

Central Lancashire Online Knowledge (CLoK)

Title	The Failure to Label: The Role of Discourse in Resistance to Recognising 'Misogyny' as a Hate Crime
Type	Article
URL	https://clock.uclan.ac.uk/id/eprint/45425/
DOI	1759-0043
Date	2022
Citation	Mcguire, Kim (2022) The Failure to Label: The Role of Discourse in Resistance to Recognising 'Misogyny' as a Hate Crime. Papers from the British Criminology Conference, 21 (21). pp. 38-50.
Creators	Mcguire, Kim

It is advisable to refer to the publisher's version if you intend to cite from the work. 1759-0043

For information about Research at UCLan please go to <http://www.uclan.ac.uk/research/>

All outputs in CLoK are protected by Intellectual Property Rights law, including Copyright law. Copyright, IPR and Moral Rights for the works on this site are retained by the individual authors and/or other copyright owners. Terms and conditions for use of this material are defined in the <http://clock.uclan.ac.uk/policies/>

ISSN 17590043

Papers from the British Criminology Conference

An Online Journal by the British Society of Criminology

Volume 21, 2022



www.britsoccrim.org



British Society of Criminology
PO Box 501, The Nexus Building
Broadway
Letchworth Garden City
Hertfordshire
SG6 9BL

Papers from the British Criminology Conference

An Online Journal by the British Society of Criminology

2022 Conference (29 June – 1 July 2022)

Reimagining Criminological Futures: New Criminologies in a Changing World.

Hosted by the University of Surrey.

Editorial Board

Marian Duggan (Editor)

Steven Rawlings

With grateful thanks to all our anonymous peer reviewers.

Published annually and available free online at www.britsoccrim.org

© the authors and the British Society of Criminology

Vol. 21

ISSN 1759-0043

Disclaimer: This publication is made available on the understanding that the publisher, editors and authors will not accept any legal responsibility for any errors or omissions (express or implied) that it may contain. The views and opinions expressed are those of the authors and do not necessarily reflect those of the British Society of Criminology.

Papers from the British Criminology Conference

An Online Journal by the British Society of Criminology

Volume 21, 2022

Contents

Editorial

Marian Duggan4

Arguing with Stan and Revisiting Rosa: Some Thoughts on New Criminologies
in a Changing World

Nigel South6

Architecture for Disappearance: Performing Repression and Memory in a
Former Torture Site in Buenos Aires

Michael Welch20

The Failure to Label: The Role of Discourse in Resistance to Recognising
'Misogyny' as a Hate Crime

Kim McGuire38

British Victims of Modern Slavery: Journeys into Criminal Exploitation
and Alternative Interventions

Craig Barlow51

BSC 2023 conference information59

BSC Online Journal 2023 information60

Editorial

Marian Duggan

The theme of the BSC's 2022 conference was *Reimagining Criminological Futures: New Criminologies in a Changing World*. From 29 June to 1 July, the University of Surrey hosted hundreds of international delegates at its Guildford campus. From postgraduate papers through to panels and plenaries, speakers explored the nature and impact of global developments on shaping criminological debates. Themes included understanding crime futures; transformations in power, legitimacy and compliance; identity, empowerment and division; adjustments in criminal justice policy and practice and their outcomes; criminological perspectives on global crises; and developments in science and technology. Keynote speakers included Neil Chakraborti, Paul Giannasi, Amanda Haynes and Jennifer Schweppe sharing insights about hate crime; Pamela Ugwuodike on artificial intelligence; Martin Innes on disinformation; Shane Johnson on future crime; and Manuel Eisner on interpersonal violence.

The 2022 BSC Outstanding Achievement Award was presented to Professor Nigel South FAcSS, Emeritus Professor of Sociology at the University of Essex. Nigel opened the conference with a reflective and insightful keynote which we are delighted to be able to publish in this edition of the journal. Fittingly, Nigel's contribution, 'Arguing with Stan and Revisiting Rosa: Some Thoughts on New Criminologies in a Changing World' features as our opening piece.

Taking a visual criminological approach to repurposing space, Michael Welch draws on performative theory and dramaturgy to explore the empathetic impacts of architectural design in a former torture site in Argentina. Next, Kim McGuire focusses on the power of language, drawing on labelling theory in her analysis of misogyny and its positionality within the hate crime paradigm. Finally, Craig Barlow presents insights into the experiences of British victims of modern slavery and the framework of interventions evolving to better identify, extract, and empower them.

All submissions to the online journal went through rigorous peer review, with those deemed suitable for publication included in this year's edition. Our thanks to the reviewers for their careful engagement with submissions and helpful suggestions for improvement, and to all who submitted pieces for consideration. As ever, the timeline for the journal is short and its production would not be possible without the support of all involved, so thanks go to my Kent Criminology colleagues for their assistance with getting the journal ready in time.

The 2023 BSC conference takes place 27-30 June at the University of Central Lancashire (UCLan). The theme is: *Sustaining Futures: Remaking Criminology in an Age of Global Injustice*. If you're planning to present at the conference, then please see the information provided about submitting your paper for consideration in the 2023 Online Journal.

Marian Duggan, University of Kent, December 2022

Arguing with Stan and Revisiting Rosa: Some Thoughts on New Criminologies in a Changing World¹

Nigel South, *Emeritus Professor, University of Essex*

Introduction

A key theme in this paper is ‘remembering’ or, alternatively, ‘not forgetting’. The wider, criminological relevance of this will (I hope) become clearer in due course but this theme also allows a personal starting point from which the rest follows.

I have had a long association with the Department of Sociology at the University of Essex as an undergraduate and then MA student in the 1970s and believe that as ‘teachers’ we must always remember to thank those who taught us. In my case, I was lucky to be taught and supervised by several inspiring figures. Ken Plummer was a fantastic teacher, mentor and friend to me, as well as being, of course, a hugely influential and pioneering theorist of stigma, sexuality, life stories and diversity. It was Ken who first interested me in the ‘sociology of deviance’ and the breadth of the idea of ‘social control’. The latter becoming an ever-more relevant concept to remind ourselves of given governmental and judicial intrusions in the United Kingdom and the United States in recent years. I am also in the fortunate position of being able to mention two more of my teachers, who were also past recipients of the BSC award, Stan Cohen and Jock Young.

Stan was my MA supervisor and Jock (along with the anthropologist Gerry Mars), my PhD supervisor. Stan was a formidable seminar teacher. As Paul Rock (2014: 78) put it – “He

¹ This is the revised text of a talk presented at the 2022 British Society of Criminology Conference, held at the University of Surrey. It combines an ‘acceptance speech’ for the ‘Outstanding Achievement Award’ and a Plenary Lecture. I am enormously grateful to the BSC Executive Committee and to the conference organisers for both honours. My thanks also to Professor Eamonn Carrabine for the nomination and his speech. The sub-title of the paper echoes the sub-title of the conference. Parts of the paper draw upon N. South (2023) ‘Revisiting Rosa: Eco-bio-genocide, drug wars and southern green criminology’ in D. Rodriguez Goyes, *Green Crime in the Global South: Essays on Southern Green Criminology*, Bingley: Emerald.

enjoyed the life of the mind” but, as he continued, Stan also had “an abiding sense of humour, irony and the absurd.” This was often combined in class discussion and debate which he strongly encouraged. This latter point is relevant to a modest disagreement which I shall refer to later.

In 1979 I had moved from Essex to what was then Middlesex Polytechnic (now University) to begin a PhD. Noting this in 2022, just after the latest run of the Research Excellence Framework, reminded me that even before REF, TEF and (soon) KEF, we had artificially constructed academic hierarchies. So, in the old days of the Council for National Academic Awards, when Polytechnics were not trusted to provide satisfactory supervision by themselves, for a year or so I needed Stan to serve as my ‘external supervisor’ despite being in Israel - but at a *University*, while Jock and Gerry were close at hand in Enfield - but at a *Polytechnic*.

The world was different in those days in other ways as well. The idea of PhD ‘completion rate’ data seemed to be unheard of, meaning that when Jock, as my supervisor, said ‘don’t worry about the PhD, come and be a Research Assistant on a re-run of our 1969 ‘Student Culture Project’” I jumped at the chance (Crutchley, South and Young, 1979). This was my entry into studies of drugs and youth culture and although Jock then pretty much left this field, others joined and I was immensely fortunate to work with Nicholas Dorn (e.g. Dorn and South, 1990), John Auld (e.g. Auld et al, 1986) - sadly passing away well before his time - and Karim Murji (e.g. Dorn et al., 1992) - and later with Vincenzo Ruggiero (e.g. Ruggiero and South, 1987), Ross Coomber (e.g. Coomber and South, 2004) and Maggy Lee (e.g. Lee and South, 2003).

In what follows I wish to build on past work relating to drugs and connect this to the development of green and southern criminologies in order to provide thoughts on the conference sub-title of ‘new criminologies in a changing world’. So here is a story ... or a ‘recollection’

Arguing with Stan

I once had a friendly argument with Stan (Cohen). In 2003 he was receiving an Honorary Degree from the University of Essex.² After the ceremony we were sitting in the sunshine and

² To provide some background to Stan’s position in our ‘argument’, the following is an extract from the oration given by Professor Ken Plummer on the occasion of Stan receiving his Honorary Degree: ‘Chancellor, The Senate has resolved that the degree of Doctor of the University be conferred upon

Stan remarked that he had liked my review of his book *States of Denial* (Cohen, 2001; South, 2002). Full of enthusiasm after such approval, I was quickly explaining my new area of interest – the environment and crime (South, 1998 a). I also mentioned that Ruth Jamieson and I had been talking about the need to bring this together with a ‘criminology of war crime’ on which Ruth had written a pioneering chapter (Jamieson, 1998) in the book *The New European Criminology* (Ruggiero et al., 1998). Both chapters had been placed in the ‘New Horizons’ section of the book to signal what the editors believed would be important directions for the future.

Stan could not have been less impressed – and he acknowledges in *States of Denial* (2000) that he ‘didn’t get’ the green and wildlife conservation cause. His point was that it is hard to equate the urgency of working to relieve the suffering of someone who is being tortured for their beliefs ‘right now’ with the idea of saving the planet in the future.³ It was – as I say – a casual sort of argument and we moved on, but in an important way we both missed an opportunity to agree.

Human rights, intersectionality and victimisation, the violence of war, and environmental crime or ecocide, are *connected*. What has happened in Ukraine is a tragic but perfect example. As news headlines and reports have shown, such connections are now being made on a routine basis: ‘This is a fossil fuel war’: Ukraine’s top climate scientist speaks out’ (Milman, 2022); “Since Russian forces invaded Ukraine in February, the world’s attention has been focused on the nation’s heavily shelled cities. But Ukraine, in an ecological transition zone, is also home to vibrant wetlands and forests and a large swath of virgin steppe.’ (Anthes, 2022); and “The environment is the silent victim of conflicts,’ said Doug Weir, the research and policy director at the Conflict and Environment Observatory, ...’we already have dozens of not only local, but also regional environmental disasters associated with massive pollution of the atmosphere, soil, surface water and groundwater with hazardous substances. This is not only a problem for Ukraine. I want to emphasize the inevitable transboundary transfer of any pollutants’. (Anthes, 2022).

Stanley Cohen. ... The world Stan sees is a world full of sufferings, wars, torture, wrongful and dreadful imprisonment, genocide ...’

³ In more detail: in the book, Cohen was considering matters relating to the environment and animal rights in terms of the ‘concept of compassion fatigue’ which he noted ‘may be a little shaky’ but which he had ‘tested’ ‘by looking at [his] own reactions to environmental and animal rights issues’ (2001: 289). ‘I cannot find,’ he continued, ‘strong rational arguments against either set of claims. But emotionally, they leave me utterly unmoved. I am particularly oblivious—in total denial—about animal issues. ... [I]n the end, much like people throwing away an Amnesty leaflet, my filters go into automatic drive: this is not my responsibility; there are worse problems; there are plenty of other people looking after this’ (2001: 289).

One of the most useful conceptual terms for the awful consequences of state-led wars with impacts on humans, other species and the land, air and water we depend upon, was employed nearly twenty years before my little argument with Stan by Rosa del Olmo. This was the idea of *eco-bio-genocide* which she applied to the ‘drug war’ waged by the USA against various countries in Latin America in the 1980s and since, drawing attention to the harms and violations perpetrated against humans and other species and the environment (del Olmo, 1987).

This is the point from which I take the opportunity to look back at some of my own research interests in two fields that should *always* have been considered as deeply entwined and that now – as the world has changed – are quite evidently profoundly interlinked. These interests are in 1. Drugs, and 2. the Environment. I also aim to connect these comments to the idea of a ‘southern green criminology’ (Goyes, 2019).

Revisiting Rosa

I want to start by revisiting del Olmo’s analysis of the toxicity of the drug war but also her sensitivity to the importance of environmental harms and victimization. Indeed, it is particularly timely to engage in such reflection on longstanding critiques of U.S. ‘drug war’ policy following the recent election of Gustavo Petro as President in Colombia given that Petro has promised to end support for such strategies, observing that:

‘The war on drugs has left a million Latin Americans murdered over the last 40 years, and 70,000 North Americans dead from drug overdoses every year [and has also] led states to commit crimes and has evaporated the horizon of democracy.’ (Aharonian, 2022).

As remembered by Mario Padilla, Professor Rosa del Olmo (1937-2000) was the ‘daughter of Catalan exiles who finally settled in Venezuela’ and became ‘one of the most important exponents of Critical Criminology in Latin America’. She was undoubtedly a pioneer and a ‘leading figure in the world of left-wing criminology [and] ... critical criminology in Latin America, [a] feminist and inexhaustible social fighter and one of the most well-versed criminologists in the socio-political and economic analysis of drug trafficking’ ([Padilla, 2016](#)).⁴

⁴ For those unfamiliar with the wide range of Rosa’s work, obviously many items are available in Spanish and English via libraries but some readings of her works can also be accessed [with English subtitles](#)



Source: *Lina Torres Rivera, sociologist and criminologist, Professor at the University of the Sacred Heart, Puerto Rico.*

Undoubtedly, were she with us today, del Olmo would be engaging with a southern green criminology, the challenge of climate change, and how the continuation of drug cultivation and eradication, deforestation and resource extraction, are contributing to this and making countries of Latin America pay a high price for meeting the demands of consumer economies of the global north.

Writing in 1987, del Olmo argued that drug crop eradication programs should be seen as the equivalent of a 'crime which has the characteristics of *ecocide* by virtue of making war with certain methods, systems, or prohibited weapons'. In response, and *anticipating by some years*, the recent discussions about the prospects for the introduction of an international crime of ecocide (e.g., Higgins et al, 2013), del Olmo (1987: 30) noted the existence of a 1977 United Nations convention on environmental protection which she suggested could prohibit 'use of

[here](#) and in 2017 the European Group for the Study of Deviance and Social Control reprinted her early major article 'Limitations for the Prevention of Violence: The Latin American Reality and its Criminological Theory' in *Justice, Power and Resistance* 1, 1 pp. 80-97 (originally published in *Crime and Social Justice*, 3, Summer, 1975, pp. 21-29).

agents that modify the environment for military purposes or other hostile objectives'.⁵ In addition, she referred to 'agreements against ecocide, against the destruction of the environment, and more concretely, biocide'. While it does not seem clear what *specific* 'agreements' del Olmo had in mind that would apply with legal precision to either 'ecocide' or 'biocide', her comments were perhaps reflecting what she may have detected as some *momentum* toward recognising the importance of 'criminality against the environment'. At this time, this might have been rather more evident in Latin America than in the global North given the 'theft of nature and poisoning of the land' (Rodríguez Goyes et al., 2017) inflicted across the continent from the period of colonialism onward. del Olmo (1987: 3) also noted that Lopez Rey (1983) had already referred to the necessity of creating the phrase 'criminal protection of the natural world' and connected this to a concept that only later became central to discussions of social justice and public health – the idea of 'quality of life', and she also invoked the idea of genocide, applying this to 'crop eradication programs' that employ weapons with serious effects on the "quality of life," when life indeed remains'. In particular this refers to the widespread and intensive use of Glyphosate-type herbicides manufactured by Monsanto (Whyte, 2020: 19).

