process is not also historically contingent and culturally circumscribed, as well as psychologically contingent is nonsensical and transforms the project of phenomenology into a straw man of postmodern reflection. Perhaps said more simply, the unknowable must remain unknowable, regardless of Husserl's seemingly ultimate goal.

Phenomenology, by its recognition of the contingency of existence, the contingency of consciousness, and the contingency of language also sees meaning as unstable, insofar as it would be illogical within this philosophical frame of reference to systematically construct what is essentially provisional at every moment.)

It is also important to note that much of this overlap between phenomenology and postmodernism likely emerges through the shared influence of Nietzsche.

Heidegger was greatly influenced by Nietzsche. Thinkers such as Derrida, Foucault, Deleuze, and Lyotard were similarly influenced by him as well.)

Polizzi: Let me begin by commenting on your ending observation. I'm not sure how phenomenology could be seen as a structuralist perspective, except perhaps in the earlier work of Husserl and his somewhat problematic conclusions concerning the essence of consciousness and world. (Dreyfus, Rabinow, 1983) His attempt to uncover the essence of consciousness and the objects or presencings which appear to consciousness, seems to me to be an attempt to extend a type of Kantian idealism. Kant does not appear to be interested in determining the exact nature of the thing perceived as a separate philosophical category; whereas Husserl seems to want to discover the absolute essence of both. So if am correct in my reading of Husserl, I would agree that he seems to embrace or approximate a similar structuralist epistemology or inclination that if you take to its conclusion, does

appear to breakdown in some very important ways. However, I would still argue that Husserl remains outside of the structuralist camp.

Moving away from Husserl specifically... I would maintain that my reading of phenomenology, generally, sounds very familiar to the project you identify for post-structural reflection. I would see such an unfolding of meaning as being absolutely central to the project of phenomenology, insofar as Being can never be limited or confined by provisional philosophical categories. Nor do I recognize any difficulties or contradictions between my understanding of the way in which phenomenology accesses interpersonal/social reality and the characteristics which you attribute to post-structural perspectives.

Phenomenology, or at least my reading of it, seems predicated on the proposition that consciousness (Husserl) or being-in-the-world (Heidegger and Merleau-Ponty) is in constant flux and meaning is always perspectival and therefore can never be final or complete. However, such a position should not lead one to assume that this perspective ignores the reality of the meaning-generating dynamics of power which can be highly restrictive and oppressive. In fact, this perspective, particularly with Heidegger's notion of thrownness or facticity, is clearly present and must be seen as an aspect or condition that being-in-the-world may seek to overcome.

Such a reality or condition is also a part of this flux of multiple possibilities for meaning, both realized and absent. I really don't understand how meaning could be foreclosed within a phenomenological perspective, except if one attempts to conflate the provisional with the essential, which of course would no longer be phenomenology. Even within a highly restricted notion of thrownness, meaning is not completely foreclosed and certainly cannot be totalized within the confines of that restricted type of being-in-the-world; the possibility for the potentiality of being

still remains, regardless the limitations imposed upon it by the condition of one's thrownness.

If I could, I would like to shift gears somewhat and respond to Michelle Brown's discussion of Lyotard's concept of the sublime. Lyotard's reading of the sublime really resonates with me for the implications it presents for being. When Lyotard states that the self, "exists in a fabric of relations that is now more complex and mobile than before," he still seems to be seeking in the language of phenomenology. (Lyotard, 1991, p.15) The distinctions that are often raised between postmodernism proper and phenomenology, which I see as the beginning of postmodern reflection, seem rather artificial. To my ear, phenomenology and postmodernism are really in the same key, or at the very least in different keys which share many of the same tones. Any dissonance is marginal and often very appealing.

