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# CRIME AS A LIMIT OF CULTURE<sup>1</sup>

AUTHORED BY - ALTAMASH KHAN

## Abstract

In this article culture is understood as the ensemble of systems of classification, assessment, and interaction that establishes a basic community of values in a given social field. We will argue that this is made possible through the institution of fundamental prohibitions understood as mythical points of closure that set the last frontiers of that community by designating what crime is. Exploring these theses, we will see that criminal transgression may be thought of as the actualization of a rigorous otherness. This otherness, however, is nothing but the culture itself in its extreme vectors, its contradictions, and residues. From there we will differentiate three types of crimes: paroxysmal, archaic, and impossible. And we will conclude that the criminal question it is not a 'social problem' among others. Rather, it is a fundamental crossroad where the very constitution of any culture is at stake. It is the question of the beginning and end of the societal order and its subjects.

**Keywords:** Culture - Prohibition - Crime - Paroxysm - Archaism - Impossible

Would it be possible to study Brazilian society via the drug lords that populate its prisons? What do these most famous of favela-dwellers tell us about that South American economic and cultural power? And what are the corpses of more than seven hundred women found in the desert outside the city of Juarez? What does their senselessness mean? What language do they speak to describe the state that tepidly investigates them, to account for the gender and class relations in contemporary Mexico? Or in what strange forms do the recurrent school shootings figure the American Dream?

The legal logic and classical political economy that inform our common sense have long wanted to view crime as a radically individual act –perhaps the most individual of all. That is why questions like these have no place there. Whoever breaks the law, those discourses assert, does so from the solitude of their mental faculties or the solipsism of their emotions. One becomes a criminal because it is convenient in some sense; or because one has yielded (knowingly) to

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<sup>1</sup> Human Studies, August 2014 - DOI 10.1007/s10746-014-9322-4

impulses that are elementally one's own; or for both reasons at once. Whatever transgression cannot be understood according to this double-grid of personal responsibility and calculated interest will be considered irrational or sick. In any case, the criminal act always appears as an individual possession, and society as the antonym of crime.

The sociological concept of anomie, on the one hand, and the bio-psychological notion of instinct, on the other, do not seem any better equipped to address our initial questions. Discourses articulated around them call into question the utilitarian postulate of the free will of the subject of the action (social or anti-social) and tend to see every offender as abnormal – i.e., someone who is, to a greater or lesser extent, proximate to a-sociality and senselessness. But precisely for this reason, these arguments maintain the classic dichotomy of the classical paradigm that they contradict. They do so by outlining two types of explanation, which are not mutually exclusive. For those who speak of anomie, the criminal is an individual moved to violate rules because of a poor socialization. For those who see crime as an instinctual act, the criminal would be subject to intra-individual forces that, being outside the social realm, would lead him or her to transgress its laws.

All these propositions were challenged by various theoretical strategies that sought to relate crime to culture, and to recover criminal transgressors from the desocialization perpetrated by psychiatry, criminal anthropology, and the sociology of early Durkheim (1984). Those strategies point to a dismantling of the treatment of crime as the property of a self-produced monad or as an anomic action that always implies the “absence of rules”<sup>2</sup> They help us to realise that to kill or to steal one need not be a monster or sick, as the popular imagination as well as psychological and sociological positivism like to think. They also help us to realise that transgressors, far from living completely detached from any social environment, are usually socialized in sub-cultural configurations with plenty of rules and values.

Such an undertaking seems, in principle, theoretically (and politically) correct, and this essay intends to participate in it. However, effort will be made to both expand on and make specific this approach. We will argue that that crime and criminals (subcultural or not), always pertain in fact and law to the society that rejects them, but also we will try to account for their specificity. To advance the understanding of both topics, I would like to argue, it is necessary to comprehend 1) social space as a field of multiple actions and interactions moved by multiple desires and beliefs, b) culture as the ensemble of systems of classification, assessment and interaction that establish a basic community of dominant

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<sup>2</sup> See, for example, Sutherland (1937, 1978), Cloward and Ohlin (1960) and Becker (1963), Katz (1988) and Young (1999).

desires and beliefs (i.e. values) in a given social space, and c) fundamental prohibitions as the system of classification, assessment and interaction that set the last frontiers of that community by designating what crime is. Criminal transgression, for its part, may depend on a large number of varied motivations and we will try to give an account of some of them. But we cannot lose sight of the fact that the only thing that they all have in common is to be actions forbidden by fundamental prohibitions. That is why a general definition can only be negative. Then, in addition, we have to comprehend d) crime as a realization of desires and beliefs excluded (by sign or degree) from both the representational and affective economy of the symbolic order that fundamental prohibitions have built.