Regardless of some missing legal detail, all of this means that - in the space of just a few lines in one pioneering essay - del Olmo drew attention to, first, several key concepts that would years later come to underpin a 'green' criminology' (South, 1998; Brisman and South, 2017); and, second, to the work of other authors making early statements about the need for critical thinking concerning intersections between the environment, the 'southern', and state and corporate crimes. Many such early contributions that were not published in English have been largely overlooked in the history of criminology – a case of the frequent neglect and amnesia that occurs regarding precursors and precedents (Rodríguez Goyes and South, 2017).

Unfortunately, Rosa and I never met in person but we corresponded through the mid-to-late 1990s: first when she contributed to a book I co-edited with Bob Weiss on *Comparing Prison Systems* (Weiss and South, 1998); and then when I asked her to revisit her 'Aerobiology and war on drugs' paper with more emphasis on a green perspective for a special issue of *Theoretical Criminology* that Piers Beirne and I were editing (South and Beirne, 1998).

⁵ Presumably she is referring here to the U.N. 'Convention on the prohibition of military or any hostile use of environmental modification techniques', dated 10th December 1976, signed 1977.

Rosa del Olmo and the ‘war on drugs’

del Olmo published her pathbreaking (1987) ‘Aerobiology and the war on drugs’ article in a special issue of *Crime and Social Justice*, edited by Shank and Dod, dedicated to coverage of ‘Latin American Perspectives on Crime and Social Justice’. I am not very sure however about how widely known or acknowledged this work was in the UK at that time and I think it is possible (though my own memory is certainly not entirely reliable) that I only came across the paper on ‘Aerobiology’ in the early 1990s.

The field of English-language sociological research on drugs in the 1980s was, as I recall, still thoroughly dominated by U.S. sources, with the addition of some key studies from the UK and Australia from the mid-late 1980s onward (Coomber et al., 2016). All of this meant, of course, examining drugs issues—and many other criminological topics—through a transatlantic prism with all the limitations of vision that follow (Franko Aas, 2012). Looking back, it seems that even when adopting a political economy perspective that raised awareness of the violence and contradictions of a war on drugs in the global South, the discourse was often distorted and the focus tended to remain aimed at the policies and impacts affecting the global North.

This was brought home to me on an occasion in the early 1990s when I was speaking to an anthropologist who specialised in the study of various countries in Latin America. A distinguished scholar, with expertise in Marxist analysis of the economics and politics of these states, it seemed to me that we might discuss, for example, the significance of the cocaine economy or links between organised crime groups and political elites. However, I was trying to cross a disciplinary boundary or create a pipeline between two separate silos for there seemed to be little interest or keenness regarding such a discussion. To be fair, this did change several years later but I was struck then—and the project of trying to adopt a ‘southern’ perspective emphasises this—that even when academic work arising in the global North was seriously concentrating on aspects of the global South, the way of ‘seeing’—prioritising, interpreting, representing—could retain and even reinforce a northern point of view.

Of course, I am, myself, *also* a product of my British and to some extent transatlantic academic culture, and any work I was associated with in these years was also limited in its engagement with what we now see as a ‘Southern’ perspective. There were, no doubt, many exceptions to such myopia that I did not encounter or have forgotten⁶ but on this note I *can* mention one

⁶ Although I do recall a conversation with Nic Groombridge on the impact of drugs policy on Latin American nations and the environment after a BSC seminar in London sometime in the late 1980s.

early signpost to important connections that I was involved with but probably did not learn enough from at the time.

In the mid-1980s, working with John Auld and Nicholas Dorn on ideas about different ‘drugs economies’, we noted how the model of ‘development’ promoted by ex-colonial powers in Latin America and Asia was conducive to the expansion of trades in plant drugs (Auld et al., 1984). This was not, of course, the stated aim but programs of ‘modernisation’ based on mineral extraction and agricultural cash-cropping, large-scale infrastructure schemes with minimal wage and welfare costs, accompanying social and cultural disruption, and the creation of national indebtedness to the global North, all encouraged alternative enterprises based on different varieties of cash crops and export strategies.⁷ Nearly forty-years later it is acknowledged that ‘illicit economies’ have been drivers of socio-environmental change in Latin America, *disastrously* affecting Indigenous and Afro-descendent peoples, their lands and their rights (Dest et al., 2021).

Drugs, environment and climate change

As Castellino (2020: 577) observes:

The contemporary climate emergency is directly traceable to colonial activities commenced on indigenous territories, continued under postcolonial regimes, with the active support ... of the former colonial powers. These practices stimulated demand for ‘products’, treated territories as resource hotbeds, ...ignored the human rights of indigenous peoples ...

In the case of Latin America, del Olmo (1987: 29) notes that the continent became ‘a major producer of marijuana and the only producer of cocaine—with the great demand for both substances in the United States constituting the *fundamental reason* for their production and commercialization.’ (emphasis added). In her ‘follow-up’ article just over ten years later, del Olmo (1998: 270) made the distinction between the ‘two sides of the problem to be considered: first, the ecological impact of drug production itself; and second, the ecological impact of drug destruction’.

In relation to the environmental costs of drug eradication policies, McSweeney (2015: 2-3) summarises the impact of the consequences of control, as resulting in perverse harms to the

⁷ For a similar but updated analysis see Ayres (2020).

natural environment whereby, 'Drug crop eradication drives deforestation by progressively displacing drug farmers into new, more remote environments.' This results in a cycle of enforcement attempts at interdiction which pushes cultivators and traffickers into destruction of further bio-diverse habitats as new smuggling routes are created. The tensions and contradictions here mean that 'Support for drug supply eradication by the United Nations Office on Drugs and Crime (UNODC) and the UN Commission on Narcotic Drugs works in direct opposition to concurrent UN efforts to protect biodiversity, secure ecosystem services, ensure the rights of indigenous peoples, mitigate climate change, and promote sustainable development' (McSweeney, 2015: 3). This is not unfamiliar and elsewhere (South, 2016) I have commented on the way in which the imperatives of international organisations such as the World Trade Organisation (e.g., economic growth) and the United Nations Environment Programme (e.g., sustainability and environmental protection) are in direct conflict yet present to the world a message of 'joined up' cooperation.

Climate change and colonial wars in Latin America

The transformation of Latin America's land-uses and economies as suppliers of commodities—whether legal beef or illegal drugs—to meet the high demand of markets and corporate empires of the global North has made significant contributions to the warming of the planet. For example – and there are numerous other sources of evidence - in a study focused on Central America, Sesnie et al. (2017) estimated that 'anomalous patterns of forest loss associated with narcotics-trafficking may account for between 15 and 30% of *annual* national forest loss in Nicaragua, Guatemala, and Honduras over the past decade' (emphasis added). In terms of policy aims to reduce climate change and maintain carbon capture capacity, McSweeney (2015: 13) points out how 'U.N. and other programmes designed to encourage forest conservation ... are undermined by the financial and coercive power of drug trafficker enterprises to bring about the conversion of forested areas to land for cultivation, or to build roads and airstrips for transport of precursor chemicals and final products.'

For criminology, combining a 'green' and a 'southern' way of describing the Latin American environmental experience is overdue and offers a wide horizon to explore. Indeed, what David Goyes (2019) is establishing as a 'Southern Green Criminology' needs a *long view* of the events of history as well as a *wide view* of the conditions of the present. In revisiting her original paper del Olmo (1998: 276) wrote:

Both illicit drug production and drug crop destruction are important global issues, but the latter poses more questions, and should raise more concerns, because of the

indifference of governments toward the major environmental and human health problems which pesticide use and misuse produce. ...These consequences are now very well documented and raise important issues both for the balance of drug-control policy, and for a criminology concerned with the environment.

In both contexts—and, of course, in drawing links between them—the concept of ‘eco-bio-genocide’ should be revisited for it is a powerful reminder of the violence that is being done to us all and to the planet as a result of human hubris, speciesism, and anthropocentric actions.

Conclusion

The point here has partly been to ‘*look back*’ – at some ideas and people that I recognise as having had some influence on me - and I am pretty sure on many others in our field – and to play with the theme of ‘memory and amnesia’ – so important when we look at new ideas and developments. These are always welcome but we should also try to ensure that we acknowledge earlier pioneers – particularly if not part of the usual transatlantic literature reviews. Hence, for all the ‘newness’ of a ‘southern criminology’ (Carrington et al, 2016) we really should remember how much significant work had already been done setting out a southern critical perspective.

Of course, I should also try to ‘*look forward*’ – so, coming after COP26 in Glasgow and a global pandemic originating with the zoonotic transmission of a virus, the invitation to speak at the 2022 BSC conference seemed timely. My original thoughts about a possible lecture were to start from the lyrics of Joni Mitchell’s ‘Big Yellow Taxi’ with its warning about DDT pesticide spray and the refrain that ‘You don’t know what you’ve got till it’s gone’. When Joni Mitchell wrote that song in November 1969 it reflected a new cultural wave of environmental awareness. I was a teenager and felt this was a message my generation wanted to hear. Today, arguably, there is far more awareness yet change seems slow.

As criminologists and sociologists, we understand about denial and strategic ignorance (Thiel and South, 2022; Brisman and South, 2015 a, b) and the process of *thinking back* to my own teachers – Stan and Jock – reminded me of a time when Marcuse’s idea of ‘Repressive Tolerance’ was widely applied but which few seem to refer to anymore even though it seems to fit our times nicely if defined as:

“The passive acceptance of social and governmental practices, policies and actions which restrict freedom in an absolute sense” (Buchanan, 2010).

Of course, *there is protest, there is resistance* but there is also a lot of support for, and passive acceptance of, the decline of fair and just government (Reiner, 2021; Winlow et al., 2017). Do forms of denial, strategic ignorance and repressive tolerance help explain our huge inconsistency regarding issues like drugs wars, climate change and so much else? Who *really* thinks that ‘drugs wars’ have worked? And immediately after the Glasgow COP meetings on the global environment, the forces of rejection and denial mobilised: ‘eight days after pledging to accelerate their forest protection efforts ... five of the world’s biggest agribusiness firms sought to weaken a draft EU law banning food imports [linked to deforestation](#)’ (Neslen, 2022).

Given we are privileged to do research and teach, we are in a better position than many to try to influence and shape our ‘changing world’, so I will conclude with just a few thoughts on opportunities to connect to and convey some messages relevant to green and southern criminologies.

What – if anything – can criminologists do? 3 x Cs

1. Challenge

Challenge the increasing policy approach – or ‘magical solution’ of ‘wishing things away’ - what George Monbiot (2022) has detected in Government speak as ‘Learning to live with it’ ... whatever the latest crisis is. This is partly to distract us from what Richard Garside (2022) has nicely called ‘the monotonous circularity of policy failure’

2. Connect the crises

The convergence of two crises – Covid-19 and climate change – provided a powerful tool to open up our thinking (Chavez, 2021; Lam et al., 2022; Lancet Editorial, 2021). Let’s think of them as acting like a magnifying glass: pre-existing social inequalities remain the same or have deepened and are now more visible than ever. This way of understanding echoes the lines written by the poet Theodore Roethke (1961), ‘In a dark time, the eye begins to see’.

3. And finally – we are teachers, so – Curriculum change

Many years ago, Piers Beirne and I contributed to a collection of essays on ‘greening the academy’ (Beirne and South, 2012). Looking back, we were probably a bit limited in our imagination about how the spaces of the academy and the curriculum could be - or indeed

would need to be - reshaped to engage a greener agenda. Nonetheless, if the convergence of accumulating crises makes me feel pessimistic, there may be some basis for optimism in looking at how the curriculum is becoming more global, more aware of the need for a healthy planet, and is incorporating more thinking about decolonisation and decarbonisation.

References

- Aharonian, A (2022) 'Petro and Francia, from magical realism and genocide to the Colombia of the possible', [Pressenza, 9th August](#).
- Anthes, E (2022) 'A 'Silent Victim': How Nature Becomes a Casualty of War', [New York Times, April 13th](#).
- Auld, J, Dorn, N and South, N (1984) 'Heroin now: 'Bringing it all back home'', *Youth and Policy*, 9, 2: 1-7.
- Auld, J, Dorn, N and South, N (1986) 'Irregular work, irregular pleasures: heroin in the 1980s' in R. Matthews and J. Young (eds.) *Confronting Crime*, London: Sage.
- Ayres, T (2020) 'The War on Drugs and its invisible collateral damage: environmental harm and climate change' in A. Brisman and N. South (eds) *The Routledge International Handbook of Green Criminology*, Abingdon: Routledge (2nd edition).
- Beirne, P and South, N (2012) 'Greening criminology' in S. D. Fassbinder, A. Nocello and R. Khan (eds) *Greening the Academy: Ecopedagogy through the Liberal Arts*, Rotterdam: Sense Publishers.
- Brisman, A and South, N (2015 a) 'Life stage dissolution, infantilisation and anti-social consumption: implications for de-responsibilisation, denial and environmental harm', *Young: Nordic Journal of Youth Research*, 23, 1: 209-221.
- Brisman, A and South, N (2015 b) 'New 'folk devils', denials and climate change: Applying the work of Stanley Cohen to green criminology and environmental harm', *Critical Criminology*, 23, 4: 449-460.
- Brisman, A and South, N (2017) 'Green criminology' in A. Liebling, S. Maruna and L. McAra (eds) *The Oxford Handbook of Criminology* (6th edition) pp. 329-349, Oxford: Oxford University Press.
- Buchanan, I (2010) [A Dictionary of Critical Theory](#), Oxford: Oxford University Press.
- Carrington, K., Hogg, R., and Sozzo, M. 2016. 'Southern Criminology,' *The British Journal of Criminology*, 56(1): 1–20.
- Castellino, J (2020) 'Colonial Crime, Environmental Destruction and Indigenous Peoples: A Roadmap to Accountability and Protection' in M. Bergsmo, W. Kaleck and K. Yin Hlaing (eds), *Colonial Wrongs and Access to International Law*, Brussels: Torkel Opsahl Academic.
- Chavez, D (2021) 'Climate emergency, the pandemic, and the convergence of global crises', [Transnational Institute](#).
- Cohen, S (2001) *States of Denial: Knowing about Atrocities and Suffering*, Cambridge: Polity Press.
- Coomber, R, Moyle, L and South, N (2016) 'Reflections on three decades of research on 'social supply' in the UK' pp. 13-28 in C. Bernard and B. Werse (eds) *Friendly Business: International Research on Social Supply, Self-supply and Small-scale Drug Dealing*, Heidelberg: Springer.
- Coomber, R and South, N (eds.) (2004) *Drug Use in Cultural Contexts 'Beyond the West': Tradition, Change and Post-Colonialism*, Free Association Books, London.
- Crutchley, J, South, N and Young, J (1979) *Student Culture: 1968-1978* (report to the Social Science Research Council). Enfield: Middlesex Polytechnic.
- del Olmo, R (1987) 'Aerobiology and the war on drugs', *Crime and Social Justice*, 30: 28-44.

