



Editors' Introduction

Figures of Crime: Victims, Criminals, and Crime-fighters at the Crossroads of Criminalization and Social Justice

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Using social figures of victims, criminals, and crime-fighters as a lens, this special issue explores both the entangled processes of criminalization and the discourses and practices of social justice. Most visible during times of societal change, social figures can be particularly illuminative elements in the analysis of political, moral, and social friction (Moser & Schlechtriemen, 2018). At a time when criminalization is increasingly being deployed as a governance technique, the figurative representations that dominate this arena merit our attention.

The shift towards securitarian order, first noted and documented in the United States during the 1970s, is now evident on a global level (e.g., Comaroff & Comaroff, 2008; Wacquant, 2009). Criminal law and supporting policies are increasingly being deployed as tools and modes of governance to target groups and practices deemed to threaten public safety, property or moral order (Fassin, 2012). Legal punishment is presented as the solution to problems that are ultimately social and structural, generated by layers of marginality and vulnerability. As critical observers have shown, such laws and policies rely on the categorization of people as subjects of criminalized acts. Despite claims of

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ISSN: 1911-4788



objectivity and neutrality, these laws disproportionately affect specific population groups, thus (re)producing social and racial inequalities at a structural level (e.g., Gruber, 2021b; Wacquant, 2009). Rather than attempting to implement long-term solutions, governments and governing institutions are increasingly resorting to the practices of criminalization, which often exacerbate the problems they are intended to address.

Scholars have contrasted criminalization policies with forms of democratic governance, such as social justice and humanitarianism (FitzGerald & McGarry, 2018; Stasiulis et al., 2020; Wacquant, 2009). Social justice is understood here as an all-encompassing term for various kinds of movements and demands for rights, recognition, and redistribution in civil societies. In this special issue we follow Nancy Fraser (1998, p. 99) in identifying two categories of social justice claims. Redistributive claims are made for a more equitable distribution of resources and goods, on scales from the local to the global. Other claims for social justice call for a recognition of cultural difference and for the concerns of groups that have been marginalized along racial, sexual, and gender lines. Social justice offers a critique of criminalization and a vocabulary with which to combat the resulting injustices. Furthermore, following Sharon Subreenduth, a scholar in education science, we believe that social justice is “an ideal that must continually be re-visioned in theory, policy, and practice because context, history, and interconnected global relationships and global social movements change the landscape of justice and equity” (2013, p. 581). Thus, we see social justice as a framework that is neither monolithic nor stable, but diverse, situated, and processual. Throughout history, social justice movements with diverse claims for greater democracy and social equality have had varying success in achieving legitimacy and social acceptance. When presenting claims, these movements place their definitions of justice and a more just society in competition, while defenders of established social justice frameworks attempt to maintain their legitimacy and dominant position. This competition is well illustrated by the two opposing approaches to social justice within the field of sex work: those aiming to abolish the practice defend the criminalization or curtailing of sex work, while their opponents advocate for improved working conditions and the decriminalization of sex work (Dziuban & Ratecka, 2018). These two starkly contrasting approaches are often in conflict over how gender inequality, agency, and social marginalization should be addressed.

Approaches to criminalization are one of the major characteristics that distinguish social justice movements. These approaches range from calling out criminalization as an obstacle to social justice to calling for more criminalization as a way to reach social justice. Among those vehemently opposing criminalization are campaigners against mass incarceration in the USA (Gruber, 2021a; Helepololei, 2024), and search and rescue activists in the Mediterranean Sea, who in solidarity with migrants actively defy measures that criminalize their activity (Geeraert, 2024). Other movements and organizations rely on the power of criminal law to not only punish those who contradict moral

orders, such as in attempts to combat sexualized violence, but also to change social attitudes in general (e.g., Hörnle, 2021; Terwiel, 2020), as in the field of anti-discrimination within the workplace (McManus, 2020). However, feminist and anti-racist researchers have demonstrated that, over the long term, the use of penal and legal tools tends to reproduce the social injustice and discrimination they are intended to combat, as they rely entirely on the institutions that produce structural inequalities (e.g., Brown, 1995; Gruber, 2021a).