These theses challenge traditional understandings of crime by allowing for a radical critique of it as a social phenomenon, while also preserving its specificity. Using this paradigm, we may explain why the dominant culture perceives it as a dramatic change while also identifying its structural relationship to that culture.

The social perception of crime as a radical otherness can stem from exacerbating dominant cultural values, opposing cultural hegemony, or re-emerging in ways that challenge existing discourses. I propose categorizing crimes as "paroxysmal", "archaic", and "pure" or "impossible". Hence, as is evident from the start, the questions formulated in the first lines will not be answered in this text. These responses must be expanded on in the context of detailed and specific research. It is no less true, however, that they can only be derived from an adequate conceptual framework. What follows attempts to contribute to the elaboration of said framework, outlining the theoretical space in which enquiries like these can take hold in a significant way.

### **Culture, Fundamental Prohibition And Crime**

The concept of culture is far from unambiguous, and there are many contradictory perspectives available for a cultural analysis. Our starting point is the understanding of the human body as a multiplicity of drives and of the social field as a space of multiple and heterogeneous actions and relationships. Both multiplicities must be articulated by systems of intelligibility and exchange in order for social groups and individuals to occur. This implies understanding both multiplicities as basically made up of beliefs and desires and recognizing them as the material, or better put the energy, that all culture must take hold of in order to function and reproduce itself. According to this (post-structuralist) perspective, culture may be defined as a socio-symbolic order. That is, as an ensemble, more or less coherent, of classificatory and evaluative frameworks which, based on transcendent interdictions and supported by ritual practices, seeks to structure a heterogeneous social and subjective field, granting it certain identitary consistency and organizing it both

symbolically and affectively.

According to Barthes (1994), culture is first and foremost a logical system of forms. Systems such as morality, rights, religion, science, and ideology, as well as art, advertising, cookery, and dress, provide communication and organizational patterns that serve as models for interpretation and interaction. Models that can create a community of shared meanings and practices in a diverse social field. This is how they 'make society'.

If this is true, cultural systems are characterized neither by their usefulness (Malinowski); nor by their motivational role in social action (Parson). They are better understood as structuring what reality is, in the Lacanian sense. The fundamental role of any socio-symbolic order would then be to transform a diverse and unsettled social field into a relatively organized group, naming the things of the world and establishing the corresponding positions of the subject within its structure (Lacan, 2001: 67-72). If we accept this, we must also accept that culture does not belong to an order of superstructures (in the vein of traditional Marxism), but that it is itself an infrastructure: it is the cognitive and evaluative grammar that allows for the appearance of objects and the reproduction and communication of subjects. Consequently, the study of a culture is, primarily, the study of the logical structure of a determined social group, and of the identities and the exchanges that this logical structure permits.

Having reached this point, it is necessary to avert the danger of the (structuralist) aporia consistent with understanding culture as a closed system of subsystems that, furthermore, is fully articulated and practices that are ultimately impossible to totalize in a closed system, in the poststructuralist sense, we are warned against this risk. The double multiplicity of the social and the corporal means that efforts are made to articulate the symbolic orders that we call cultures in order to make them into unified and relatively coherent totalities, but without ever achieving it (and nevertheless without giving up this resolve).<sup>3</sup> Because of this, these structuring frameworks are never totally coherent, never exempt from contradictions and always a matter of dispute and change. However, they are capable of officiating as the cognitive and axiological matrix that makes possible the regular and regulated communication between the members of the social group that they produce. That being said, it is necessary to add another set of theoretical propositions that are equally monumental. Propositions that place the criminal question at the very centre of every culture. Namely: all socio-symbolic order is defined and held up by interdictions that mark its ultimate