- del Olmo, R (1998) 'The ecological impact of illicit drug cultivation and crop eradication programs in Latin America', *Theoretical Criminology*, 2, 2: 269-278.
- Dest, A, McSweeney, K and Sauls, L (2021) 'Editorial: The Role of Illicit Economies in Transforming Latin America's Rural Spaces', [World Development, special issue, July](#).
- N. Dorn, K. Murji and N. South (1992) *Traffickers: Drug Markets and Law Enforcement*, Routledge: London and New York. 1992. pp 252.
- N. Dorn and N. South (1990) 'Drug markets and law enforcement', *British Journal of Criminology*, 30, 2: 171-188.
- Franco Aas, K. (2012). "The Earth is one but the world is not': Criminological theory and its geopolitical divisions'. *Theoretical Criminology*, 16, 1: 5–20.
- Garside, R (2022) 'Escaping the monotony of repeated failure', [Centre for Crime and Justice Studies](#).
- Goyes D. R (2019) *Southern Green Criminology. A Science to End Ecological Discrimination*. Bingley: Emerald Publishing
- Higgins, P, Short, D and South, N (2013) 'Protecting the planet: a proposal for a law of Ecocide', *Crime, Law and Social Change* 59, 3: 251-266
- Jamieson, R (1998) 'Towards a Criminology of War in Europe' in V. Ruggiero, N. South and I. Taylor (eds.) (1998) *The New European Criminology: Crime and Social Order in Europe*, London: Routledge.
- Lam, A, South, N and Brisman, A (2022) 'A Convergence of Crises: COVID-19, Climate Change and Bunkerization', *Crime, Media, Culture*, September.
- Lancet Editorial (2020) 'Climate and COVID-19: converging crises', [The Lancet, January 9th](#).
- Lee, M and South, N (2003) 'Policing and drugs' in T. Newburn (ed) *The Handbook of Policing*, Willan, Devon. Pp. 421-442.
- Lopez Rey, M (1983) *International Criminology*. Madrid: Institute of Criminology, Universidad Complutense de Madrid
- McSweeney, K (2015) *The Impact of Drug Policy on the Environment*, Open Society Foundation: New York.
- Milman, O (2022) 'This is a fossil fuel war', [The Guardian, 9th March](#).
- Monbiot, G (2022) "Learning to live with it'? From Covid to climate breakdown, it's the new way of failing', [The Guardian, 7th April](#).
- Neslen, A (2022) 'Agribusiness giants tried to thwart EU deforestation plan after Cop26 pledge', [The Guardian, 4th March](#).
- Padilla, M (2016) Criminology: Paradigms and Theories on Criminality. [Rosa del Olmo, Pioneer of Latin American Critical Criminology](#).
- Reiner, R (2020) *Social Democratic Criminology*, Abingdon: Routledge.
- Rock, P (2014) 'Stanley Cohen 1942–2013', *Biographical Memoirs of Fellows of the British Academy*, XIII, 65–88
- Rodríguez Goyes, D, Mol, H, Brisman, A and South, N (eds) (2017) *Environmental Crime in Latin America: The theft of nature and the poisoning of the land*, London: Palgrave.
- Rodríguez Goyes, D and South, N (2017) 'Green criminology before 'Green Criminology': amnesia and absences', *Critical Criminology*, 25, 2: 165-181.
- Roethke, T (1961) 'In a dark time', *The Collected Poems of Theodore Roethke*, New York: Doubleday.
- Ruggiero, V and South, N (1997) 'The late-modern city as a bazaar: drug markets, illegal enterprise and 'the barricades'', *British Journal of Sociology*, 48, 1: 55-71.
- Ruggiero, V, South, N and Taylor, I (eds.) (1998) *The New European Criminology: Crime and Social Order in Europe*, London: Routledge.

- Sesnie, S, Tellman, B, Wrathall, D, McSweeney, K, Nielsen, E, Benessaiah, K, Wang, O and Rey, L (2017) 'A spatio-temporal analysis of forest loss related to cocaine trafficking in Central America', *Environmental Research Letters*, 12, 5.
- South, N (1998a) 'Corporate and state crimes against the environment: Foundations for a green perspective in European criminology', in V. Ruggiero, N. South and I. Taylor (eds.) *The New European Criminology*, London: Routledge. pp. 443-461
- South, N (1998b) 'A green field for criminology? A proposal for a perspective' *Theoretical Criminology*, 2, 2: 211-234.
- South, N (2002) Review of Cohen, Stanley (2001) *States of Denial*. *British Journal of Sociology*, 53, 1: 149-150.
- South, N (2016) 'Free trade agreements, private courts and environmental exploitation: disconnected policies, denials and moral disengagement', *International Journal for Crime, Justice and Social Democracy*, 5, 4: 45-59
- South, N and Beirne, P (eds.) (1998) For a Green Criminology, Special Issue of *Theoretical Criminology*, 2, 2: 147-285.
- Thiel, D and South, N (2022) 'Criminal ignorance, environmental harms and processes of denial' in M. Gross and L. McGoe (eds) *Routledge International Handbook of Ignorance Studies*. Abingdon: Routledge. pp. 334-344
- Weiss, R and South, N (eds.) (1998) *Comparing Prison Systems: Toward an International and Comparative Penology*, Amsterdam: Gordon and Breach, Amsterdam.
- Whyte, D (2020) *Ecocide*, Manchester: Manchester University Press.
- Winlow, S, Hall, S and Treadwell, J (2017) *The Rise of the Right: English Nationalism and the Transformation of Working-Class Politics*, Bristol: Policy Press.

Architecture for Disappearance: Performing Repression and Memory in a Former Torture Site in Buenos Aires¹

Michael Welch Ph.D, *Rutgers University, USA*²

Abstract

In Argentina, atrocities of the last dictatorship (1976 – 1983) continue to resonate not only through ongoing trials but also in sites where detainees were disappeared, tortured, and exterminated. Many of those former detention centres have been recovered and converted into memorial spaces. This work delves into the controversy over one of the most notorious sites in Buenos Aires known as ESMA. With a keen eye on architecture, it analyses the manner by which repressors utilized and modified ESMA as a clandestine centre. Turning critical attention to the afterlife of that space allows for deep introspection into how human rights groups repurposed the same space. Chief among the curatorial techniques is the management of the site's temporal mode linking the past with the present. The current incarnation of ESMA reveals a history of brutality that was once concealed. By thoughtful design, the site now provides a performative anchor through which visitors – as secondary witnesses - can

¹ Enormous thanks to Facultad de Derecho, Instituto de Investigaciones, Jurídicas y Sociales Ambrosio L. Gioja, Universidad de Buenos Aires, in particular Gabriel Ignacio Anitua, Diego Zysman, Leonardo Pitlevnik, and Bruno Nápoli as well as Maximo Sozzo (Facultad de Ciencias Jurídicas y Sociales, Universidad Nacional del Litoral, Santa Fe, Argentina). Staff at ex-ESMA deserves special mentioning. This project benefits from the Rutgers University sabbatical program (2017).

² Michael Welch is a Professor in the Criminal Justice Program, Rutgers University, USA. His research interests include imprisonment, Foucault studies, and human rights. Welch is author of several books, including *Escape to Prison: Penal Tourism and the Pull of Punishment* (2015, University of California Press). In 2017, he was Visiting Research Professor in the Faculty of Law, University of Buenos Aires, Argentina.

empathize with sufferers. The analysis is guided by the performative theory of Taylor (1997) and the dramaturgy of Goffman (1959) while taking informative cues from Nora (2002; 1989).

Key words: Argentina, detention, torture, extermination, human rights.

Introduction

The upsurge in memory, Pierre Nora (2002) points out, is spreading in post-conflict societies as they readjust their relationship to the past. Several forces drive this trend. First, certain groups are challenging the “official” versions of history by recovering segments of the past that have been suppressed. Second, there is growing demand for signs of a past that have been confiscated. Third, the importance of heritage has taken hold among certain people interested in re-evaluating their own identity. Nora is quick to recognize that this “age of commemoration” has gained traction in Latin America where military dictatorships ruled with unspeakable repression. Compared to its neighbours in the Southern Cone, the “dirty war” in Argentina (1976 to 1983) is properly characterized as the most ruthless, disappearing more than 30,000 civilians through a complex network of 500 clandestine detention centres (Dinges, 2004; Feitlowitz, 1998; Park, 2014). The “dirty war” (“guerra sucia”) was a military euphemism used to describe a process of “cleansing” the nation of ideological contamination through wholesale abductions, torture, and extermination. As General Iberico Saint-Jean boasted: “First we kill all the subversives; then we kill their collaborators; then . . . their sympathizers, then . . . those who remain indifferent; and finally we kill the timid” (Simpson and Bennett, 1985: 66). Among the most notorious sites was ESMA: now known as “Ex Centro Clandestino de Detencion, Tortura y Exterminio,” which was seized from the military in the transition toward democracy. While preserving much of the original architecture—as signs of the past—the large compound functions as a memorial space for victims of state terror. Moreover, it stages artistic productions and various human rights activities committed to challenging the “official” accounts of the “dirty war” (see Image 1, below).



Image 1: ESMA

As Marcelo Suarez-Orozco (1991) examines in detail, the enduring heritage of the “dirty war” has left residual scars on the Argentine psyche in ways that shape memory. Accordingly, sites remain an important element of the performance of memory, or memorialization. Nora contributes further by suggesting that while history is attached to events, memory clings to places. Indeed, it is within “les lieux de memoire where memory crystalizes and secretes itself” (1989: 7). In contrast to history which remains a representation of the past, memory is affective and nourishes recollections that may be out of focus, thereby “tying us to the present” (1989: 8). Nora depicts history as prosaic, particularly against the dynamics of memory which binds certain people together. As we shall detect in ESMA, “memory takes root in the concrete, in spaces . . . [becoming] sites for anchoring its memory” (Nora, 1989: 9). Sited-ness is paramount to this project since it helps us sort out the nuances of space and place. Michel de Certeau (1984) explains that place is where things and people are ordered; space, by its very nature, is the use of space (see Casey, 1997). The two concepts are deeply intertwined given that ESMA is a precise location where atrocities occurred. In its afterlife, ESMA is strategically transformed into a space for memorialization. Still, a paradox persists: such “memoryscapes” require that the sites retain enough authenticity to facilitate mourning for victims while not repelling visitors who serve as secondary witnesses (Bilbija and Payne, 2011; Taylor, 1997).

This analysis of ESMA concentrates on the Casino (or Officers’ Club) that functioned not only as the epicentre for planning disappearances but also as a site where detention, torture, and extermination were carried out (see Image 2, below).



Image 2: ESMA interior

Critical attention is directed at the ways in which the architecture was modified by the military to conceal evidence of human rights atrocities from a 1979 international inspection team. Years later, when ESMA was being converted into a memorial site, more evidence corroborating victim testimony was discovered. Those structural changes are on display for the public, prompting sober reflection on repression. In its current incarnation, ESMA attends to the process by which a forbidden space (for clandestine detention) is transformed into a sacred space (for memorialization) (see Foucault, 1986). Fittingly, the slogan of the Argentine human rights campaign is “Memoria, Verdad y Justicia” (Memory, Truth and Justice). Toward that end, ESMA has evolved into a story-telling institution that reveals its brutal history, and in doing so, speaks to the words of Baudrillard who famously warned “forgetting the extermination is part of the extermination” (1994: 49). So as to contextualize the performance of ESMA’s architecture—past and present—we turn briefly to the significance of dramaturgy which relies on theatrical metaphors to interpret the power of spectacles.

Foundations in Dramaturgy

In *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina’s ‘Dirty War,’* Diana Taylor deciphers how the military dictatorship performed power and projected authoritarian control over civil society. Convincingly, Taylor situates the public spectacle as a locus and mechanism that both “forges and erases images of national and gender identity” (1997: ix). Whereas those observations figure prominently in this study of ESMA, it is useful to first track some of the sources that underpin the larger theoretical framework. Much like Kubiak (1989,

1987), Taylor applies performance theory from the perspective of the humanities, comparative literature, and theatrical critique. Similarly, the notion of performance also enjoys a long tradition in sociology dating back to the work of Kenneth Burke (1945) who inspired Erving Goffman (1959) to develop a multi-layered paradigm known as dramaturgy. The foundations of dramaturgy are not that complex; rather, they seem to be intuitive by using the theatre as a metaphor to understand society in which its members play various roles (e.g., actors, audiences) through the use of stages, scripts, props, etc. As we shall see, dramaturgy remains a dynamic vehicle to interpret the last dictatorship in Argentina since the junta went to great lengths to stage terror.

With respect to the sociological implications of dramaturgy, Goffman (1959) introduces the simple idea that individuals occupy both a *front stage* (visible to the audience) and a *back stage* (invisible to the audience). While very much conceived as micro-sociological analysis, dramaturgy is amenable to macro performances of groups as well as states. The “dirty war” in Argentina operated both on the *front stage* with spectacles of abductions in broad daylight to instil an aura of intimidation. Military personnel also carried out detention, torture, extermination in the *back stage* via clandestine centres such as ESMA. By doing so, sites allowed the junta to engage in what Goffman calls mystification that conceals damaging information from the general population as well as international human rights monitors.

Mystification, from the standpoint of dramaturgical sociology, stems from a related phenomenon, namely secrecy. Goffman (1959) explains there are many forms of secrecy maintained by individuals and groups – or teams. “Dark secrets,” as the term implies, contains lurid details about performers that might contradict their public image. The Argentine dictatorship held many dark secrets, including crimes against humanity and genocide. The military, through the use of task groups, also relied on “strategic secrets” that were intended to control the audience, such as prompting civilians to realize that they were personally under surveillance. “Inside secrets” are shared only with certain military teammates who could be trusted with sensitive information, thereby enhancing bonding. Even today as former military officers face prosecutions, many refuse to divulge information that could be used to convict their colleagues. At times, the former military disclose “open secrets” by claiming that their acts – albeit repressive – were justified to protect the nation from subversion (see Ranalletti, 2010). Goffman (1959) also distinguishes between different *roles* acquired to manage and manipulate information. During the last dictatorship, task groups would recruit certain detainees to serve as informers and spotters who might even accompany the team during abductions. Some of those cooperative detainees were viewed by the military as having the

potential to “recover” from their subversive ideology and ultimately be released from confinement. Others, however, were exploited for their inside knowledge and subsequently murdered (see Feitlowitz, 1998; Park, 2014; Timmerman, 1998 [1981]).