To better understand the tensions and ambivalences contained in criminalization from a social justice perspective, this special issue showcases situations where ideas and concepts originating in the history of social movements have been put to use. These ideas have at times been deployed to justify modifying and even widening (Dziuban, 2024; Faust & Nagel, 2024; Helepololei, 2024) or curtailing the reach of criminal institutions (Geeraert, 2024). Rather than analyzing the legal aspects of criminalization processes, this special issue focuses on their moral and discursive dimensions.

Specifically, this issue takes an interdisciplinary approach to the relationship between criminalization and social justice through the concept of *social figures* (Binder, 2012; Chakkalakal, 2021; Hartigan, 2005; Moser & Schlechtriemen, 2018; Wietschorke & Ege, 2023).¹ We believe that in-depth analysis of the genealogies and current usage of figures of criminals, victims, and crime fighters can illuminate criminalization processes and imaginations of il/legality and their relationships with notions of justice.

In the next section, we turn to outlining our concept of criminalization, and then return to the notion of the social figure, followed by a discussion how the contributions to this special issue explore the relationship between criminalization and social justice.

Criminalization and Crimsapes

Within the social sciences, criminalization has principally been studied as a macrosocial phenomenon that characterizes a mode of securitarian governance, under which penal and punitive tools are increasingly deployed in an attempt to resolve social problems that are framed as threats. As part of a phenomenology of fear (Comaroff & Comaroff, 2016) and in conjunction with the juridicization and securitization of social life, criminalization contributes to the transformation of social, moral, economic and political orders in democratic societies, founding them on fear and vulnerability in the face of various types of groups and practices that are framed as threats. These perceived threats seem to come from both inside (e.g., drug use) and outside

¹ In this introduction, we describe the various figures in *italics*. Some of these figures are actors' categories used in the original materials in the special issue articles, some of them are archetypical characters named by the authors as they are presented in the various discourses and practices of criminalization.

(e.g., migration) of the national borders. Nevertheless, rendering societal dangers visible sometimes appears to be insufficient to legitimize punishment: criminalization can also be justified by citing the need to protect weak, vulnerable, and marginalized groups, often from themselves. It is not uncommon for such justifications to cite human rights. For example, the criminalization of sex work is often rationalized through the need to protect vulnerable women from exploitation, and the protection of unborn lives is used to justify the criminalizing of all practices relating to abortion.

In the shift away from social capitalist attempts to stabilize social order through policies to combat exclusion and inequality, criminalization policies are the punitive and security-oriented counterpart of the trend toward neo-liberal political regimes. The politics of criminalization have been deployed over recent years in response to a variety of perceived threats, such as migration (Bosworth et al., 2018), sex work (Sanders & Laing, 2017), hate speech (Aswad, 2016), abortion (Chelstowska & Ignaciuk, 2023), and drug use (Colson & Bergeron, 2017).

Unfolding through a broad arsenal of tools, practices, and institutions that extends far beyond the penal system, criminalization is constructed through discourses that seek to define conceptions of legality and illegality. Increasingly externalized by nation-states, the instruments of control and surveillance have spread to ever more areas of society; civil society organizations monitor the groups they seek to protect, as in migration management (Fischer, 2009), while private companies, such as those policing online hate speech (Aswad, 2016), are entrusted with control and security. Furthermore, the logic of criminalization extends beyond policy worlds to influence social justice demands from civil society. Approaching the phenomenon in this way enables us to distinguish the various logics of criminalization. More than a mere tool of government, deployed by public authorities as part of a security turn, criminalization is also an increasingly central resource in social movements attempting to combat inequality and discrimination.