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<sup>3</sup> All these statements, as well as the core argument of this section, are based on the Lacanian social theory developed in Laclau and Mouffe (1985) and in Laclau (1990, 1996). It is also based on the contribution realized by Žižek (1989) in this field, specifically in his development of a (Lacanian) theory of the subject in many ways complementary with Laclau's and Mouffe's propositions. For a detailed articulation of the major points of both topics—the Lacanian social theory and the Lacanian theory of the subject—see Stavrakakis (1999). For the place of Lacan's works in contemporary social theory see Elliott (2003)

boundaries. These prohibitions mythically draw out the final perimeter of the group which is in this way determined, separating it from a radical exterior which is left designated as chaos, savagery or barbarism. Building up these final limits, they imaginarily sutures the discontinuous outlines of the social fabric and gives it back the vision of an intelligible and consistent totality. What makes them fundamental or primary is not the quality of the relationships, actions, beliefs and desires they condemn, but the structuring position they occupy. Their function, completely extraordinary, lies in designating the final (or first) borders of culture. That is to say, of the social symbolized.

With these presuppositions in mind, the mythical closing points that produce a culture as an imagined totality may be called fundamental prohibitions. That is, we can so name the master signifiers who seems to transform a given social field into a coherent totality, and who to a certain degree make it function in this way whenever they are able to hegemonize it, producing the appropriate subjectivations. Furthermore, let us seek to be consistent with a post-foundationalist perspective by avoiding referring the primary character of such interdictions to their historical invariability or anthropological universality, as is usual in Freudian (and Lacanian) psychoanalysis. I

Emerging from the struggles of the social field, the success of these interdictions depends on their capacity to be mythically formulated, ritually sanctioned and collectively reaffirmed. They show the proscriptive side of the symbolic order that they articulate by pointing out and condemning what crime is. But in doing so, they imply as the opposite of this definition what is affirmed to be most precious<sup>4</sup>. They delineate the values that they sustain (e.g. individual life, private property) in the form of negative categorical imperatives (do not kill, do not steal). These imperatives of exclusion have more to do with passion and imagination than reason, and find both in this “synthetic” language and in its penal ritualization, the most powerful supports of their efficacy<sup>5</sup> Thus, its definitions appear to be universal and necessary even while having precise socio-historical origins, and even when they are always liable to the most diverse interpretations and disputes of power.

These restrictions define the boundaries between a socio-symbolic order and its perceived non-complementary external. This social group need a concept to explain the return of what they don't understand, which is unavoidable given their inner workings. These types of returns might be referred to as crimes.

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<sup>4</sup> Both Tarde (1972) and Durkheim (1984) agree on this, despite their differences on other matters.

<sup>5</sup> I propose to define as penal any ritual that seeks to reaffirm a system of classification and the affective economy that corresponds to it, through the mythological recoding and through the spectacular staging of transgressions and punishments. Given the lack of space to develop this (philo-Durkheimian) definition in the context of this article..

An important consequence of this is that there are no actions (or omissions) that can be criminal in themselves. These prohibitions vary in each time and place, meaning that those behaviours that are classified as criminal vary in each case – and that the gravity attributed to each one is also variable. This is because in every culture, in every historical moment, the actions considered most criminal are those that most contradict the prevailing creed, much as the action that is most in agreement with it is the most celebrated<sup>6</sup>. Said in yet another way, whatever is designated as criminal –whatever is fundamentally prohibited– is always relative to the system of beliefs and desires that dominate a culture in a particular time and place. This means, among other things, that crime, like every evil, depends on the interdiction that condemns it.

The "subjective pivot" of the socio-symbolic system they create. As a result, people who violate them must face the repercussions of their actions. These prohibitions embed themselves in the subjects, forming a cognitive grid and an emotional economy. They create norms that do not accept neutrality in the face of their transgression, emphasizing what should never happen under any circumstances and what is unlawful when it occurs. They engrave their directives in the individual bodies, significantly influencing their valuations, perceptions, and emotions. From here stem the contempt, wrath, terror, and/or horror that the violation of such mandates cause in them<sup>7</sup>.