Whereas ESMA and its role in performing repression and memory is central to this project, it is important to consider its modified architecture. In particular, the Casino (or Officers’ Club) was structurally altered over time to give the appearance that crimes against humanity could not have possibly occurred there as survivors testified. In effect, the Casino held not only “dark secrets” but also “strategic secrets” and “inside secrets.” To expose those secrets, ESMA was recovered by municipal authorities and human rights organizations, then gradually transformed it into a space of memorialization that defies erasure in ways that blend sitedness, temporality, and secondary witnessing. To contextualize those developments, we turn to a brief overview of spatial afterlives followed by a synopsis of the ideological framework promulgated by the Argentine junta at ESMA – making it a container of state secrets.

Repression by Design

In 1976, in the wake of the military coup, the primary function of ESMA morphed from a training academy into a “Clandestine Detention Center of Torture and Extermination.” Toward that end, the military modified the entire compound to conceal its secret activities. The garage, for example, was used to disguise cars the junta stole from detainees by re-painting them and changing their license plates. The printing house produced forged documents, including falsified deeds from homes seized from the abducted. Even more horrific was the abduction of children born in captivity at ESMA. The infirmary staffed doctors who would deliver babies from tortured detainees; those infants were given to military families and their mothers were exterminated. Recall Nora’s (2002) tenets of the “upsurge of memory” that challenges the “official” stories of history, pursues the recovery of aspects of the past that have been confiscated, and stresses the importance of heritage sought by individuals as they learn more about their own identity. Those ambitions are evident in the fate of pregnant detainees and their children. While that controversy has produced many roles in the resistance to the last dictatorship, one group stands out: namely, the Grandmothers of Plaza de Mayo (Asociacion Civil Abuelas de Plaza de Mayo). The Grandmothers remain committed to identifying the “stolen” babies whose mothers were disappeared by the junta. It is estimated that more than 500 infants were born in detention and then “adopted” by military families (see Arditti, 1999; Park, 2014). In memory of the pregnant women—and their infants—detained at ESMA, a series of exhibits inform visitors of that tragic chapter in Argentine history. In the attic of the

Casino, a dimly lit message is written on the floor of an empty room: “Como era posible que en este lugar nacieran chicos?” (How is it possible for children to be born in this place?) (see Image 3, below). Secondary witnesses tend to stare motionless into the void (and some of them weep).



Image 3: Children Born at ESMA

Extensive storyboards reveal the details of the systematic abduction—*confiscation*—of children while maintaining emphasis on memory. Lila Pastoriza (abducted from June 15, 1977 to October 25, 1978) testified in the ESMA Trial in 2010: “I asked D’Imperio how it was possible that children were born in that place, in that place where people were tortured and he said: ‘Look the children are innocent, they are not to blame for having terrorist parents, that is why we give them to families that are going to educate them differently out of the terrorist world’” (ESMA Trial Testimony Case, 1270, July 8, 2010). Being pregnant did not prevent detainees from being tortured, abused, and subjected to inhuman conditions of confinement at ESMA. A few days after giving birth, the mothers were murdered. However, before their death the mothers would be told that their baby would be given to their own families, and they were instructed to prepare a letter with the child’s information. Text of such a letter is on posted in the area where an estimated 30 children were born.

“Dear Mum. Today you have news from me after such a long time. I’m so sorry for not having written before but I wasn’t able to do so as I was abroad working. This is my baby boy. His name is Sebastian. He was born in a clinic in Buenos Aires . . . I am in perfect shape, the person carrying the baby is a friend of mine, and he is doing me a favor as I can’t do it myself at the moment. I want you to be calm as I’m all right and I will contact you again soon . . . Paty.”

In most instances, the letter was destroyed and the baby was given to an unrelated family. Through the tireless efforts of the Grandmothers of Plaza de Mayo, more than one hundred of those children, as adults, have been identified and reunited with their biological families. Former dictator, General Jorge Videla, was convicted and sentenced to a 50-year prison term for his involvement in the unlawful adoptions. So as to keep visitors from forgetting those merciless acts, a list of doctors who participated in the birth scheme at ESMA is on display. Together, the military and the medical staff referred to the child abduction process as “a well-oiled machine” (Feitlowitz, 1998; Van Drunen, 2010; see also the film *The Official Story*).

Those secret tasks were planned in a special space inside the Casino called El Dorado. Hidden in the *back stage* of “the dirty war,” that ceremonial room, was a headquarters of central intelligence. Today, El Dorado occupies a *front stage* and is one of the many performative spaces at ESMA that relies on a sense of temporality to bring the record of past atrocities into the present for secondary witnessing. Here curators provide more scripted excerpts from survivors’ testimonies as a performative technique to narrate the now exposed “theatre of operation” (see Taylor, 1997). “The Tasks Group was set up elaborating its own war doctrine which main idea was to exterminate popular activists . . . Its efficiency in operating is clearly shown in the results obtained; within a year 2,000 Argentine citizens were captured (from March 1976 to March 1977). The number increased to 4,750 by the month March 1978” (Milia, Marti, and Osatinsky, 1979, 1980; see Guest, 1990; *Nunca Mas* 1986).

As the inner sanctum of the “dirty war,” El Dorado set into motion “dark, strategic, and inside secrets.” In this very room, the intelligence officers determined who was to be abducted; upon their capture, they were brought to basement of the Casino. There detainees were tortured by interrogators who demanded names of other civilians. Once those targets were located, military “gangs” carried out more kidnappings, thereby fuelling the repressive cycle. While detainees were being held in the upper floors of the Casino, their fate was being decided by military leaders working downstairs in El Dorado. Data files were created for each detainee and folders were labelled D (detention), L (liberation), or T (transfer – the euphemism for extermination). To maintain its “dark secrets,” the military destroyed much of the evidence through a paper shredder (known as the “crocodile”). Moreover, since former officers refuse to divulge information, prosecutors rely heavily on the testimony of detainees who worked in ESMA (see Actis, Aldini, Gardella, Lewin, and Tokar, 2006; *Nunca Mas*, 1986). Survivor Lidia Cristina Vieyra testified that officers in El Dorado determined “who was going to live or die . . . Every Wednesday there were transfers” (2010). Such godlike power was pervasive during the last dictatorship. Another clandestine detention centre in Buenos Aires was given the

codename “Olimpo” because the repressors told detainees that the officers were modern day Greek gods who controlled life and death (Sorbille, 2008: 118; see Marchak,1999).

While crucial decisions (“strategic secrets”) were being made in El Dorado, other operations were carried in the basement (known as “Sector 4”) where detainees first arrived – and immediately tortured. Completing the cycle of repression, it was the last place they passed through on the way to their death. Men and women were hooded, stripped naked, and bound to a metal stretcher. They were tortured with an electric prod on sensitive parts of the body: breasts, vagina, abdomen, anus, testicles, mouth, and tongue. Beatings and waterboarding (“submarino”) were also routine. Repressors sarcastically referred to the corridor connecting the torture rooms as “Avenue of Happiness.” During the torturing sessions, a phonograph played the same Rolling Stones’ song, over and over. In some instances, doctors participated, keeping vital signs of those tortured to prevent them from dying; similarly, they attended to pregnant detainees who also were subject to torture. In preparation of the “transfers”, doctors delivered Pentothal injections for sedation. (Repressors mocked the procedure, calling the drug “pento-naval” to reflect its use by the Navy.)

The “transfers” or “death flights” were not only a form of premeditated murder but also a method to conceal extermination by throwing the bodies into the ocean (or River La Plata). The “death flights,” however, were eventually detected when corpses began surfacing on the beaches in neighbouring Uruguay. Survivor Susana Burgos (1984) recalls a conversation she had with Lt. Aztiz (the “Blond Angel of Death”). Sharing an “open secret” Aztiz said: “the sea helps us. You may know the river has given the bodies back, so we thought about the Argentine Sea. We throw them from planes, the sea is blessed, from that height the sea is not soft it turns into a steel plate, that is why they break their necks, but in case they do not die, the whales do their job. We throw them asleep, of course.”

In 1976, according to an extensive storyboard posted in the basement, Major Luis Maria Mendia gathered his top officers and explained to the task groups that “he had consulted the ecclesiastical authorities and the method (flights of death) had been approved as it was considered a Christian and humanitarian death.” Journalist Jacobo Timerman (1998) (himself abducted) reported that Admiral Emilio Massera—in an “open secret”—told him that the use of firing squads was unacceptable “because the Pope would oppose.” Upon returning from the death flights, some officers were noticeably traumatized; as a form of intervention, the chaplains consoled them with biblical parables. Argentine writer Rodolfo Walsh, in 1977, brought those events to the *front stage* by releasing his “Open Letter to the Military Junta” in which he denounced efforts “to carpet the River Plate with dead bodies” as a “systematic

character of extermination” while “mutilated bodies afloat in the Uruguay shores” including a 15-year-old boy, Floreal Avellaneda whose autopsy reveals “injuries in the anal area and visible broken bones.” The day after publishing his editorial, Walsh was murdered on the streets in Buenos Aires by agents from ESMA. In front of the Casino, his open letter appears as a large memorial for public viewing, as secondary witnesses reflect on past atrocities.

Repression, “Percepticide,” and Memory

Taylor’s (1997) performative theory of spectacle and disappearance complements dramaturgy, in particular Goffman’s observations on the *front* and *back stages*. Moreover, Taylor also makes good use of the concept “percepticide.” Psychoanalyst Juan Carlos Kusnetzoff (1986) introduced that idea during the “dirty war,” suggesting “the perceptual organs, too, soon became a causality of the engulfing terror” (1986: 95; Suarez-Orozco, 1991: 942). Through the “failure to recognize,” denial is among the first coping mechanisms to be activated in response to death (Vaillant, 1986: 128). As the number of disappearances reached critical mass, Argentines developed “a passion for ignorance” (Corradi, 1987: 119) coupled with “conscious and unconscious strategies for knowing what not to know about events in their immediate environment” (Suarez-Orozco, 1991: 469). “Percepticide” creates added room for the work of Taylor—and Goffman—by drawing attention to the perceptual process that renders the obviously visible (*front stage*) to a seemingly invisible void (*back stage*). Manipulating *front* and *back stage* would become important tactics for the military. In the immediate aftermath of the coup (March 24, 1976), the junta announced “No Public Spectacles” – temporarily banning events, from theatre to horse racing. (The exception was football—or soccer—which would later be orchestrated as an international spectacle in the 1978 World Cup in Buenos Aires). “The idea was not to seize power – they had already done that. Now, they wanted to usurp space formerly associated with civil society” (Taylor, 1997: 60). In its place, the military would strategically perform its own drama, exercising what Foucault (1979: 200) termed “lateral invisibility.” That is, through the spectacle, the military projected an awesome threat that all Argentines (*spectators*) were vulnerable to state terror.

Repression, “percepticide,” and memory all interact at ESMA both while it operated as a clandestine detention, torture, and extermination centre and later as a site for the performance of memorialization. Touring the institution is indeed a Goffmanesque experience whereby visitors get to look *behind the scenes* of the “dirty war.” Under the direction of the curators, those secondary witnesses are subjected to a unique form of temporal performance that allows them to view the past and present simultaneously (Clark, and Payne 2011; Van Drunen,

2010). To reiterate, that split consciousness enables them to realize that the Casino is both a former clandestine detention site as well as a memorial space. By design, visitors come to understand how secrets were concealed (in the *back stage*) and later revealed (in the *front stage*) The tour guide points to key features of infrastructure that were modified in an effort to mislead the 1979 Inter-American Commission for Human Rights. Those monitors were responding to testimony of survivors who found refuge abroad. Since detainees were hooded during their captivity, they had to describe their surroundings by tracking their movements (e.g., walking downstairs) along with recognizable sounds (e.g., noise of an elevator). Anticipating the inspection, the junta intended to throw the Commission off the trail by removing sections of the main staircase in the Casino and boarding up the elevator. Understandably, inspectors would (falsely) conclude that the testimony of the survivors did not match the physical layout of ESMA. Such inconsistencies might raise questions about the accuracy—or veracity—of the survivors. However, in 2010, as ESMA was undergoing its transition to a memorial space, evidence was discovered that corroborated the survivors' testimony.

Both the renovated staircase and the elevator shaft are on display for visitors to view, deepening a sense of “Memoria, Verdad y Justicia” (Memory, Truth and Justice). Some brief text repeats testimony by survivors, and in doing so, facilitates the performance of memory: “I was taken down the stairs, I also counted the steps, I did it to entertain myself, but I had the feeling that there was a lift (elevator) somewhere as an engine could be heard” (Vasquez, 2010). Visitors are encouraged to gaze at the modified railing of the staircase which appears to bend in the direction of a lower level (that does not now exist) (see Image 4, below).



Image 4: Staircase

Evidence of the elevator is located in two locations of the building. In the basement, a section of a wall has been cut open, creating a window into which visitors can see the springs of the shaft; it is deliberately illuminated to intensify the act of secondary witnessing (see Images 5 and 6, below).



Image 5: Elevator



Image 6: Elevator Shaft

Directly upstairs a corresponding wall has a slightly different shade of paint. Upon closer inspection, visitors—*spectators*—can see that it is here that the doors of the elevator had been removed and replaced with sheet rock. To reinforce the curator's performance, scripted statements are posted: "We went down to that Basement by the lift which was very noisy, there was also a door that made a big noise when we left the Basement, they were like locks made of thick metal sheet" (Soffiantini, 2010).

On the first floor of the Casino is a bathroom and its door is wide open for visitors to look inside (see Image 7, below). The tour guide explains that this space marks another ruse by the military. The bathroom was installed after removing a telephone booth in order to confuse the inspection team. The telephone booth was well known to the survivors since after their abduction they were forced to call their family and say they were fine. In some instances, they asked for money or property to be transferred to the military. Andrea Bello (2010) recalls "I was told that I would be able to phone home on condition that I would not tell them I was a prisoner. I phone home, my mother answered she was shocked and asked 'What happened? We have been looking for you for four months. They took everything in your house.'" At that moment, Bello actively engages in "percepticide" to reinforce the boundary between what civilians should and should not know. "And I said, 'Well mum don't worry, everything is all right,' I was trying to calm her down, she was really distressed. My mum pressured me and I said: 'I'm detained and they hang up, of course.'" Bello's final statement was a brazen violation of the junta's cultural taboo – everything must have a happy ending. Moreover, by revealing a "dark secret," Bello threw unwanted light onto the *back stage* of military operations.



Image 7: Bathroom Concealing Telephone Booth

Upstairs another bathroom is on display so as to enhance the more narratives of those held in the Casino (see Image 8, below). Testimonies stress that the lack of hygiene was added denigration and dehumanization. Having a rare opportunity to shower was met with caution since detainees risked being beaten, humiliated, and abused. Nevertheless, the bathroom was also privileged space where detainees had a moment of human contact. Sometimes they would be able to speak to each other, or at least managed to look silently at each other. During the trials, many of the disappeared were identified by the survivors. Ana Maria Marti told the court (and now tells visitors), “There was a woman seriously beaten, with a shocking look, in grey shirt and white blouse or similar color, whispered . . . ‘what’s your name?’ I said my name and asked ‘and you, what’s your name?’ and she replied ‘I’m Alice Domon.’ I knew Alice asked a lot of people their what their names were, and I knew she thought she was going to be freed and wanted to know the names to denounce that we were there” (2010). Evidently, Domon had plans to expose the military’s “dark secrets.”