To grasp criminalization and its correlated figures in all their complexity it is necessary to identify the diversity of actors and places through and in which the process takes place. To move away from an analysis focused solely on the penal system, we propose a situated approach. Beyond any global or macro logics, we argue that the landscape of criminalization – in the sense of Appadurai's concept of *scapes* (Appadurai 1996) – can be perceived as a global phenomenon interconnected with other cultural flows; it has local, mutually influential manifestations in specific *crimscares*. With their own logic and economy, *crimscares* can be conceptualized as assemblages that are structured spatially, temporally, and in terms of actors, practices, and discourses (Marcus & Saka, 2006). Methodologically, the notion of *crimscares* invites us to trace the specific genealogies and histories of struggles that have led to their formation – or, in other words, the conditions for their appearance. This enables us to unpack their political, legal, and moral dimensions and the tensions they

currently encompass (Foucault, 1997). Exploration of crimsapes requires analysis of multiple layers of social reality: existing legislation and emerging trends, as well as how laws are implemented and contested; debates and other dimensions of the social imagination that relate to perceived social dangers and the corresponding legal reforms; and the attitudes, feelings, and moral and practical strategies deployed by social actors subjected to criminalizing processes.

Criminalization rarely provides clarity as a lived social reality, but rather a haze of fear, risk assessment, a feeling of criminality, and the desire to resist and challenge the legitimacy of implemented measures. Criminalization, and the social landscapes it creates, can produce conditions of chronic crisis (Vigh, 2008), characterized by ongoing change and unpredictability. As Vigh (2009, p. 420) has observed, these ever-changing, moving landscapes require “social navigation,” a concept that underlines a “motion within motion,” the adaptability and creativity of social actors, while depicting the constant need to adapt to new conditions.

Investigating the strategies and practices that people deploy when navigating crimsapes can illuminate the entanglements of criminalization and social justice. Social navigation not only entails devising ways to attain what one needs or wants, despite existing in chronic crisis, it also includes the ability to imagine and aspire to a better and more just future. Social actors can attempt to influence and reshape crimsapes, often with the reflexive use of social figures. We believe that studying the appearance, genealogy, and construction of the social figures that inhabit a particular crimscape can contribute to our understanding of how criminalization practices and social justice perspectives interact. Exemplified throughout this special issue, this approach reveals the tensions and conflicts emerging or existing between competing actors and practices in the situated spaces of social worlds, thereby uncovering the conflicting moral orders that underpin criminalization policies and practices.

Figures of Criminalization: The Making of Social Worlds

Intrinsically intertwined with the production of social imaginaries of crime and criminality, governance through criminalization rests on the construction of certain groups and practices as threats to, and victims and protectors of, existing moral and social orders (Fassin, 2017; Schwell 2015). It is striking how often current debates on the need for criminalizing processes revolve around particular figures, such as the *smuggler* when arguing for stronger migration regimes and border controls (Geeraert, 2024), the *prostitute* when discussing the regulation of sex work (Dziuban, 2024), and the *pimp* in issues relating to sexual exploitation (Darley, 2024). Whether threatening or worthy of protection, these figures legitimize the content of penological measures; it appears that imagining incarnated representations of victims, criminals, and crime-fighters strengthens the argument over who is worthy of punishment or

protection. Social figures encapsulate certain practices or groups, not only in the field of criminalization but also other social arenas and public spheres.

As it enables people to navigate complex lifeworlds and speak about social phenomena, the figuring of social worlds appears to be inevitable (Haraway, 1997). However, as Norbert Elias has so famously illustrated, it also prefigures the borderline between the established and outsiders (Elias & Scotson, 1965), thereby providing the basis for practices of social differentiation (Bourdieu, 1979). Figures and the related figuration of social fields are embedded in moral economies (Fassin, 2009; Thompson, 1971) that extend beyond or against legal and official discourses and fuel specific perceptions of the social, the moral, and the political. The construction of cultural and social figures is intimately connected with moral judgements of right and wrong, just and unjust, and thus reflects how social differentiation is articulated within a society. Often these figures have long traditions: they are embedded in political and legal genealogies that shape the contemporary construction of criminalization as either obvious or unquestioned (Dziuban, 2024; Kela, 2024), or as a contested and debatable tool of democratic governance (Geeraert, 2024; Sekuler, 2024). Thus, cultural and social figures are closely linked with moral orders and the negotiating and conceptualizing of social orders.