### **Crime And Criminals**

All discourse on the criminal question must determine, implicitly or explicitly, an image of criminals as a basis on which to formulate itself. At least since the end of 19th century, the philosophical free will assumptions that sustained modern penal codes have been challenged by different discourses that claimed for themselves the title of scientific. Specifically, two discursive matrices have developed, penetrating the penal administration as well as everyday thinking. Their substance can be reduced –without sacrificing too much– to a view of crime as the action of infra-individual and solipsistic forces, always external to society and culture, or as the antisocial act of poorly socialized individuals. Between them, the first major intellectual division of labor among the sociological, anthropological, psychological and medico-legal disciplines emerged. All these disciplines strove to unravel the mystery of the criminal act without resorting the principle of the self-determined and transparent subject. Their lowest common denominator, which made (and makes) these discourses complementary to one another, is their refusal to advance what Lacan

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<sup>6</sup> Both Tarde (1972, 1895) and Durkheim (1984, 1895) agree on this, rejecting the possibility of the 'natural' contents (i.e. universal and innate) of morals and crimes

<sup>7</sup> For an analysis of this psycho-social dynamic see Tonkonoff (2013)

(1966:128) called "the humanization of the criminal" –even when crime was accepted as a social phenomenon, which has not always been the case.

These propositions, still current, were challenged by various theoretical and political strategies that sought to de-essentialize the transgressor, to save him or her from the dehumanization (or, rather, the de-socialization) perpetrated by psychiatry, criminal anthropology, and the sociology of the early Durkheim. One of these strategies postulates that the transgressor, far from being an abnormal biological or psychological type, in the manner of a monster or a fool, is a professional type, just like a lawyer, police officer, or carpenter. That is, one who practices an occupation with a certain regularity and is subject to a set of not only technical but moral rules. Rather than unleashing an uncontrolled, autistic impulse, to commit a crime is to act in accordance with a world of substantive and instrumental meanings which one must necessarily learn from others. This socialization occurs in the exactly same way as any other, but it takes place within a (sub)culture. A criminal transgressor would then be a standard, but differentially socialized, individual.<sup>8</sup>

This perspective goes against the mythical assumptions that convert the transgressor into the one solely responsible for the radical exteriority that he or she introduces. Through the mediation of culture, it also questions both the "egocentric" claims on which classical legal logic relies and the supposedly universal link between mental abnormality and criminal action alleged by psychological and sociological positivism. Therein lies most of its value. Its strength is in suggesting that one need not possess a particularly aggressive or sick temperament to violate criminal law; in indicating that violence and madness are distributed across various trades and professions (legal and illegal); in remembering that every offender is someone who performs, in addition to crime, the same types of daily activities as anyone else. This perspective shows, in short, that it is convenient to place the criminal within the rest of the normal subjective configurations to discover that crime can be committed normally.

This viewpoint may be politically and theoretically agreeable to some. However, it risks losing the specificity of its aim, reducing it to the lowest common denominator that crimes and criminals definitely share with the society and time to which they belong. To steal or kill, it is not required to have a deviant personality. It is also true that every transgressor, rather than living fully separated from the world of established meaning, is in actuality and legally bound by the society

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<sup>8</sup> This position, which has its origin in Gabriel Tarde's works (1972), is masterfully articulated in the Differential Association Theory by Edwin Sutherland (1978). Close to this point of view are the subcultural studies of crime.

that rejects her or him. However, assuming this is agreed, the essential question is: What characteristics define the illegal act? How does it specifically address the order it violates? And what is the specificity of the transgressor, if any at all?

To begin answering these concerns, we attempted to define an analytical distinction between socio-symbolic order and the social field, which prevents us from viewing a culture and its subjects as non-conflicting, homogeneous, and complete entities. This knowledge allows for a departure from the usual interrogation approaches addressing crime and its perpetrators. It allows for a radical critique of crime as the property of an auto-produced criminal, while outlining a theoretical model that prevents us from losing sight of the specificity of the prohibited action in the same movement that 'socializes' its actors, demonstrating their fundamental reliance on the socio-cultural field that stigmatizes them. This is a model that regards prohibitions as impassable limits, constituting all identity, while bluntly postulating that each socio-symbolic order, each culture, has its corresponding criminals and crimes.