If language is a mediating force for naming/ appearance then I would agree; but too often this mediating force sounds much more essentialistic and oppressive than is comfortable. For example, language may be a mediating force for naming unconscious processes, but that dynamic is provisional and never complete. The inability of language to define completely this process reflects the limits of language, but not necessarily the limits of existence. The sublime not only represents the ethical limits of the human condition, but also the limits of language and the specific mediating force(s) it represents. Postmodernism(s) chooses to ignore the problem of the transcendental signified identified by Pierce and continues to focus its entire logic on the self-referential character of language, which seems trapped within this never ending dialectical loop. What the postmodern position on language is really proposing is the belief that language must precede signification, which is in the end a structuralist argument. To argue that the sign or signification must follow language presumes a deterministic philosophical position that seems to

undermine any categorization of these perspectives as post-structural. If language precedes existence, it must also precede meaning as well, which raises a variety of very problematic concerns.

I really need to think about this question more thoroughly and provide a more thoughtful response. But again, what I hear sounds very familiar and the version of phenomenology being critiqued by its postmodern critics unfamiliar and foreign.

(Two brief clarifications concerning the difference between postmodernism and phenomenology are offered. Arrigo argues that postmodernism departs from the sense making categories provided by phenomenology due to belief that such categories inhibit the possibility of transcending being or becoming)

Arrigo: Eloquent response on your end. Thank you! Let me offer just two brief comments.

First, the notion of perspectivity and meaning as lodged in intersubjective renditions of the "knowable" is where phenomenology and postmodernism, at least as I understand it, depart. Postmodernism questions the very categories of sense-making, identity construction, reasoning/affecting, etc., that are "spoken," reified, and legitimized in diverse contexts. Moreover, affirmative postmodernism recognizes that these categories are antithetical to transcending being and to experiencing a becoming, a people yet to come or a becoming imperceptible. It is language, as a mediating force, that helps to unshackle us from the discourses we use to define our very existences. Without this postmodernist-informed position, I do not see, phenomenologically, how our existences can attain Heidegger's notion of authenticity or Sartre's' notion of the *en soi*, which he astutely reminds must be transcended by way of the *pour soi*.

Second, I agree that in too many instances the postmodernism critique (especially the negative variety) comes off as extreme political correctness, hate politics, and oppression of the radical left; but the version to which I ascribe, finds this version of postmodernism antithetical to the enterprise to which it claims allegiance. Instead, I see an affirmative postmodernism, informed by phenomenology, but extended into chaos theory, cultural criminology, post-structuralism, critical theory, constitutive thought, and psychoanalytic semiotics. I would argue, by way of example, that the language and logic of the psychiatric "consumer movement," "offender reentry initiatives," "restorative justice/ victim offender mediation programs," diversion courts (e.g., mental health/drug) and "therapeutic jurisprudence decision-making, are benignly (and increasingly) part of the systemic pathology (Fromm) problem.

Perhaps phenomenology would agree; I guess I don't know how it would.

(The conversation explores the way in which phenomenology and postmodernism address the problem of language. There appears to be agreement concerning the way in which language constructs certain pathological types of encounters within the practice of criminal justice that are "essential" to those discursive practices.

However, it is not clear how these systemic pathologies are somehow less accessible from a phenomenological frame of reference. The presence of systemic pathologies, as identified above, seems easily understood within Heidegger's concept of thrownness, insofar as, not only are we thrown into specific cultural, historical, political, sociological contexts, but are thrown into language as well. For example, the thrownness evoked by the practice of "penal harm, evokes a variety of controlling and objectifying discursive practices which riddle this experience and create the foundation for its constituted meaning; but it appears equally true that being-in-the-world can never be completely removed from the possibility of

resistance to and transformation of some aspect of these emerging systematic pathologies. The discursive practices found in offender rehabilitation, restorative justice, and diversion courts, etc., in their current configuration, certainly evoke the notion of penal harm, but such configurations do not preclude the possibility for being-in-the-world to discover or create other meanings for existence that resist the toxic effects these pathologies provide.