With the concept of figure, we relate our special issue to a strand of research that has taken the formation processes of typified figures as a starting point for analyzing the constitution of social worlds and the construction of social inequalities (Chakkalakal, 2021; Hartigan, 2005; Klapp, 1958 Mokkil, 2019; Weißmantel, 2001; Wietschorke & Ege, 2023; Wynn, 2011). For example, in his multi-layered cultural analysis of *proll*, a derogatory German term for members of the poor working class, Moritz Ege (2013) has convincingly demonstrated how, through self- and external-labeling and the associated everyday practices of classifying and judging, those assigned their social place in such a way ultimately adopt the characteristics with which they are ascribed in order to position themselves. In the interplay of performative social practices and medialized formats and representations, aesthetic classifications are correlated with social differentiations and moral judgments; demarcations between social, gender, ethnic, and other groups are constituted and refigured. Initiating analysis from the concept of the figure enables the ways in which social actors stabilize, shift, and occasionally subvert social inequalities in their everyday practices to be rendered visible. Furthermore, it facilitates understanding how criminalization policies work, including through their counter strategies, and illuminates how they relate to conceptualizations of social justice. Unraveling this connection requires consideration of the constitutive processes that form social figures and situate them in, or remove them from, the social arena.

By reducing complexities and signifying typification, social figures initially facilitate navigation through the diverse and contradictory experiences of the social world, forming and structuring perceptions, including of one's own person and group (Binder, 2012). As the US cultural anthropologist John

Hartigan stated in his study of white trash, social figures highlight how people “consider their identities in relation to potent images that circulate within a culture” (2005, p. 47). Oscillating between fact and fiction, social figures gain stability through their medialized representations (Wietschorke & Ege, 2023, p. 18). While not fundamentally false, they are a mode of stereotyping that has homogenizing and de-individualizing effects. As they produce efficient patterns for perceiving and evaluating the social world, social figures can become effective pawns for very different kinds of politics.

Despite adopting a critical stance, scholars of social and cultural studies are also irrevocably involved in this “game of classification and differentiation” and thus (re)produce and (re)figure divisions of the social world (Wietschorke & Ege, 2023, p. 20; Binder, 2012). As Donna Haraway (1997, p. 11) has stated, “we inhabit and are inhabited by such figures that map universes of knowledge, practice and power.” Thus, deconstructing social figures to identify their truth content and the shortcuts of labeling with their truncated stereotyping is not enough; by going beyond the search for objectifying terms and concepts, and recognizing the inescapable involvement of academic research in everyday figuration processes and the contiguous production of social orders, it is possible to follow figuration processes through social spaces and into the spaces of knowledge production, policy, and law. In this context, an intersectional perspective enables us to keep the multi-layered interweaving of different social categorization systems in view.

The aforementioned research in sociology, anthropology, queer, and cultural studies has used the notion of the social figure to describe how societies render certain groups marginalized, criminalized, or otherwise non-normative, and how individuals experience but also embrace these positions in their everyday lives. Figures are both cultural representations and bodies on which cultural figurations stick. The articles presented in this special issue demonstrate both how the study of social figures can elucidate this process and the contexts in which figuration takes place. Whether a figure is helping to stabilize social orders by, for example, portraying certain practices as a threat to society, or being deployed as a political tool to establish counter-narratives and provoke social change, they take part in shaping subjectivities, social classifications, and moral orders.

Social Figures in Action

As a theoretical tool, the concept of social figures enables researchers to untangle the complexities of criminalization policies and discourses, root them in history, and examine their influence on, and interactions with, the everyday experiences of criminalized populations. Tracing the genealogies of figures in this realm can help explain some of the apparent contradictions in criminalization policies: for example, in her contribution to the special issue Julia Kela (2024) asks why Finland, generally seen as less punitive than other

countries in the Global North, has one of the highest rates of prosecution per capita for the crime of spreading HIV. Kela traces the present-day *HIV spreader* to figures of *infectious criminals* from the beginning of the 20th century: the criminalized *vagrant women* and *contagious prisoners of war*. Despite the logic underpinning criminalization often being unsupported by medical facts, moral and health dangers are melded together in social figurations to create a symbiotic relationship between penal law and medicine.