At this point, I'd want to present another thesis to round out the previous ones and take one step further in the investigation of the relationship between culture and what it has omitted in order to establish itself. Three types of criminal transgression can be identified based on the social field's variety, the need for transcendent prohibitions to organize it, and the resulting conflicts. Criminal transgressions can be classified into two types: "paroxysmal" and "archaic."

The paroxysmal crime is that which, for each culture, is their main values overacted: something like an avant-garde action, only not counter-cultural but hypercultural. In these crimes the hegemonic cultural logic is condensed and overflows. These prohibited actions are the exasperation of the principles of egotism, pleasure, honour or justice that dominate an established societal order with full force: i.e. to do (literally) with competition, or any other non-systemic manifestation of the war of all against all, of an eye for an eye, or of who kills by the sword, dies by the sword. Archaic crime, on the other hand, tends to follow the same rhythm and measure as its signifying universe, except that this universe is out of step with a greater one that contains it antagonistically. Its actors live in a world of untimely valuations, codes and conducts, which confront them with the dominant culture. In contemporary societies, this is the world of mafias, cartels, gangs, and any other clandestine association that resist state expropriation of violence and the legal regulation of the economy.

To understand the individual body as a collection of beliefs and desires, the social as a complex and conflictive field, and culture as the result of founding exclusions, we must accept that symbolic order requires the production of un-symbolizable remnants that constantly challenge its

frontiers<sup>9</sup>. When forbidden actions cannot be defined, we refer to them as "pure" or "impossible" crimes. Positive meanings develop in both paroxysmal and archaic crimes, creating a sense of otherness that defies categorization.

### **Paroxysmal Crime**

Lombroso, along with much of the nineteenth century, imagined that all crime was a sign of atavism. He saw in each transgressor of criminal law a primitive body and soul, animalistic for its ferocity, its physical and mental defects, and barbaric for its violence, slang, and tattoos. This mythical image, to be discussed in the next section, helps us locate the paroxysmal crime and its actors at the opposite pole: not as a step backward in civilization, but as a strange, deformed vanguard of civilization itself; not an illogical but an ultra-logical act, criminal for rigorously enacting its epoch, for drawing all the consequences of the common sense in force. These acts are criminal for entailing an audacious deduction, a strict conclusion, extracted from the premises that constitute the zeitgeist of the societal ensemble to which its actors undoubtedly belong –over-belongs, we might say. And it will be this excess of belonging that will produce his or her expulsion

This is not to say merely that what precipitates in these crimes is the opposite of a blind instinct, nor merely that the criminals' violence refers to specific and discernible meanings; it is also to say that these meanings are precisely those that sustain and give consistency to the symbolic universe these crimes dislocate. In them certain lines of force, decidedly significant in the dominant cultural constellation, have reached an inflection point, a particular tension. They are acts in which the hegemonic desires and beliefs are combined in specific, and superlative, proportions. Its actors actualize, without distance, existing guidelines, which, being exacerbated, followed to the end, become unloosed or inverted. These criminals constitute points of imputation where prevailing principles explode – or implode – because of the severity of its application. They are individuals or groups who leave themselves violently by way of the final consequences of these principles. The examples are many: rapists, batterers, murderers of women in misogynistic societies; immigrant-hunters in xenophobic societies; homicidal appropriations (or defenses) of personal belongings where possessive individualism prevails.

Far from the misanthropes anticipated by orthodox psychology and sociology, as well as the heroic rebels of anarchist romanticism, paroxysmal criminals endure something like to violent,

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<sup>9</sup> These unsymbolizable remnants correspond to Lacan's category of the Real. See Lacan (1994). For a treatment of the Real as limit of the signification see Žižek (1989)

horrific conformity, or a deformity caused by excessive conformism. They include all of the components of Baudrillard's hypermodernity: saturation, redundancy, hypertrophy, and a triggered effect with no known source. Their crimes are a culmination of their era's potential: more consumptive than the consumer society, more narcissistic than the culture of narcissism, more violent than the society of exclusion, and occasionally more spectacular than the society of the spectacle.