Image 8: Bathroom for Detainees

The fate of Alice Domon—along with her colleague Leonie Duquet—is featured in several exhibits at the ESMA in ways that perform memory. For instance, in an area designated as the “fishbowl,” is an extensive display describing the media operations at ESMA. The dictatorship established an elaborate propaganda apparatus to misinform the public over abductions and disappearances: mainstream media outlets contributed directly or indirectly in that form of “percepticide.” In the “fishbowl” a team of abducted writers were forced to prepare press statements for the military. Here, once again visitors are introduced to Domon and Duquet: two French nuns who relocated to Argentina to conduct missionary work and support families in search of their missing relatives. On display is a photograph of Domon and Duquet that was taken in the basement of the Casino on December 14, 1977. Days later, the image was sent to the French media along with a concocted story that the nuns were involved with the Montoneros, left-wing guerrillas. In fact, officers of the Navy, namely Alfredo Astiz (“the Blond Angel of Death”) had infiltrated a human rights organization and kidnapped ten activists, including Domon and Duquet. They were detained at ESMA, tortured, and placed on the death flights. The military mocked the extermination of Domon and Duquet, referring to them as the “Flying Nuns” (then a popular television show).

In 1990, Astiz was condemned in absentia by a Paris court for the murder of the Domon and Duquet. In Buenos Aires, in 2011 and 2017, he was convicted of crimes against humanity. The bodies of Duquet and other victims washed ashore in 1977 and their remains were identified by DNA testing in 2003. The body of Domon has yet to be recovered (Goni, 2017a). During his sentencing in 2011, Astiz remained defiant, laughing in the face of the judge, Daniel Obligado. With nationalist fervour, he pinned a ribbon with the blue and white colours of the Argentine flag to his coat lapel. In his closing words, Astiz accused the court of being “accomplices of foreign colonialism” by condemning him for the murder (Goni, 2011; see Taylor, 1997). The tour guide at ESMA adds a curious twist to the kidnapping of Domon and

Duquet. Directing attention to the propaganda piece showing the photographs of Domon and Duquet, she points to the banner of the Montoneros. Argentines familiar with the Montoneros would detect an error in the military's message since the insignia appears as a circle rather than as an oval (see Image 9, below).

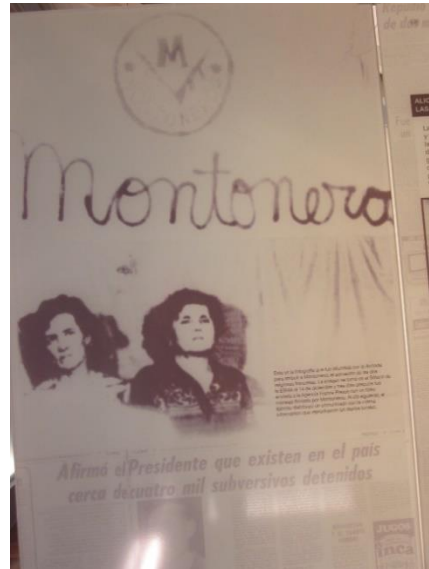


Image 9: French Nuns

Apparently with the force of the military propaganda machine aimed at instilling “percepticide”, mainstream news outlets did not refute the story as fabricated, thereby maintaining “dark secrets.”

Conclusion

Nora (2002) expands on the notion of memory, suggesting that it is propelled by an “acceleration of history” or a rapid slippage of the present into the past. Accordingly, memory is activated by two dynamics: stockpiling and the autonomizing of the present. Stockpiling constitutes the proliferation of institutions and instruments that record the past, including museums, archives, and forensic data banks. As a result, memory autonomizes the present by making the past relevant to our own lives. Consider the case of ESMA which has been the subject of an accelerated history and stockpiling in ways that contribute to the prosecution of former military personnel. The property remains an active crime scene where investigators continue to collect scientific data. There, visitors are reminded of those ongoing tasks; they are frequently cautioned not to touch the walls which could contain further forensic evidence. In 2017, 29 former Argentine military officers were sentenced to life in prison for their involvement in the “death flights” by which detainees were thrown from aircrafts into the ocean.

During the five-year trial—the country’s largest-ever—prosecutors tried 54 defendants charged with murder or forced disappearances of 789 victims, hearing testimony from 800 witnesses. Among those convicted was Alfredo Astiz, known as “Blond Angel of Death,” who orchestrated kidnappings and systematic torture leading up to the killings. As noted previously, his 2017 conviction is stacked onto a previous life sentence for crimes against humanity (Goni, 2017a, 2017b). More stockpiling on the “death flights” emerged during those trials. Journalist and ESMA survivor Miriam Lewin recovered the actual aircraft, a Skyvan PA-51, belonging to its new owner in Miami (in 2011). The original 1977 flight logs of the plane remained intact, exposing the names the crew. Consequently, those coastguard pilots were convicted: Mario Daniel Arrú and Alejandro Domingo D’Agostino (Enrique José de Saint George died during the trial) (Goni, 2017a, 2017b; see Actis, Aldini, Gardella, Lewin, and Tokar, 2006).

The performance of memory at ESMA succeeds in allowing the invisible (and unknowable) to become visible (and knowable), thereby countering “percepticde.” Amid the last dictatorship, ESMA’s reputation as a forbidden zone—with all its “dark secrets”—was reinforced by imposing gun towers with “restricted access” signs posted in front of the Casino. There, a heavy chain provided a fortified barrier. When military cars returned with the abducted, code words were exchanged and the chain was lowered. A deep scar etched into the driveway is still visible. Today, the ex-clandestine centre for detention, torture, and extermination retains its aura as an ominous space. Situated in the wealthy suburb of Nuñez, the compound has a brooding presence. While its buildings boast impressive neo-classical architecture seen from the busy avenue, iron fences around the perimeter are wrapped in protest banners informing passersby of its cruel past: “no impunity for genocide,” “don’t forget,” “30,000” and “memory, truth, and justice” (see Robben, 2005) (see Images 10 and 11, below).



Image 10: 30,000



Image 11: Justice

In sum, the thrust of this project examines how repressors adapted and modified ESMA as a site for the performance of clandestine detention, torture, and extermination. Correspondingly, the analysis explores the afterlife of that space so as to shed light on how human rights groups repurpose as well as perform the same space. That *spectacle of resistance* relies on dramaturgy and temporal registers linking past repression with present memorialization (see Taylor, 1997). Placards (*scripts*) are scattered around the Casino to remind visitors: “Here a crime against humanity was perpetrated.” Likewise, curators (*stage directors*) strategically draw attention to the role of sited-ness in ways that reveal a history of atrocities (“dark secrets”) that were once concealed. In doing so, the site and its shifting architecture provide a performative anchor through which secondary witnesses (*spectators*) can identify with sufferers. Those acts of empathy, from the perspective of Nora (2002), autonomizes the present by making memory pertinent to their own lives.

References

- Actis, M., C. Aldini, L. Gardella, M. Lewin, and E. Tokar (2006) *That Inferno*. Translated by G. Siebentritt. Nashville: Vanderbilt University Press.
- Arditti, R. (1999) *Searching for Life: The Grandmothers of the Plaza de Mayo and the Disappeared Children in Argentina*. Berkeley, CA: University of California Press.
- Baudrillard, J. (1994) *Simulacra and Simulation: The Body in Theory*. Ann Arbor: University of Michigan Press.
- Bilbija, K., and L. Payne (2011) *Accounting for Violence: Marketing Memory in Latin America*. Durham, NC: Duke University Press.
- Bishop, K. (2014) The Architectural History of Disappearance: Rebuilding Memory Sites in the Southern Cone. *Journal of the Society of Architectural Historians*, 73 (4): 556-578.
- Burke, K. (1945) *A Grammar of Motives*. Berkeley: University of California Press.
- Burgos, S. (1984) Abducted from January 26, 1977 to January 25, 1979. CONADEP Testimony.
- Casey, V. (2003) The Museum Effect: Gazing from Object to Performance in the Contemporary Cultural-Historical Museum. *Archives and Museum Informatics Europe: Cultural Institutions and Digital Technology* (conference proceedings). Paris: Ecole du Louvre, September 8-12.
- Clark, L.B., and L. Payne (2011) Trauma tourism in Latin America. In *Accounting for Violence: The Memory Market in Latin America*. Edited by K Bilbija and L Payne, 99-126. Durham, NC: Duke University Press.
- De Certeau, M. (1984) *The Practice of Everyday Life*. Translated by Steven Randall. Berkeley: University of California Press.
- Dinges, J. (2004) *The Condor Years*. New York: The Free Press.
- Feitlowitz, M. (1998) *A Lexicon of Terror: Argentina and the Legacies of Torture*. New York: Oxford University Press.
- Foucault, M. (1979) *Discipline & Punish* (trans. A. Sheridan). New York: Vintage.
- Foucault, M. (1986) Of other spaces. *Diacritics* 16(1): 22-27
- Goffman, E. (1959) *The Presentation of Self in Everyday Life*. New York: Anchor.
- Goni, U (2017a) Argentina 'Death Flight' Pilots Sentenced for Deaths Including Pope's Friend. [The Guardian, November 29](#)

- Goni, U (2017a) Argentina Death Flights: A Son's Fight for the Right to Testify Against his Father, [The Guardian, November 28](#)
- Gras, M. (2010) Abducted at ESMA between January 1977 and mid 1978. ESMA Trial Testimony, Case 1270, ESMA Trial Testimony, Case 1270: revised and ratified by the survivor.
- Guest, I. (1990) *Behind the Disappearances: Argentina's Dirty War Against Human Rights and the United Nations*. Philadelphia: University of Pennsylvania Press.
- Kubiak, A. (1987) Disappearances as History: The Stages of Terror. *Theatre Journal*, 39(1): 78-88
- Kubiak, A (1989) Stages of terror. *Journal of Dramatic Theory and Criticism*, Fall: 3-30.
- Kusnetzoff, J. (1986) Renegacion, desmentida, desaparicion y percepticido como tecnicas psicopaticas de la salvacion de la patria. In Argentina *Psicoanalisis Represion Politica*. O. Abudara (ed.) Buenos Aires: Ediciones Kargieman.
- Marchak, P. (1999) *God's Assassins: State Terrorism in Argentina in the 1970s*. Montreal: McGill-Queens University Press.
- Milia, Maria Alicia, Ana Maria Marti, Sara Solarz de Osatinsky (1979) Jointly presented testimony on October 12 to the French National Assembly. Published by the Argentine Human Rights Commission, CADHU, Genocide Testimonies, 1980).
- Nora, P. (1989) Between Memory and History: Les Lieux de Memoire, *Representations*, 26: 7-24.
- Nora, P. (2002) The Reasons for the Upsurge in Memory, [Transit-Virtuelles Forum, 22](#)
- Nunca Mas (1986) The Report of the Argentine National Commission on the Disappeared. New York.
- Park, R. (2014) *The Reappeared: Argentine Former Political Prisoners*. New Brunswick, NJ: Rutgers University Press.
- Ranalletti, M. (2010) Denial of the Reality of State Terrorism in Argentina as Narrative of the Recent Past: A New Case of 'Negationism'?, *Genocide Studies and Prevention: An International Journal*, 5(2): 160-173.
- Robben, A. (2005) *Political Violence and Trauma in Argentina*. Philadelphia: University of Pennsylvania Press.
- Simpson, J., and J. Bennett (1985) *The Disappeared: Voices from a Secret War*. London: Robson Books.
- Soffiantini, A. M. (2010) Abducted from August 16, 1977 until mid 1978. ESMA Trial Testimony, Case 1270, November 11.
- Sorbille, M. (2008) Argentine Military Terrorism: Insatiable Desire, Disappearances, and Eruption of the Traumatic Gaze – Real in Alejandro Agresti's film Buenos Aires Vice-Versa, *Cultural Critique*, 68: 86-128.
- Suarez-Orozco, M. (1991) The Heritage of Enduring a 'Dirty War,': Psychosocial Aspects of Terror in Argentina, 1976-1988." *Journal of Psychohistory*, 18(4): 469-505.
- Taylor, D (1997) *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina*. Durham, NC: Duke University Press.
- The Official Story* (1985), directed by Luis Puenzo.
- Timerman, J. (1998 [1981]) *Prisoner Without a Name. Cell Without a Number*. Translated by T. Talbot. New York: Vintage Books.
- Van Drunen, S. (2010) *Struggling with the Past: The Human Rights Movements and the Politics of Memory in Post-Dictatorship Argentina (1993-2006)*. Amsterdam: Rozenberg Publishers.
- Vasquez, L. (2010) Abducted from October 9, 1976 to October 22, 1976. ESMA Trial Testimony Case 1270, December 22.
- Vaillant, G. (ed.) (1986) *Empirical Studies of Ego Mechanisms of Defense*. Washington, D.C.: American Psychiatric Press.

The Failure to Label: The Role of Discourse in Resistance to Recognising ‘Misogyny’ as a Hate Crime

Kim McGuire, *University of Central Lancashire*¹

Abstract

This article utilises critical discourse theory and builds upon my previous work concerning ‘misogyny’ and hate crime (McGuire, 2021). Below focuses on several different themes regarding the difficulty of using ‘Misogyny’: the role of discourse, not least the difficulty in legally defining violence against women; the perception of ‘Misogyny’, including the different interpretations and the confusion regarding this term; that the term ‘Misogyny’ enables and encourages resistance, and undermines any intended political goal. Thus, it argues that it would be preferable to avoid the term ‘Misogyny’ when engaging with violence against women. The article utilises first-hand experience of resistance to the term Misogyny and relates this to existing academic work in a number of areas, including work on Incels. Critical discourse theory has been employed to analyse whether misogyny would prove a useful term to help protect women, and indeed, why there has been so much resistance to the term.

Key words: Labelling; Discourse; Misogyny; Hate Crime: Resistance.

¹ Dr.Kim McGuire is a senior lecturer in Law at the University of Central Lancashire. She has degrees in History, Literature, and Law, which have shaped her research focus. These interests include interpersonal violence, especially gender-based violence and hate crime. She is particularly interested in the use of discourse and its importance in the recognition, enabling, or indeed resistance to labelling. She argues that the role of labelling with regard to gender-based offences is a neglected area.

Introduction

Information has been gathered via an analysis of legislation, reports, respondents to the author's research, and first-hand experiences. Discourse theory and labelling are close relations, revealing how and why an act can be determined as criminal, not only in a legal sense, but also shaping and responding to, societal reactions. Whilst much debated, Howard Becker's labelling theory is therefore relevant here, where he coined the phrase 'moral entrepreneur' to describe the role of law in making behaviour criminal (Becker, 1953). Discussion draws upon the symbolic interactionist work of Becker where he argued that:

'The same behaviour may be an infraction of the rules at one time and not at another; may be an infraction when committed by one person, but not when committed by another; some rules are broken with impunity, others are not. In short, whether a given activity is deviant or not depends in part on the nature of the act (that is whether or not it violates some rule) and in part on what other people do about it'. (Becker, 1963)

It is a main concern of symbolic interactionist labelling theory, that individuals become criminalized through contact with the criminal justice system (Becker, 1963). However, below discusses the difficulties in creating legislation to even create this situation, when violence against women is involved. The law does not act in a vacuum and is not always able or willing to exert influence to criminalise an act. Indeed, beyond discussion of external forces in labelling, Becker did not sufficiently engage with the multiplicity of these facets, either enabling or dissuading an act from being criminalised and enforced. Moreover, clearly, with his specific focus on drugs for example, he did not discuss the type of offences to which women are the victims, for example, murder, domestic violence, sexual violence, sexual harassment, assault. Nor did Becker explore the role of discourse in opposing criminalising. These are of particular interest for this paper.