Historical analysis of criminal figures illustrates how the tool of criminalization reproduces a social order through the confinement and repression of dominated groups in an intersectional way. As Kela brilliantly demonstrates, under the guise of protecting the public from infectious disease, Finnish authorities successively criminalized impoverished women, political opponents, and migrants of color. By associating immoral attributes with gendered and racial traits, the imaginaries surrounding criminal figures have brought vastly different groups together throughout history. Attributing the spread of HIV in Finland to migrant students of color is an excellent example of how the social figure of a criminal can be an effective vehicle for racist stereotypes. Kela's analysis shows a historical continuity of punitiveness that reproduces social, gender, and racial inequality through the targeting of criminal figures that condense racist, sexist, and classist stereotypes.

Processes of othering and marginalization are at the core of criminal figures. Mathilde Darley (2024) has skillfully identified these processes in her contribution, a study of prosecutions for sex trafficking, in which she provides insight into how social figures of crime function in practice: in this case, in a courtroom setting. The exploitative pimp and the perfect victim, often perceived as foreign whatever the reality, embody a gendered otherness and construct French society as normative, moral, and gender-equal. These complimentary figures create a black-and-white dyad that relies on a strict division of gender roles, and the sticking to bodies of a particular race. As Darley demonstrates, Nigerian women are perceived as more appropriate victims than Asian women, who are associated with different figurations of sex, otherness, and agency. At the same time, othering is used to indicate that migrant women have a specific vulnerability that requires protection through the criminalization of sex trafficking.

Social figures of criminals are at times so well-rooted and emotion-laden that they stick to social actors attempting to alter how they are perceived. In her well-researched genealogy, Agata Dziuban (2024) demonstrates how the social figure of the sex worker in Poland, conceived as both a threat to public morality and a victim of poverty or trafficking, has effectively silenced its real-life counterparts. Deemed to be incapable of, or unwilling to, publicly speak out, sex workers who have attempted to describe their lives and call for social justice have been assumed to not be *real sex workers* and thus unreliable sources. Over centuries of violent historical change, this dual interpretation as either deviant or damaged has served to express national fears relating to morality, belonging, identity, and race. Self-advocacy groups in this crimscape

are confronted with a social figure that prevents narratives that render sex workers as possible subjects of rights from being heard.

As discussed in the articles in this collection, feminist movements are divided on the issue of sex work: while abolitionist groups advocate criminalizing the buying and selling of sex work, self-advocacy groups frame sex work as work and call for decriminalization. Although definitions of sex work issues, approaches to migration, and understandings of how class, economy, and sex services intersect differ considerably between these two groups, all participants in the debate engage moral discourses embodied by the associated social figures, which are often linked to claims for social justice.

Social movements can influence both the figuration of a criminalized group and associated public policy. In their article for this special issue, Friederike Faust and Klara Nagel (2024) have carefully traced such a shift in the perception and treatment of women prisoners in Germany during the 1970s and 1980s. By arguing that women offenders were less violent than men and more likely to engage in crime as a result of social inequalities and gender-based violence, experts and activists successfully transformed the figuration of a woman-prisoner from *offender* to *victim*. Shifting the framing of female prisoners from *threatening and notorious* to *primarily passive and deserving*, this historical construction of the *offender as a victim* dominated debates on the specificity of women's carcerality and led to the materialization of social justice claims in the form of low-security, treatment-oriented, and gender-responsive prisons. As in Agata Dziuban's (2024) study of the sex worker figure in Poland, the framing of criminal figures as in need of care facilitated a perception of penal institutions as care-givers, an amalgam of carceral and welfare practices in which institutional punishment and institutional care are tightly connected (Abbasi, 2020).