Heidegger's concepts of authenticity/inauthenticity are also discussed. For Heidegger, these concepts reflect the differing potentialities of being that are not meant to reflect differing values of being. Generally speaking, Heidegger's (1962) notion of inauthentic being is tied to his concept of the They-self, which he defines as:

Thus the 'they' maintains itself factually in the averageness of that which belongs to it, of that which it regards as valid, and that which it does not, and to that which it grants success and to that which it denies. (p. 165)

Inauthentic being delivers itself over to the whims of the 'they-self, and allows it to define the meaning for human beings (Heidegger, 1962; Zimmerman, 1981) Authentic being or authenticity is that which defies the 'they', which resists the 'they' and seeks its own way to be; this idea seems greatly influenced by Nietzsche's general description of Will to Power and seems to be theoretically compatible with Deleuze's notion of Active and Reactive Forces as explored in his text, Nietzsche and Philosophy.)

Polizzi: I would like to respond to your last point first. I do not see any great difficulty concerning phenomenology and the problem of language and logic which you connect to systemic pathology. It seems that both positions are possible. Is becoming or an active Will to Power possible within the systemic pathology which

you identify? Of course, if we are to take Deleuze's discussion of reactive and active will seriously. Can this same process be applied to phenomenology? I don't see why not. For example, what does the phenomenology of the court-ordered client look like? It is the artifact of the systemic pathology that you describe, an artifact of objectified being-in-the-world; but it cannot also be argued that such a process completely forecloses the possibility of becoming, the possibility of realizing a "strange new power." For if this was true, the possibility for human experience, for being-in-the-world would be completely foreclosed due to this relationship to these systemic pathologies and escape would be impossible? If you can't get there from here, you can't get there from anywhere.

More generally, I don't think that I would want to give any specific privileged designation to this process of phenomenological knowing and would always want to maintain that this knowledge is never complete or final, or even necessarily accurate in any essentialist way; nor would I want to deny the way in which this knowing is constantly influenced or overwhelmed, and mediated by the situated realities of history, culture, economic status, or future possibilities for human knowledge, etc. I think that the point you raise is more an issue of degree and not of kind. However, does the fact that these sense-making processes or categories occur in diverse contexts invalidate all aspects of this type of knowing or simply help to better inform us of the limits and challenges which are fundamental to human existence? Neither am I sure that I would agree that these categories construct a necessarily false relationship to the possibility of becoming (I also see Heidegger's understanding of being as a becoming; within this context being is a verb and not a noun).

This dialectical formulation of knowing is hardly free of its own internal contradictions, and assumes a dyadic relationship that seems rigid and limiting. I would want to argue that sense-making; regardless its specific manifestation is always provisional. It appears that phenomenology is often constructed by

postmodern theorists as a type of solipsistic project, which assumes a hyper-privileging of phenomenological "subjectivity" that then conflates other and world into its solipsistic gaze. Situated existence by its very nature is open, incomplete and continually confronted by all of the sense-making categories which you name and are therefore always overwhelmed by these processes. I would agree that language is indeed the way by which we may unshackle ourselves from subject positions that have become restricted or even annihilated by this oppressive dynamic(s). My dissertation explored this very idea through the multivariant articulations for the meaning of blackness within a racist culture and the way in which Malcolm X indeed unshackled himself from the annihilation blackness represented by anti-black racism. (Polizzi, 2002)

In regard to Heidegger's notion of authenticity... I have always struggled with this idea and really do not believe it is attainable in any complete manner for all of the reasons you maintain; but I don't think one needs to embrace a postmodern perspective by which to realize this point. Heidegger's formulation of this concept seems best situated as a potentiality that is very difficult to obtain. Authenticity would seemingly need to occur outside of the care structure for it truly to be authentic. I recognize that the notion of becoming is probably most attainable through various eastern practices or other non-western approaches that decentralize not only the knowledge of the ego, but the concept of the ego itself. Within this context, I would agree that certain contexts preclude the possibility of such becoming in its fullest sense. But again these ideas are hardly new, and may simply reflect the fact that the West has finally caught up with Eastern philosophy some two thousand years later. Heidegger apparently read Lao Tzu toward the end of his life and is reported to have admitted that this is what he had been trying to achieve with his philosophy his whole professional life (paraphrase). Similar ideas are certainly present in the Pre-Socratics of whom Heidegger was well versed and

where the idea of becoming is clearly situated. It is not surprising to me therefore, that we also find this idea in Nietzsche, and perhaps more indirectly in the work of his student (indirectly of course), Heidegger.