Becker argued that crime is socially constructed via interactionism: that 'crime' is defined by the successful labelling by authorities, and the micro-level interactions between individuals and the police. Moreover, Becker argued that since labelling involves self-concept, it serves a role in promoting certain acceptable behaviours, and preventing the less socially acceptable. However, below discusses the difficulty in defining a conception of violence against women sufficient to meet a legal definition, and to enforce this. This is despite widespread acceptance that the phenomenon is real, tangible, and requires an effective response (National College of Policing, 2021).

Critical discourse theory has proven invaluable to this article. Respondents to the author's earlier research have offered their own, and widely accepted, discourse regarding the role of legislation and why the ability to prosecute is so crucial. The responses evidence the importance of language and the law, revealing the covert reasoning behind legislation:

“...building a case based on evidence of hostility is not just about semantics...the way that we prosecute sends a message. The messages we send have real consequences. (that) This behaviour is deeply criminal and has to be punished severely.”
(Respondent in McGuire, 2013).

This emphasis is in contrast to victims and victim advocates, who state they merely want the behaviour to stop, and are less interested in severe punishment (McGuire, 2013). However, from an analysis of semantics it is clear that many involved in the criminal justice system do adhere to the punishment model regarding the purpose of legislation. Indeed, many, including the respondent above, argue that punishment is meant to display disapproval, to be reprobative or condemnatory in nature (Feinberg, 1970). Such concepts support Becker's arguments. However, what behaviour is criminalised, and how, linguistically, is the focus of this article.

There is widespread agreement that violence against women and girls exists and is not being adequately dealt with by current legislation (National College of Policing, 2021). Symbiotically there is considerable discussion regarding utilising the term 'misogyny' in a legal sense, to criminalise those who express this, as a means to tackle violence against women. Many argue that using that term would prove advantageous in tackling violence against women and girls. From a discourse analysis perspective, numerous legal linguistic devices are used to legitimate the use of misogyny. These devices involve terminology, legal-linguistic operations such as the legal argumentation, the legal interpretation, and the legal translation. However, Galdia (2009) argues that the use of terminology is the primary device.

These devices, including terminology, can be seen in recent calls to utilise 'misogyny'. Baroness Helena Kennedy QC, for example, drew upon the language of 'Human Rights' and cited legal conventions. In the recent Working Group on Misogyny and Criminal Justice's independent report on their findings and recommendations regarding Misogyny as a Human Rights issue, Baroness Kennedy stated:

misogynistic acts, threats, harassment or verbal attacks that harm women can constitute violations of women's human rights contained within the Convention on the Elimination of All Forms of Discrimination Against Women of 1979 and the Council of Europe (Istanbul) Convention on the Elimination of Violence against Women and Girls. It is important that these protections are translated into domestic law. (Cabinet Secretary, 2022)

The report further stated that it did not recommend the addition of Sex as a characteristic to the Hate Crime and Public Order Act (Scotland) Act 2021 “as we feel that misogyny is so deeply rooted in our patriarchal ecosystem that it requires a more fundamental set of responses” (Cabinet Secretary, 2022). Hence the report argued that the addition of ‘sex’ would not highlight specific issues faced by women.

However, the UK has only recently ratified the Istanbul Convention, on July 21, 2022, and this only entered into force on 1 November 2022. Whilst calls for domestic legislation to protect women, for example by criminalising misogyny, have been made, none have so far been enacted. Below considers various reasons for this, not least the difficulties in definition of the term ‘misogyny’. No jurisdiction in the world utilises misogyny to protect women from violence.

Misogyny

David (2016) argues that the term misogyny was rarely recognised until the second wave feminist movements of the 1970s, despite its prevalence today. Indeed, David argued that today’s explicit reference to misogyny differs from the 1970s, when it referred to ‘patriarchy’ (David, 2016). Andrea Dworkin’s 1974 critique “Woman Hating” did not use the term misogyny despite arguing that a deep, ingrained prejudice against women informs aspects of society from legislation to cohabitation. In 1976 she stated: “As women we live in the midst of a society that regards us as contemptible. We are despised ... We are the victims of continuous, malevolent, and sanctioned violence against us” (Fateman and Scholder, 2019, p.104). As David noted, the term misogyny is itself expanding, for example linking misogyny with racism, ‘misogynoir’ – as defined by black feminist commentator Feminista Anyangwe (David, 2016). Linguistic definition and the power to label are crucial for how and why a term is used, its effect in real life, and in legal situations. Nowhere is the role of language more in evidence than in consideration of violence against women. However, as work by Mullany, Trickett and Howard (2021, p.280) states, the term ‘misogyny’ is not easily recognised and understood by the general public, with many citing using a dictionary to define.

It is difficult in some writings to find a definition of misogyny, or at least one that is agreed upon. Indeed, the very term misogyny has changed its meaning in dictionaries over time, with significant implications for its effect. The origins lie in the Greek roots *misein* (“to hate”) and *gynē* (“woman”), thus literally ‘hatred of women’. Such a definition reflects the negative internal orientation of a perpetrator towards females. However, Ukockis (2019) argues that despite the term having long roots, it is only recently that new aspects have emerged that threaten females in society. Ukockis focuses upon toxic masculinity and rape culture (Ukockis, 2019). The notion of a toxic masculinity will not be analysed here but will be considered below with respect to Incels.

Since 2002 the Oxford dictionary has given the following definition for misogyny: ‘dislike of, contempt for, or ingrained prejudice against women’. This latter description appears more related to ‘sexism,’ i.e., ‘prejudice, stereotyping, or discrimination, typically against women, on the basis of sex’, rather than the original version. Does the lack of clarity, however, increase its use in popular understandings? The term misogyny is increasingly used by the general public, but understanding is often related more to the concept ‘sexism.’ In contrast, resistance to the term is garnered by utilising the older definition.

If we conflate misogyny with a form of sexism, as per the 2002 change above, then this has its own issues: there is considerable slippage between the two meanings, but the intensity of the original meaning is lost. Sexism is discrimination based on sex, not necessarily the strong emotional suggestion of the earlier definition, which could suggest a propensity to violence (Wilson, 1997). As Wilson argues:

Hatred by definition is extreme ill feeling. It is a violent hostility, an enmity that carries enormous vigour and force. It is an animosity that violates; a loathing, a detestation, an abhorrence. There is nothing neutral or static about hate... (Wilson, 1997, p. 48)

Below mainly considers the original meaning of ‘misogyny’ since this has enabled the most resistance.

Resistance to the term ‘misogyny’

Previously, I have focussed on not using misogyny within ‘hate crime’ legislation. One of the reasons for this being that ‘misogyny’ is not a characteristic of the victim, but rather an internal

predisposition of the offender (McGuire, 2021). 'Hate crime' legislation in England and Wales requires a base criminal offence, either motivated by hostility, or accompanied by a demonstration of this, to a protected characteristic of the victim – currently race, religion, sexual orientation, disability, or transgender (Crime and Disorder Act 1998: Sentencing Act 2020, s. 66).

However, below specifically focuses upon discourse, and gives further reasons for not using 'misogyny', including that the term enables resistance. Alleged perpetrators often refer to the original Greek definition to plead their innocence: "I don't hate women" (or at least not all women), is a popular refrain to accusations of misogyny, even from those displaying this trait (Tranchese and Suguira, 2021).

Furthermore, resistance to the term misogyny often focusses upon the fact that the definition above does indeed refer to internal thoughts, 'what you feel about women...'. In reality, the law does not criminalise the *mens rea* (the mental element) alone, requiring an actual criminal act. In 2020 Councillor Mclean of the Ulster Unionist Party was vociferous in pointing out that the Irish Law commission's considerations of misogyny would mean that:

'we are proposing ..that a judge, who is apparently willing to accept our submissions, for the first time in British law, for the first time in common law in probably America, Australia or anywhere else, is deciding that a disposition,, a dislike, a thought, is in itself not only a crime, but is actually a hate crime and should therefore attract an accelerated or heightened sentence...(this) 'utterly obliterates the idea you have to have a guilty act and a guilty mind.' (Mclean, 2020, quoted in Kenwood, 2020)

Whether the fear is real or imagined, the possibility of being criminalised because of thoughts is raised, with the overt link to a totalitarian regime limiting freedom of speech and thought. George Orwell's 1984 raised similar fears, albeit not related to misogyny.

He had committed—would have committed, even if he had never set pen to paper—the essential crime that contained all others in itself... Thoughtcrime, they called it. Thoughtcrime was not a thing that could be concealed forever... You might dodge successfully for a while, even for years, but sooner or later they were bound to get you. (Orwell, 1949)

In the novel 1984, thoughtcrime refers to politically unorthodox thoughts, unspoken beliefs, doubts, that are in opposition to the dominant ideology. The quote from Orwell's 1984 has similarities with expressed concerns over 'misogyny' – once people's internal beliefs are potentially scrutinised, this 'fear' of being 'found out' and thus criminalised in some way is often the response. This may reveal a great deal about the internal belief systems and thoughts of some people, but Mclean is correct that the law does not generally criminalise these, without a criminal act and proof of motivation.

However, arguably, the vocalisation of such concerns is also part of the 'resistance' to accusations of misogyny, discussed below. Ironically there has also been a simultaneous downplaying of the meaning of misogyny in popular culture, the everyday. Whilst the fear of criminalising internal thoughts was being raised, for example, and the Law Commission was considering utilising misogyny in hate crime, the media, especially the tabloids, contained many examples of how physical acts would be criminalised. Popular TV shows, for example 'Loose Women,' were discussing whether wolf whistling would be illegal – with some panellists lamenting that they no longer received these (Carter, 2020). More recently the media figure Amanda Holden has similarly expressed her desire to be a recipient of 'wolf whistling' (Calderwood, 2022). This is despite this act being perceived as sexual harassment and potentially a precursor to violence by the majority of women and girls.

However, Orwell did not consider the actual difficulty in legally enforcing an ideology, based upon semantics and 'proof'. The ultimate reason given by the Law Commission for not including misogyny was: 'that crimes such as domestic abuse and sexual violence are "already difficult to prosecute and adding an extra layer of proof and complexity could worsen this" (Law Commission quoted in Bartosch, 2022).

Whilst the England and Wales Law Commission was considering 'misogyny' as a hate crime, the author of this paper was invited to discuss this on a radio programme. There were initial conversations with the producer, where it was confirmed that the focus would be the potential inclusion of misogyny in hate crime legislation. However, once the programme began the male interviewer immediately asked, "What about misandry?" "Give me an example of misandry" "What about violence towards men?" It may seem that this call for equality in legislation, with the corresponding use of misandry, 'hatred of men,' is understandable, and to be expected if 'misogyny' was to be included. This call for equality before the law can be seen as a rights issue: 'justice as fairness rests on the assumption of a natural right of all men and women to equality of concern, a right they possess not by virtue of birth or characteristic or

merit or excellence but simply as human beings with the capacity to make plans and give justice (Dworkin on Rawls theory of Justice, 1977, p. 182).

Privileging one sex above another can lead to criticisms of positive discrimination initiatives. It is an often-raised issue, mainly by males, and is effective in silencing debate. As Mullany, Trickett and Howard (2021) state, the following quote was directly referenced by the Law Commission's 2020 report into misogyny:

I think it should include misandry, as well, 100% Absolutely ... I don't think it could ever succeed unless it was inclusive. It will absolutely fail if it only gives women protection and men not because that's not equality before the law...I think it's a bit divisive, in a lot of ways potentially damaging to say there is no misandry...but there is misogyny. Just bring it all together. (Male respondent to research by Mullany, Trickett and Howard, in Zempi and Smith, eds, 2021, p.279)

Indeed, many groups addressing men's rights activism do claim that misandry exists, and is widespread, and that women's rights are privileged to the detriment of men (Ouellette, 2007; Riggio, 2020). These groups argue that the calls for only misogyny to be a hate crime are indicative of this bias, claim to be similarly oppressed, and that their views are undervalued when compared with those of females. Many males argue that they are incorrectly accused of misogyny, or violence, and fear being criminalised (Banet-Weiser, 2021). Crucially, early work on males as being oppressed has been seen as part of an anti-feminist backlash (Faludi, 1993; Farrell, 1993). Accusations of male victimhood have more recently arisen in response to the *#MeToo* movement, often appropriated by high profile males (Fileborn and Loney-Howes, 2019).

Johnson (2005) and Marwick and Caplan (2018) claim that the calls for legal recognition of misandry are also part of an antifeminist backlash against women. My response in the radio interview was that it was difficult to see an equivalence between evidence of misogyny and misandry, or to easily identify an example. As Ouellette argued 'misandry lacks the systemic, transhistoric, institutionalized, and legislated antipathy of misogyny', thus ignoring gendered imbalances in power (Ouellette 2007, pp. 442-443). The interview continued with little opportunity to fully explore whether misogyny could or indeed should, be included. Others have told the author of similar experiences, with the effect of silencing discussion of misogyny. It is difficult to determine whether an emphasis on misandry is an intentional anti-feminist device, or merely a genuine call for 'equality' (whilst ignoring historical and cultural contexts)

(Kimmel, 2013). In the radio programme I quoted Margaret Atwood's 1982 Hagey lecture, University of Waterloo, 'Writing the Male Character', published under the title *Second Words: Selected Critical Prose 1960-1982*. Atwood argued that women feared being killed, men being humiliated, or 'laughed at' by females. However, I dispute that we can make such a distinction based on sex, by assuming there is a single male character. It is more useful to consider gender identity – hence, males not subscribing to a stereotypical masculinity, for example due to sexual orientation, may fear violence akin to females, but this is not due to misandry. The author's earlier research revealed the fears of violence from other males, espoused by those with this protected characteristic (McGuire, 2013). As such misogyny may be better replaced with 'gender identity' – a characteristic of the victim, and applicable to males, females, and those with alternative gender identities, as argued in McGuire (2021).²

Moreover, evidence of multiple 'male characters' can be seen in some of the more extreme groups posting online in what has been called the manosphere. These groups are vocal in denouncing misogyny as a hate crime, whilst demonstrating it, and promoting a particular form of men's rights activism. Incels, for example, hold particularly strong misogynist views towards women, amongst their other views (Tranchese and Sugiura, 2021). According to the Oxford Dictionary an Incel is: 'a member of an online community of young men who consider themselves unable to attract women sexually, typically associated with views that are hostile towards women and men who are sexually active,' (hence involuntarily celibate). Online Incel forums tend to include discussions characterized by resentment and hatred, misogyny, misanthropy, self-pity and self-loathing, racism, a sense of entitlement to sex, and the endorsement of violence against women and sexually active people (Baumgartner et al, 2021: Wilson, April 25, 2018).