The study of figurations in debates on prisons and prisoners can provide exceptional insights into the connections between care and coercion. Addressing this issue in relation to the US prison system, Justin Helepololei (2024) demonstrates how a discourse of care is deployed to justify widening the scope of incarceration and the power of prisons. In response to social justice demands, a new progressive jail assemblage has reframed the figure of the criminal as the *criminal as patient*, thereby justifying the existence of prisons and the continued incarceration of such people beyond the end of their sentences. Also reframed is the local sheriff, who is now not only a *crime fighter* but a *care provider*. This phenomenon of care-washing blurs borders between the justice, welfare and healthcare systems, blending all three into one complex of care, control, and punishment. Reflecting on the entanglements of criminalization and medicalization, Helepololei's article corresponds with both Kela's on infectious criminals and Faust and Nagel's on the reform of women's prisons.

New forms of activism raise new questions: search and rescue activists attempting to prevent migrants from drowning in the Mediterranean focus attention on the relationship between social justice postulates and

criminalization, as manifested in the figure of the *criminal hero*. As Jérémy Geeraert (2024) shows in his contribution to the issue, this form of activism has been met with condemnation from national and European authorities, who have applied various criminalization methods to discourage the practice. While activists claim that search and rescue is a moral imperative in line with basic European legal principles, authorities have attempted to steer public attention away from the criminalization of migration – the actual cause of many migrant deaths in the Mediterranean – by portraying the activists as accomplices of profit-hungry *smugglers* and *traffickers*, from whom vulnerable migrants must be protected. Geeraert renders the discussion even more complex by analyzing how some activist groups have mobilized the *white savior* figure, thus critiquing the reproduction of colonial discourses and racialization of humanitarian action.

Lastly, important questions arise concerning the role of activism in areas where nation states and other public authorities fail to respond to certain types of criminal activity. Todd Sekuler (2024) addresses this issue in his study of the *digital vigilante*. This figure, a new iteration of the *crime-fighter*, who infiltrates and exposes far-right actors anonymously spreading hate speech online, has the potential to become the new hero of the digital age. By publicly revealing the names and data of right-wing activists, the digital vigilante deploys a swift yet lasting form of punishment to be executed by the Internet community. This article touches on timely issues: what can be done when a justice system fails or is demonstrably designed to act against certain populations? Is community-based justice possible, and can it be conducted ethically? And how does vigilante justice differ from revenge? The actors described by Geeraert and Sekuler take contrasting approaches to criminalization: while those described by Geeraert actively oppose and disobey the criminalization of migration and related action, Sekuler depicts modes of activism formed in response to a perceived lack of criminalization, in a field where neither public nor corporate actors seem prepared to fully address the problem of hate speech.

In various ways, the contributions gathered in this special issue illustrate how social figures can become reference points in both criminalization processes and struggles for social justice. By giving a face to threats that merit punishment, vulnerabilities that require protection, or injustices that should be combatted, they make reality easier to grasp. Yet, they contribute to enforcing differentiation practices and thus the creation of social differences. While thinking without social figures may be inconceivable, it is essential to recognize their entanglements in the powerful processes of inclusion and exclusion. As the exclusionary dimension of social figures is particularly concealed when deployed in a quest for social justice, attention to these processes is imperative.

Acknowledgements

This special issue is developed by the project “CrimScapes: Navigating Citizenship through European Landscapes of Criminalisation,” funded by the NORFACE Joint Research Programme “Democratic Governance in a Turbulent Age” within the European Union’s Horizon 2020 research and innovation programme under grant agreement No 822166, and co-funded by: Agence nationale de la recherche, DFG - German Research Foundation, Research Council of Finland, and National Science Centre, Poland.

The authors would like to thank the CrimScapes research team members for thought provoking discussions and collaboration, the *Studies in Social Justice* editor for his support, the article authors for taking up the idea of social figures as part of criminalization processes, and the reviewers for their comments and recommendations. We have no known conflicts of interest to disclose.

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