Heidegger's notion of authenticity appears to be a type of being that transcends notions of the they-self and idle talk. Inauthentic being-in-the-world, the type of being most common for human beings, remains trapped within the prison of idle talk and tends to construct these images as the totality of human possibility.

I'll end with the opening verse of my most favorite translation of *The Way of Life: According to Lao Tzu* completed by Witter Bynner (1944).

1

Existence is beyond the power of words

To define:

Terms may be used

But are none of them absolute.

In the beginning of heaven and earth there were no

Words,

Words came out of the womb of matter;

And whether a man dispassionately

Sees to the core of life

Or passionately

Sees the surface,

The core and the surface

Are essentially the same,

Words making them seem different

Only to express appearance.

If name be needed, wonder names them both:

From wonder into wonder

Existence opens.

(The conversation continues to explore the relationship between phenomenology and postmodernism from the work of Nietzsche.)

Our recent discussions have returned me to Nietzsche, and perhaps more specifically, Heidegger's rather interesting read of Nietzsche's work. I'm not sure that one needs to set up the dichotomy between Being/ becoming in the way that it normally is within this debate. Though I think I understand what Nietzsche is attempting by situating becoming within the context of completed nihilism: the grounding of the notion of value within an all too human context, thereby canceling out any supersensory discussion of Being... He negates a type of metaphysics, but does this need to reject all possibilities for this concept? I'm not sure.

(The concept of becoming is discussed; within this context, becoming is seen as the process by which certain rarified views of the self are transformed and overcome. The notion of becoming signifies for Nietzsche the self that is never complete, never a return of the same. Becoming is always on the way to that which can never be completed; to maintain otherwise would result in new renditions of the self that are equally as fixed and complete.)

Arrigo: My take on Nietzsche (1966, 1967, 1969) is akin to Deleuze (1983) and Deleuze and Guattari's (1984, 1987) reading of Nietzsche. I understand becoming within the context of an overcoming, or a will-to-power that, within it, contains the unspoken but felt conditions for transcending finite (even progressive liberal) renditions of the self (and the social). When mobilized and activated, these conditions transform being into a "person (or people) yet to come" in provisional,

positional, and relational ways. This is an evolving sense of what could be; it is not fixed or axiomatic. This is not existence or essence per se; rather, this is spirit that represents an active molecular line of flight displacing conventional interpretations of work, family, the "American dream", recovery/restoration, and the like. This notion of becoming is, for Nietzsche, "transpraxis:" an effort to move beyond "being" and our all too human tendencies to foster sameness or a ontological death, if you will. Thus, as Nietzsche proclaims, one's reach must exceed one's grasp (the quote is elaborated on by the poet, William Browning). The tension between being and becoming is a theme addressed within the book, *Revolution in penology: Rethinking the society of captives*.

Polizzi: When Deleuze states: "The notion of values loses all meaning if values are not seen as receptacles to be pierced, statues to be broken open (great metaphors) to find what they contain, whether it is the most noble or the most base"(Deleuze, 1983, p. 55), wouldn't it be possible to say that being-in-the-world, lived-experience, does exactly the same thing for the same reasons without resorting or retreating to a metaphysical stand on Being? If will-to-power is the internal compliment of force (Deleuze, 1983), how do we situate this notion of internal: internal to what?

Arrigo: Ummmm, good question. My reading is that will-to-power (the internal compliment to force) is internal to or juxtaposed against the social/material dimensions of our lives that renders us all too human. I've interpreted will-to-power as an overcoming, mobilized and activated to transcend what "is" (i.e., the self and the social). Is this what you mean when invoking the phenomenological notion of being-in-the-world?

(The conversation attempts to reconcile the positions of phenomenology and postmodern reflection generally.