Hence, it is insufficient to see Incels purely in terms of 'involuntary celibates'. For the purpose of this paper, other facets of the online Incel forums discussions strongly suggest that utilising 'misogyny' as a term and making it a crime, provides, for these groups, evidence of male victimisation, legitimising their antagonism. In common with other male groups, but expressed more violently, Incel groups discuss how they believe men are the true victims, and that females are 'privileged' in society, with their 'problems' over emphasised. Work by Chavez and McLaughlin (2018) revealed that these communities argue that violence against women

² "either of the two sexes (male and female), especially when considered with reference to social and cultural differences rather than biological ones. The term is also used more broadly to denote a range of identities that do not correspond to established ideas of male and female." (Oxford Dictionary)

is justified because they are unaware of “societal pressure that’s put on an adolescent male” (see also Scaptura and Boyle, 2020).

Indeed, according to O’Malley, Holt and Holt (2022, p.4981) ‘the Incel community (is) structured around five interrelated normative orders: the sexual market, women as naturally evil, legitimizing masculinity, male oppression, and violence.’ O’Malley, Holt and Holt further argue that ‘Research and news reports have found that multiple elements of the Incel culture are highly misogynistic and favourable toward violence against women, indicating that this subculture may be at risk for future violence (Baele et al., 2021; Ging, 2019). However, whilst few members of these online forums may resort to violence against women in the future, the concept of oppressed masculinity appears pervasive, and the application of the term ‘misogyny’ is utilised as evidence of this.

Sexism

As noted above, since 2002 the Oxford Dictionary has given the following definition of misogyny: ‘dislike of, contempt for, or ingrained prejudice against women’. If this alternative meaning of ‘misogyny’ is used, being more conflated with sexism, this has its own problems. One issue is that ‘sexism’ is not seen in such violent and negative terms, and perpetrators will admit to this, but not to being misogynistic. Morgan Freeman, the actor, has, for example, referred to himself as “sexist but not a misogynist,” for making comments during an interview about a woman’s clothing and body (The Guardian, 6 June 2016). However, Kelly’s continuum of violence would place sexist stereotyping within this (Kelly, 1998). It is arguable that sexism and more extreme misogyny are part of a continuum of everyday casual violence towards women.

However, this dislike, prejudice or contempt for women is not purely related to males, being indicative of a sexist culture. In 2020, the United Nations Development Programme Gender Social Norms Index analysed data from 75 countries, which are collectively home to more than 80 per cent of the global population (United Nations Development Programme, 2020). The findings showed that nearly 90% of respondents of every gender held some prejudice against women: ‘that men are better politicians and business leaders than women; that going to university is more important for men than women; and that men should get preferential treatment in competitive job markets.’ (United Nations Development Programme, 2020, p. 12). Sexist bias varied amongst countries, with Pakistan revealing 99.81% of people held similar prejudices – followed by Qatar and Nigeria, both at 99.73 percent. Countries with the lowest population of those with sexist beliefs were Andorra, at 27.01 percent, Sweden with 30.01

percent and the Netherlands, 39.75 percent. France, Britain, and the United States revealed similar scores, 56 percent, 54.6 percent and 57.31 percent of people respectively holding at least one sexist belief. The report also showed that 28 percent of people ‘...believe it is okay for a man to beat his partner’ (United Nations Development Programme, 2020, p. 13).

Conflating ‘sexism’ with ‘misogyny’ would thus not only be subject to the claims made against the older definition of ‘hatred of women.’ It would have the added difficulty that so much of the population, and culture in general, tends to hold and promote sexist views detrimental to women. Whilst the issue of ‘misogyny’ undoubtedly exists, and many do commit criminal acts whilst motivated by this, proving such a motivation would not only be difficult, but would enable the resistance above. Crucially, the current hate crime legislation enables prosecution based upon a ‘demonstration of hostility’, whilst committing a base criminal offence, but this hostility is to a protected characteristic. Misogyny, as noted above, refers to an internal disposition of the perpetrator.

Language and law are interrelated, and the ability to label and interpret terms is crucial. Becker’s work long ago revealed the interplay of language, labelling and crime. However, above has discussed the very ways labelling enables resistance and prevents criminalisation.

References

- Attwood M 9 Feb 1982 ‘Writing the Male Character’, Hagey Lecture, U. of Waterloo. Published in a revised version as “Writing the Male Character,” *Second Words: Selected Critical Prose, 1960-1982* (1983). Canada: Anansi.
- Baele, S. J., Brace, L., & Coan, T. G. (2021). ‘From “incel” to “saint”: Analyzing the violent worldview behind the 2018 Toronto attack.’ *Terrorism and Political Violence*. 33 (8), 1667-1691
- Banet- Weiser, S. (2021) ‘Ruined Lives: Mediated White Male Victimhood’, *European Journal of Cultural Studies*. 24 (1), 60-80
- Bartosch, J. (2022) *Making Misogyny a Hate Crime Misses the Point* [The Critic, 2nd April](#).
- Baumgärtner, M. Höfner, R. Müller, A. Rosenbach. (March 10, 2021) ‘ [Hatred Against Women: The Dark World of Extremist Misogyny](#)’. *Der Spiegel*.
- Becker, H. (1963) *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.
- Becker, H. (1953) ‘Becoming a Marijuana User’. *American Journal of Sociology*. 59 (3), 235-242.
- Bruce, L. (2021) *A Short Introduction To The Involuntary Celibate Sub-Culture*, [Centre for Research and Evidence on Security Threats](#)
- Cabinet Secretary for Justice and Veterans, Cabinet Secretary for Social Justice, Housing and Local Government, Minister for Equalities and Older People, (2022) [Misogyny – A Human Rights Issue](#)
- Calderwood, R. (2022) ‘GO WHISTLE Amanda Holden says she loves builders wolf-whistling at her and wants them to keep doing it when she’s 70’. [The Sun, 30th June](#)
- Carter, R. (2020) ‘Loose women viewers criticise Carol McGiffin remarks in wolf whistling debate: she said she finds it ‘flattering.’ [Entertainment Daily 22nd June](#)

- Chavez, N. McLaughlin, E. C. (2018) 'Tallahassee gunman reported for harassing women, police say; records show groping case dropped.' [CNN News. 4th November](#)
- Crime and Disorder Act 1998
- David, M. E. (2016). Gender and generations. In *Reclaiming feminism: Challenging everyday misogyny* (1st ed., pp. 87–116). Bristol University Press.
- Dworkin, R. (1977) *Taking Rights Seriously*, Massachusetts: Harvard University Press.
- Faludi, S. (1993) *Backlash: The Undeclared War Against Women*. New York: Vintage
- Farrell, W. (1993) *The Myth of Male Power: Why Men are the Disposable Sex*. New York: Simon and Schuster.
- Fateman, J and Scholder, A. (2019) *Last Days at Hot Slit: The Radical Feminism of Andrea Dworkin*. USA: Bellwether Books
- Feinberg, J. (1970) 'The Expressive Function of Punishment', in *Doing and Deserving*, Princeton, N. J.: Princeton University Press, 95–118.
- Fileborn, B., Loney-Howes, R. (Eds.) (2019). *#MeToo and the politics of social change*. London: Palgrave Macmillan.
- Galdia, M. (2009) *Legal Linguistics* Frankfurt am Main, Berlin, Bern, Bruxelles, New York, Oxford: Wien.
- Ging, D. (2019) 'Alphas, betas, and incels: Theorizing the masculinities of the manosphere'. *Men and Masculinities* 22, 638–357.
- Johnson, Alan G. (2005) *The Gender Knot: Unraveling Our Patriarchal Legacy* (2, revised ed.). Philadelphia: Temple University Press.
- Kelly, Liz. (1988) 'It's happened to so many women': Sexual Violence as a continuum' in *Surviving Sexual Violence* (Cambridge: Polity), pp.74-137
- Kenwood, M. (2020) *Misogyny and trans misogyny crime would be a "thought crime" UUP Councillor says*. [Belfast Live, 28 August](#).
- Kimmel, Michael S. (5 November 2013). *Angry White Men: American Masculinity at the End of an Era*. New York: Nation Books.
- Marwick, A.E. and Caplan, R. (March 2018). "Drinking male tears: language, the manosphere, and networked harassment". *Feminist Media Studies*, 18(4), 543-559.
- McGuire, K. (2021) Extending the concept, or extending the characteristics? Misogyny or Gender? 2021 in Zempi I and Smith J, eds., (2021) *Misogyny as Hate Crime*. UK: Routledge.
- McGuire, K. (2013) 'Perception of hate crime: the enduring difficulty of the law as agent of social change'. *Contemporary Issues in Law* Vol 13 (1), 19-33.
- Mullany I, Trickett I & Howard V. (2021) 'Informing legal change: the language of misogyny hate crime, gender and enhancing protection through criminal law' in Zempi I and Smith J, eds., *Misogyny as Hate crime*. UK: Routledge
- National Police Chiefs Council Dec (2021) [Policing Violence Against Women and Girls: National Framework for Delivery Year 1](#).
- O'Malley R.L. Holt, K and Holt, T.J. (2022) 'An Exploration of the Involuntary Celibate (Incel) Subculture Online'. *Journal of Interpersonal Violence*, Vol. 37(7-8) NP4981–NP5008
- Orwell G (1949) Book 1, Chapter 1, *Nineteen Eighty-Four. A Novel*. London: Secker & Warburg.
- Ouellette, M. (2007). 'Misandry' in Flood, M, Gardiner, J.K, Pease, B, and Pringle, K. (eds.). (2007). *International Encyclopedia of Men and Masculinities*. vol. 1, London & New York: Routledge.
- Rawls, J. A. (1973) 'Theory of Justice' 40 U. Cm. L. REV. 500.
- Riggio, Heidi R. (2020) *Online Sexism and Anti-Feminism Movements. Sex and Gender: A Biopsychological Approach*. UK: Routledge. .

Maria N. Scaptura, Kaitlin M. Boyle. (2019) 'Masculinity Threat, "Incel" Traits, and Violent Fantasies Among Heterosexual Men in the United States', *Feminist Criminology* First Published December 25, 2019 Research Article 15(3), 278-298

Sentencing Act 2020 s66

The Guardian. (2016) Morgan Freeman: I'm sexist but not misogynist" [The Guardian, 6 June.](#)

A. Tranchese & L.Suguira.(2021) 'I Don't Hate All Women, Just Those Stuck-Up Bitches": How Incels and Mainstream Pornography Speak the Same Extreme Language of Misogyny'. [Violence Against Women.](#)

Ukockis, G. (2019) *Misogyny: The New Activism*. Oxford: Oxford University Press.

UNDP (United Nations Development Programme). 2020. *2020 Gender Social Norms Index (GSNI): Tackling Social Norms: A game changer for gender inequalities*. New York.

Wilson, J. (2018). 'Toronto van attack: Facebook post may link suspect to misogynist 'incel' subculture'. [The Guardian. April 25](#), 2018. London, England.

Wilson,P.' (1997) The energy of hatred and the relationship to violence', *Medicine, Conflict and Survival*, 13:1, 48-56,

British Victims of Modern Slavery: Journeys into Criminal Exploitation and Alternative Interventions

Craig Barlow, *Visiting fellow, Bakhita Centre for Research on Slavery, Exploitation and Abuse, St Mary's University, Twickenham*¹

Abstract

Despite the recent rise in the number of British nationals identified as potential victims of modern slavery and referred to the UK's National Referral Mechanism (NRM) for support, there has been no comprehensive study on the specific vulnerabilities of British nationals to exploitation, nor to their recovery needs. Many of those in the NRM have been identified as victims of criminal exploitation but are still prosecuted, negating their access to the statutory supports and services to which they are entitled through the NRM. This paper shares initial findings from a scoping study investigating the experiences and needs of British nationals who have been criminally exploited. Predisposing vulnerabilities are magnified, and resilience is reduced by contextual factors creating environments that are conducive to escalating and repeated victimisation through criminal exploitation. Findings indicate that current civil and criminal justice responses are reductive, linear and tantamount to a secondary victimisation. The Systematic Investigation Protection and Prosecution Strategy (SIPPS) is proposed as a non-linear, evidence-based approach to safeguarding and supporting and empowering victims and focusing on the disruption, pursuit and prosecution of the crime groups and their facilitators and beneficiaries.

¹ Acknowledgements: Carole Murphy, Bakhita Centre and Alicia Heys, Wilberforce Institute, University of Hull

Introduction

Since the introduction of the Modern Slavery Act (MSA) in 2015, the National Referral Mechanism (NRM) has seen a substantial rise in the number of referrals², in part representing improved identification of victims³ by first responders and increased awareness in general. There has been a significant growth in the number of identified victims of British nationality in recent years.⁴ Currently, British nationals represent the highest number of referrals from one nationality into the NRM with year-on-year increases since 2015. The percentage of referrals that are British nationals has also risen each year from 2016 until 2020. In 2021, although the actual number had risen again the percentage had dropped slightly.

Despite this rise no comprehensive study has been conducted on their specific vulnerabilities or to identify their specific recovery needs. This research constitutes a scoping study that explores the lived experiences of British nationals who have experienced slavery, servitude, and forced or compulsory labour to identifying their pathways towards safety and recovery. We include the experiences of professionals to gain insights into the systems of victim identification, support, and safeguarding. These participants in the study came from social care, law enforcement, the justice systems, and NGOs.

The Modern Slavery Act (MSA) 2015, despite the intention to pull together disparate legislation, but there remains a significant gap between the MSA and safeguarding legislation and systems. Nowhere is this more acute than in the context of criminal exploitation of children and vulnerable adults. I shall begin with an overview of prevalence of the problem, then describe and explain this gap. I argue that current approaches to assessment and intervention lack theory and are reactive, reductive and too linear to be effective in addressing the problem of modern slavery in general and criminal exploitation specifically, as an output of organised

² Numbers of referrals into the NRM since introduction of MSA: 2015-3,266; 2016-3,805; 2017-5,145; 2018-6,993; 2019-10,627; 2020-10,613; 2021-12,727

³ We recognise that the term victim can be disempowering, suggesting a lack of agency. However, it is the term used in current legislation. In this report, the term survivor is also used. We recognise that this term can also be problematic.

⁴ The breakdown is thus:

In 2013 NRM stats end of year summary – UK nationals = 90 (increase of 173% from 2012-2013)

In 2014 NRM stats end of year summary – UK nationals = 131 (increase of 46% from 2013-2014)

In 2015 NRM stats end of year summary – UK nationals = 191 (increase of 45.8% from 2014-2015)

In 2016 NRM stats end of year summary – UK nationals = 326 (increase of 70.7% from 2015-2016)

crime. The Systemic Investigation, Protection and Prosecution Strategy (SIPPS) is proposed as an alternative approach that bridges both the criminal justice and safeguarding systems.

British Victims of Modern Slavery

There is an enduring misconception that modern slavery is a problem that only afflicts foreign nationals and involves the trafficking of people across national borders. In 2014 the UK government published a Modern Slavery Strategy that acknowledged that British nationals could be victims of modern slavery and the trafficking of human beings can occur within borders.

The system in the UK for identifying and supporting potential victims of modern slavery – the National Referral Mechanism (NRM). It consists of a two-step process whereby designated first responders have the authority to complete a referral on behalf of a potential victim. There are currently two Competent Authorities: The ‘Single Competent Authority’ and the ‘Immigration Enforcement Competent Authority’ and these competent authorities may receive referrals from designated ‘first responders’. Following receipt of the referral, the Competent Authorities undertake a two-tier decision-making process to ultimately decide whether ‘it is more likely than not’ that the individual is a victim of modern slavery or human trafficking. In 2014 British nationals were the fifth largest group by nationality to be referred into the NRM. For the past four years (2018 – 2021) the nationality most frequently referred into the NRM have been British nationals.