For example, imagine an engineer shopping in a shoe store and hearing his automobile alarm. In the parking lot, he witnesses two individuals entering a car and realizes his car audio is missing. With his wife, he pursues the two strangers for 20 blocks. After apprehending the suspected thieves, he stands in front of them with a gun and shoots them in the head, leaving them stunned. Ecstasy or vertigo are the primary symptoms of such paroxysm. This applies to both the criminal and his audience. Baudrillard (1983) defines ecstasy as a state of immovable speed. Vertigo is the sense of emptiness and perplexity.

This criminal is not Dostoevsky's destitute, humiliated, offended criminal seeking justice through uncivil means, nor Freud's delinquent criminal motivated by an insufferable superego. Poor and neurotic individuals are often motivated by unpleasant emotions. The anonymous and spectral individual becomes a point of incandescence, causing an uncontrolled nucleation that creates a universe without an outside.

These crimes seem as spontaneous and violent accelerations of the social field, and their paroxysm is the overflow of positivity rather than a negative violation. They are characterized by diffuse tensions that lack a clear source of conflict. According to Henry Miller (1962: 308), there is a sense of "murder in the air." It's difficult to predict who will benefit from it and who will suffer the consequences.

It's worth noting that the logic in question prioritizes pollution and collapse over confrontation and revolution. Revolution occurs when a social class, the bourgeoisie, creates its opposite, the proletariat. This creates a violent negation of the bourgeoisie, resulting in a future society that is a synthesis of negation and conservation. The paroxysmal criminal reproduces current society's values while erasing its disparities. Beyond a certain point, the rise of this form of crime raises the possibility of a series of catastrophic events that might bring the planet to an end.

### **Pure Or Impossible Crime**

We are concerned with the advent of atemporal or ahistorical crimes that are anti-societal, rather than extreme representations of the past. The impossible crime, like paroxysmal and archaic crimes, is an expression of societal logics that produce nonsense. This criminal event occurs as a

final act by a person or group and cannot be entirely retrieved by representation.

To determine themselves, societal discourses on the criminal dilemma always aim to identify, tacitly or overtly, a variety of plausible explanations for illegal activities and criminal transgressors. This is especially important in anthropocentric cultures like ours, where violence necessitates human - and preferably individual - culpability. In this regard, Foucault (1999) outlined the mud in which the modern prison system found itself from its inception. Given the anthropology that underpins its framework, that of a homo economicus subject to contractual reason, all crimes that could not be reconstructed according to the logic of utility appeared fruitless, disturbing, or monstrous, presenting an increasingly inverse relationship between the violence committed and the benefit gained. Paradigmatic in this sense was the case of Henriette Cornier, the young servant who slit the throat of her neighbor's daughter and, when asked for her motives, said, "It was an idea."

This horror lacked incentive within traditional legal frameworks as it did not declare earnings to executors, who were not defined as insane according to contemporary medical standards. These were considered "motiveless crimes," meaning they were banned behaviors that could not be understood by the system used to judge and punish individuals.

Bataille (1985: 129) describes these crimes as "non-logical differences" from the law, morality, and present knowledge, resulting in terrible and violent remnants that defy any imaginable meaning. That, if you will, is its definition. The act is unintelligible and represents a leap from the conceivable to the impossible in terms of existing discourses. The violence appears senseless and without societal or individual benefit, leaving no one to speak up, including the perpetrator. Perhaps it can be said that Pierre Rivière was the purest criminal for Foucault –or, at least, that *Moi, Pierre Rivière ...* was Foucault's most Bataillean book. It consists of a dossier composed of the memoirs in which this 20-year-old French peasant tries to explain why he killed his mother, sister, and brother. To Rivière's text Foucault and his colleagues added legal and medical reports of the case, which they prohibited themselves from attempting to elucidate: "We decided not to interpret it and not to subject it to any psychiatric or psychoanalytic commentary" (Foucault, 1975: xiii). What meaning, then, does the publication of Rivière's text and the expert and legal glosses have? Why not analyze or interpret it in search of its secrets? The silence Foucault produced with this publication was the act in whose hollow all legal, medical/psychiatric, and criminological knowledge remained exposed, as they had been assembled to conjure the crime they could not understand. Lawyers, judges, medics, psychiatrists: everyone spoke about this case. Everyone spoke – says Foucault, smiling – and yet nobody said anything. In this way he showed the failure of this societal enterprise of recovering nonsense, of "enclosing the outside."