Polizzi: Yes! I would see being-in-the-world as having the very same interaction with the material/social dimensions that you state. Being-in-the-world has the potentiality to transcend what is, which must include any provisional understanding of self and world. But I would also argue that the will-to-power is not omnipotent, or else it seems to lapse into an untenable idealism, if only indirectly; as Deleuze argues, force is always in relation to other manifestations of force which are real and may not surrender simply because I wish it so. I would include here the concept of the They-Self, which I would argue is multilayered and never fixed or complete. The meaning of being-in-the-world can be fundamentally transformed by simply altering this relationship (self/world) to one aspect of the They. I would say that Malcolm X was able to transcend certain aspects of self/world, but certainly did not silence the influence of anti-black racism. The overcoming which you describe can also be situated within the context of the overcoming of an oppressive They-Self, thereby evoking a transcendent moment that may also invite the creation of a different type of person.

I think this can also be explored within Deleuze's reading of Nietzsche's distinction between the Will to Nothingness and the Will to Power. Malcolm seeks to adapt to his diminished milieu after the loss of his parents and it is from this position of reactive force that he is able to perceive the possibility of health, the possibility for an active Will to Power as represented by his involvement with the Nation of Islam. Malcolm is able to deny this Will to Nothing through his recognition of the sublime that becomes perceivable through his new will to power. (Deleuze, 1983)

Nietzsche's notion of becoming still remains fully situated in the world, to which it must take some account: the bringer of new values often does so at the risk of great personal loss. (Nietzsche/2009) I'm more concerned with how and where this becoming finds itself in the world: is this a limitless becoming, unconcerned with the world or is it a new interaction with the world?

(The conversation moves to a discussion of Nietzsche's concept of becoming and more specifically, the way in which this "new interaction with the world" represents a new engagement of the world that transcends exiting categories of the self. Stated another way, becoming represents a process by which socially constructed aspects of the self are overcome and transformed.)

Arrigo: I see Nietzsche's becoming as a new interaction with the world because it is not reducible to categorization and because it defies axiomatics. Take the example of race. Typically, race is an artificial, socially constructed category used for purposes of (political/social) exclusion. Moreover, as Deleuze and Guattari explain it, constructions of race are linked to established or recognized forms of libidinal production and capital logic. The notion of becoming, following a Deleuzian interpretation of Nietzsche, is about becoming imperceptible: that moment when we transcend established or routinized constructions. How do we accomplish this? I think Nietzsche's will-to-power finds embodiment in Deleuze and Guattari's notion of schizoanalysis; anti-Oedipus; deterritorializing and reterritorializing the socius; mobilizing molecular, active lines of flight; desire as production (not as the Lacanian lack), etc.

(The conversation ends with a question: once becoming has cleared away calcified and routinized categories of the self, where are we?)

Polizzi: I'm not sure I'm following your distinction between becoming as nonreducible and being-in-the-world as a reducible category. I also see being-in-the-world as including the potentiality for transcending "established or routinized constructions," though this is certainly not guaranteed. I really don't see phenomenology confined or constricted in this way nor is it all that easy to transcend established or routinized constructions, and when one does so, how does this desiring machine respond to the world? I can transcend certain restrictive constructions, but where does this new child find herself?

CONCLUSION

The preceding conversation represented a preliminary and modest critique. What was contested was the philosophical grounding of our humanity and the suggestive relevance of this grounding for the criminological enterprise. The theoretical contributions of phenomenology and postmodernism remain mostly under-examined, especially within the context of understanding delinquent and criminal conduct and those actors the criminal justice system identifies as offenders. Both perspectives problematize language, the body, the state, power, subjectivity, race/gender/class, and other facets of social reality. The ontological, epistemological, ethical, and aesthetical significances of each warrant further explication. Regrettably, positivistic science takes these constructs for granted and, correspondingly, unreflectively reifies them. As such, our view is that the modernist (causal and structural) intellectual landscape has mostly failed the human project because of this "addictive" and disturbing tendency. Accordingly, we advocate for theory that transcends the limits of the modernist episteme. Phenomenological and postmodern analyses evocatively move in this direction. The challenge that lies ahead is to

explore their respective potentials, and to advance a much needed philosophical criminology as a precursor to any programmatic and policy reform.

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