Prevalence of British national victims

Duty to notify statistics 2021:

- 6,411 adults consented to referral into the NRM - 3,190 adults referred through Duty to Notify process.
- 365 British nationals and 37 dual nationality British nationals referred through Duty to Notify

NRM statistics 2021:

- 31% of all referrals were for British nationals (3,952 individuals)
- 75% (2,981 individuals) of British nationals referred into the NRM were children.
- Of the 2,689 children referred for criminal exploitation, 2,070 were single nationality British.

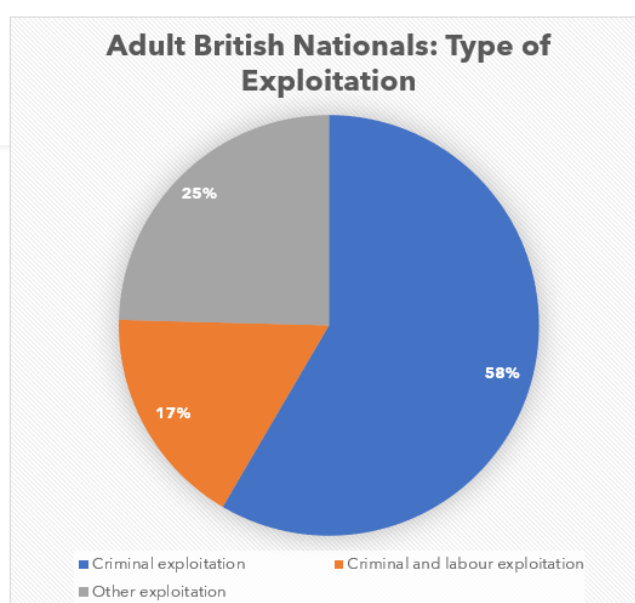


Image 1: NRM Data. Source: Heys et al. (2022)

NRM data shows that potential British child victims of modern slavery are most commonly identified as victims of criminal exploitation – a significant proportion of which is related to the county lines model of drugs distribution by criminal gangs. Drugs supply networks using the county lines model quadrupled between 2016 and 2018 with indications that county lines exploitation thrived during the Covid 19 pandemic (National Crime Agency, 2019; Papadakis, 2020).

Forced Criminality

Case law has highlighted how modern slavery, including criminal exploitation, is not a single event crime. It can happen over protracted periods and involve different forms of abuse and different contexts.

The Modern Slavery Act itself is criminal law and most recent modern slavery case law is in relation to the statutory defence (MSA s45) and sentencing. Whilst this has produced factual accounts that describe the nature and processes of specific slavery offences it has not advanced knowledge in the field of modern slavery, only the interpretation and application of law. This has implications for the lived experiences of survivors. The needs of people who have survived trafficking, slavery, servitude and forced labour are complex. The pre-disposing vulnerabilities that made them suitable targets for trafficking and exploitation are compounded by the abuse perpetrated against them by their exploiters. Such victimisation increases vulnerability and reduces resilience to further re-victimisation. A victim of trafficking may therefore fall within different legal jurisdictions simultaneously e.g., a British National who has been identified as a victim of trafficking may well be subject to provisions of the Care Act 2014, Children Acts 1989 and 2004, Mental Health Act 1983 as well as the criminal justice system. Unfortunately, the Modern Slavery Act 2015, which is criminal law, does not intersect with the civil legislation that sets out the statutory safeguarding duties causing victims of forced criminality, or criminal exploitation, to fall between the parallel tracks of two systems.

There are few examples of suitable responses to situations of criminal exploitation in which a person is simultaneously a perpetrator of a crime and a victim of exploitation (Barlow, 2022). This reflects the existing chasm between the criminal justice approach, with its focus on culpability, and that of safeguarding systems, which seek to understand cause. Consequently,

there is a lack of integration of approaches to investigation and assessment and therefore reduced access to justice.

Assessment protocols tend not to be grounded in theory nor are they empirically based. They identify correlates with trafficking and exploitation which are then conflated with causes or indicators of modern slavery. This leads to a top down, linear approach that starts with a hypothesis that exploitation is occurring and looks for confirmation of that hypothesis. This linear (if A then B) approach lacks subject specificity and sensitivity, rendering most approaches to assessment and intervention unreliable and highly subjective.

An Alternative Approach

The problem is not that little is known about modern slavery (in general) and criminal and sexual exploitation (in particular); rather, we are awash with data but need to be able to understand it. Theory enables us to understand and interpret that data, to make sense of it and informs policy and practice (Fairfax, 2017; Pearce, 2019). Existing theories that will be familiar to most criminologists and social workers offer important contributions to the understanding of modern slavery:

- Routine Activities Theory (Felson & Cohen, 1980)
- Social Learning Theory (Bourdieu, 1986)
- General Systems Theory (Bertalanffy, 1969)

The newest theory which addresses the complexity of modern slavery is the Circles of Analysis (Barlow, 2019). This uses complexity theory to knit together a range of criminological, sociological, economic and ecological theories to describe and explain patterns of modern slavery in different contexts (Barlow, 2017; Barlow et al., 2021) and inform a systemic approach to assessment/investigation, safeguarding and prosecution.

The Circles of Analysis theory states that exploitation is a pattern of behaviour and events that emerge, over time, from the relational dynamics between victims and their environment, perpetrators and their environment and victims and perpetrators. Exploitation is context specific and both victims and perpetrators have a past (preceding the exploitation), a present (the time and circumstances in which the exploitation emerges and is maintained) and, consequently, future pathways. Those pathways can be blocked or diverted by simultaneous

interventions at the intersections between the victim and perpetrator and their shared environment. These intersections are referred to as the “possibility spaces”.

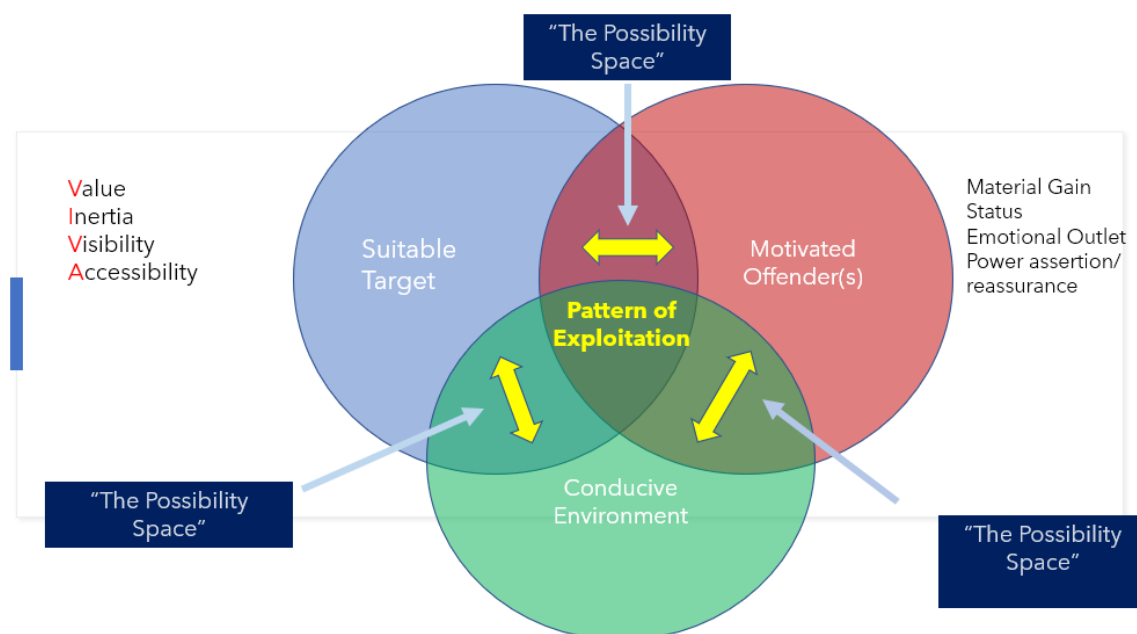


Image 2 The Circles of Analysis. Source: Barlow (2019)

SIPPS: Why Use a Systemic Investigation, Protection and Prosecution Strategy?

Grounded in the Circles of Analysis, SIPPS enables investigators and safeguarding practitioners to account for the unpredictable dynamics of an exploitative relationship. It emphasises trafficking, slavery and exploitation occurs as a non-linear pattern that emerges over time. By incorporating extant knowledge about the characteristics of potential targets for exploitation, the purpose, modus operandi and structures of organised crime groups and networks and environments that are conducive to the emergence of exploitation, it is possible to identify contexts for exploitation and trafficking, impact, likelihood and imminence (Hart, et al., 2003).

The attributes of those that may be suitable targets for exploitation by motivated exploiters and there are empirically derived correlates for patterns of different types of exploitation e.g. criminal exploitation. However, correlates are not equal to cause and their presence or absence, or configuration may fluctuate over time and in response to changes within the environmental context. Therefore, these empirically derived attributes are organised into sets:

- Home/Environment
- Behaviour

- Education/Training/Employment
- Psychological Health
- Physical Health

These sets contain attributes of the potential targets, the potential perpetrator of exploitation and the environment in which both agents exist. To capture the other important controlling factor, time, these sets are subdivided:

- Historical Conditional Factors
- Current Conditional Factors
- Current Consequential Factors

The presence or absence of these factors in any specific case is established through careful review of qualitative and quantitative data such as witness statements, forensic evidence, collateral sources (e.g., health and social care records, previous assessment reports et cetera, forensic history, records of interviews).

The Circles of Analysis model and the SIPPS approach have been used as the framework for our research into the experiences of British nationals and their pathways to safety and recovery but has also had the following real-world applications:

- Investigation: Operation Dorvalla (CSE), Operation Rastrelli, Operation Scarf (Modern Slavery),
- Protection: Safeguarding Risk Assessment: *London Borough of Southwark, London Borough of Newham, London Borough of Bexley, Metropolitan Borough of Solihull, Family Courts*
- Prosecution: *Operation Rastrelli (sexual exploitation, perverting the course of justice and misconduct in public office), Operation Peltier (Trafficking for Sexual Exploitation), R-v-Ahmed (Domestic Servitude), Operation Fort (Modern Slavery).*
- Defence: *approximately 45 cases in which the s45 defence is raised*

Conclusion

Theory explains a phenomenon such as trafficking and criminal exploitation. The SIPPS is an approach by which we identify, gather, and organise evidence that is informed by theory. This enables us to formulate an objective articulation of patterns of relationships, behaviour and

events over time to assess whether a person's choices, actions and circumstances are a consequence or output of exploitation by a motivated exploiter or group of exploiters.

References

- Barlow, C., 2017. The Adapted SIPPS for CSE: Evaluation of a Pilot Project in a South London Borough. *European Review of Organised Crime*, 4(2), pp. 101 - 127.
- Barlow, C., 2019. *Child Criminal Exploitation: A New Systemic Model to Improve Professional Assessment, Investigation and Intervention*. Hull: University of Hull.
- Barlow, C., 2022. Victims Perpetrating a Crime: A Critique of Responses to Forced Criminality and Modern Slavery in the UK Courts. In: C. Murphy & R. Lazzarino, eds. *The Victim Journey From recruitment to recovery: human trafficking and modern slavery in the UK and beyond*. Bristol: Policy Press.
- Bertalanffy, L. V., 1969. *General Systems Theory and Psychiatry*. 1st ed. J&A Churchill.
- Bourdieu, P., 1986. The Form of Capital. In: J. Richardson, ed. *Handbook of Theory and Research for the Sociology of Education*. New York: Greenwood, pp. 241-258.
- Fairfax, H., 2017. Psychometrics in Clinical Settings. In: B. Cripps, ed. *Psychometric Testing: Critical Perspectives*. Chichester: Wiley.
- Felson, M. & Cohen, L. E., 1980. Human Ecology and Crime: A Routine Activity Approach. *Human Ecology*, 8(4), pp. 389-406.
- Hart, S. D., Kropp, R. & Laws, D. R., 2003. *The Risk for Sexual Violence Protocol (RSVP)*. The Mental Health, Law and Policy Institute, Simon Fraser University.
- Heys, A., Barlow, C., Murphy, C. & McKee, A., 2022. A review of Modern Slavery in Britain: Understanding the unique experience of British victims and why it matters. *Journal of Victimology and Victim Justice*, pp. 1-7.
- National Crime Agency, 2019. *Intelligence Assessment: County Lines, Drug Supply, Ability Harm 2018*, National Crime Agency.
- Papadakis, H., 2020. *Underground Lives: Criminal Exploitation of Adult Victims*, Hestia.
- Pearce, J., 2019. Bringing Theory Home: Thinking ABOUT Child Sexual Exploitation. In: J. Pearce, ed. *Child Sexual Exploitation: Why Theory Matters*. Policy Press.

BSC British Society of
Criminology



**27 - 30
JUNE
2023**

**SUSTAINABLE FUTURES:
REMAKING CRIMINOLOGY IN AN
AGE OF GLOBAL INJUSTICE**



@UCLanJustice
@UCLanCJP
#BSCConf2023



The School of Justice
The University of Central Lancashire
Preston



For more information, please contact:
BSCconference@uclan.ac.uk



Papers from the British Criminology Conference 2023

Online Journal

Published by the British Society of Criminology since 1995. ISSN 1759-0043

The BSC *Online Journal* is an open-access, peer-reviewed, annual publication showcasing inspiring and insightful developments in criminological research, theories, policies, practices, and debates from contributors across all career stages.

All presenters at the British Society of Criminology annual conference, to be hosted by the University of Central Lancashire, are warmly invited to submit their plenary, panel, or postgraduate paper for consideration in the *Online Journal*.

Please email your paper to info@britsoccrim.org by **1st September 2023**.

The *Online Journal* is published annually in December.

[Access for free via the BSC website](#)

The very important small print

Only papers presented at the 2023 British Society of Criminology conference will be accepted for review. All papers are reviewed anonymously by at least two referees. Please indicate the category of paper (plenary, panel, or postgraduate). Papers must be written in English and will not have been published already, nor will they be under consideration elsewhere. Each paper should come with a separate cover sheet containing: the title of the paper; word count; author's full name; affiliation; email address; institutional address; telephone number; an abstract of 100-150 words; up to 5 key words; and a brief biographical note of 25-50 words. **The maximum length (including notes and references) is 6000 words.** Please use: Microsoft Word (or a compatible format), 1.5 spacing, generous margins, page numbers, and a maximum of three orders of heading. Keep essential notes to a minimum and use Endnotes (not Footnotes). Keep lengthy quotations to a minimum and indent these if over 40 words. Use quotation marks (and page number, where relevant) to indicate shorter quotations within the body of the text. Clearly present and label all Tables and Figures, including sources and explanatory notes if appropriate. Poor quality artwork will be rejected. Please make your images, tables, and artwork as accessible as possible using [Alt Text](#). Authors are responsible for the accuracy of quotations and references, and for obtaining permissions and copyright clearances if appropriate. Use Harvard referencing, for example (Hughes, 2020), and provide an alphabetical "References" list at the end (typed and 1.5 spaced). Papers should be proofread and carefully checked for errors prior to submission. *Submission does not guarantee publication in the journal.*