But that silence also revealed his own fascination with the criminal, his act, and his text: “we fell under the spell of the parricide with the reddish-brown eyes.”(Foucault: 1975, xiii)

There, then, is a young man and his impossible crime, stuck in the middle of a discursive network that circumscribes them but cannot touch them. And there, also, is his closest, and perhaps most faithful, counterpart: the silent horror and ecstasy of Foucault.

There are those who will not tolerate this seizure of thought and language in the face of sublime transgressions. Carlo Ginzburg (1980), among others, accused Foucault of being the champion of a "black populism." Maybe he is right. Bataille also wanted to open himself to that sacred silence and horror of the purest crime. But his wager was the attempt to not be silent before them. More than ten years before Moi, Pierre Rivière ..., Bataille (1965) wrote an important text concerning Gilles de Rais, the fifteenth-century French nobleman who killed children “for pleasure”. Here Bataille repeats the impossible operation that characterizes much of his work. Driven by an ethic of limits, he wants to account for the unconditioned exteriority that the monster de Rais figures, but without positivizing it; that is: without emptying it, retrieving it, through language. And yet, he wants to do this without ceasing to write. He tries, then, to resist the edge of silence, to open language toward the crime, without ceding, or without ceding completely, to its auratic and annihilating attraction.

Regardless, the point is that, through the figure of the pure criminal, both Bataille and Foucault reveal the essential ambiguity of crime. It happens that crime (like all social reality that society denies in order to form itself) can always, and to varying degrees, be reclaimed by meaning. It is recovered first by the current power structure, which nearly always succeeds in functionalizing it, putting its negativity to work for the sake of order, particularly through the criminal justice system. And this happens in a thousand ways, possibly summarized as follows: Crime produces or justifies the creation of a diverse set of devices, regulations, and knowledge that transverse and govern the social body. This is what Foucault (1979) demonstrates masterfully in *Discipline and Punish*. And that, perhaps, is why the existence of Pierre Rivière gives him joy.

The crime is recaptured, secondly, by the persistence in its actors of a self that seeks to exploit or profit from the abyss that the crime opens within them. There are not many pure criminals. Even when all crime implies an element of loss, disorder, nonsense, and the putting-into-process of its subjects, criminals are usually motivated by a bare will toward appropriation, toward possessing themselves and others. Like everybody else, criminals try to avoid the movement of destruction unleashed by their transgression, and to retrieve with one hand what they gave with the other. It is true that they put their and others' lives at stake, but they command respect, fear, objects and pleasures in return. Thus, they usually evade and contradict an alien power in order to constitute

their own. If it differs radically from the established ways of life, if it does not fully accept their hierarchies, their standards and their legitimacies, it is usually to establish new (or old) economies, morals, hierarchies, and subjections.

Perhaps it can be said, ultimately, that pure crimes and their subjects are as much heuristic operators as ethical principles of interpretation. The event (real or imagined) of these crimes creates a vacuum that allows one to observe, naked, the structure of discourses desperate for foundations and control, while exposing their inanity and endless will to power. This applies as much to morality as to scientific knowledge (psychology, psychiatry, medicine, law, criminology, and even psychoanalysis). Foucault made of this criticism his specialty. These crimes also reveal the bottomlessness to which a culture and its subject are opened when they can no longer pretend to be peaceful and unified: the exploration of this moment characterizes the Bataillean art. They are crimes that reveal, moreover, the irreducible ambivalence of transgressions: both their familiarity with revolt and their complicity with domination. They constitute, finally, an excessive principle to which an ethics can refer – an ethics that prefers martyrs to despots, suicidal criminals to corporate gangsters.

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