

## **Strolling the Coastline: Criminology in Everyday Life: Through ‘Landscape’ from Gaol to ‘Badlands’**

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As soon as you experience thoughts, emotions or actions in a tract of land, you find you're in a landscape (Gibson 2002: 2).

### **Introduction**

Overseas visitors are shown the sights/sites. Quite what those sights/sites are depends on: the desires, preferences and dispositions of the visitors and the host; geographical situation; the time available; the state of health and fitness of the participants; the weather; available means of transport; and so on. A common choice of those living in Sydney's eastern suburbs is a coastal walk, in this case from Maroubra to Bondi. My two visitors were both academic criminologists from the UK, I will call them Mary and Susan. It was a fine day in late spring 2008; we started at Maroubra and headed north.

The walk will skirt the sea; take us along cliff tops, beside beaches, through beachside suburbs, along roads, paths and sand. In the unremarkable way of these things we will stare at the sea, watch the surfers, admire the landscape, talk of things of mutual concern. I will point out features of interest and my companions will ask questions and offer observations. Our aim is leisure, enjoyment, exercise, yet — as we

are all criminologists — a consciousness of crime, crime sites, analyses and theories is close to the surface; just how close, we will see as the walk progresses. The everyday acts of walking and talking while passing through some celebrated scenery may serve to constitute a mundane criminology of everyday life, illustrating the way a consciousness of crime permeates and affects, some might say ‘taints’, the ways in which the glories of a well established ‘tourist trail’ are experienced and seen, myths are made and histories forged.

### **Beginnings: Long Bay Gaol**

As we start off I try to situate our starting point in relation to objects, sites and relations of assumed interest. As ‘tourist guide’ I point in the direction of Long Bay Gaol, which cannot be seen from Maroubra beach, being just over the hill to the south, at Malabar. The gaol was a starting point for me after I arrived in Australia in 1974 to take up an academic post. For within a short time I had been drawn into the agitation for a Royal Commission into the bashings at Bathurst gaol in 1970 and 1974, bashings repeated after the 1974 riot in gauntlet style, first at Bathurst and then at Long Bay, when the Bathurst riot prisoners were transferred there (see generally Zdenkowski and Brown 1982, Findlay 1982, Vinson 1982, Nagle 1978). I also became a legal visitor for the NSW Council for Civil Liberties and each week found myself out at ‘The Bay’ interviewing prisoners about their cases and their complaints. As I took the bus out to The Bay I could not help but notice the way the landscape seemed to harden as the bus went south along Anzac Parade. The soil, like the inhabitants, became poorer, trees and vegetation sparser, buildings meaner.

Another reason it seems relevant to point to the prison, although it is not visible, are the unseen lines of force and penalty that run from the Maroubra Housing Commission estates out to the prison. Many of the inhabitants of the Maroubra ‘commish’ have tasted life at The Bay. Family breakdown, poverty, unemployment, alcohol and drug use and criminality have been a regular feature of the hard life in Maroubra’s public housing estates, exacerbated by the widespread availability of

heroin in the 1980s and 1990s.

The metaphors we use help shape ways of thinking about institutions such as the prison. The metaphor of the prison as the dark foreboding castle ‘on the hill, sealed off from the rest of society — ‘the community’— by high walls or fences, razor wire and security cameras: a house of horrors, pain and misery unknown to most of us except through news media, film, television and imagination, has a strong hold, even among radical critics of prisons. As we walked we discussed whether it may be more helpful to think of prisons like Long Bay in terms and ways which highlight not exclusion, enclosure and separation, but *connection*. If we were, for example, to think of the prison as a sort of railway station, a node or radial point along which lines of force stretch out, not randomly but in highly patterned and structured ways, like railway lines, we may come closer to making sense of why these unseen but nevertheless tangible lines of criminalisation and penalty travel to and from certain post codes or geographical locations, penal way stations (see Tony Vinson’s post codes of multiple social disadvantage, Vinson 2004, 2007). Or why it is that 20% of Indigenous children have a parent or carer in prison (Levy 2008) and what effect this might have on the inter-generational transmission of penal culture.

In the 1960s and 70s when radicals espoused prison abolition, even conservative critics like Justice Nagle predicted that ‘the prison population will not necessarily continue to increase proportionately to any population increase because of, inter alia, the adoption of alternative modes of punishment and improvements in the organisation of society’ (Nagle 1978: 25). The difficulty now is to explain the revalorisation of the prison over the last 30 years, the rapid rise in the rate of imprisonment across a range of jurisdictions (albeit variably), even as crime rates have fallen from 2000 onwards. Theoretically weighted explanations have increasingly looked to general changes in social, political, economic and cultural organisation rather than to any specific forces confined to the criminal justice sphere, in short to the conditions of life in ‘late modernity’. Analyses have ranged from: the rise of ‘mass imprisonment’ (Garland 2001b: 1-3); a virulent and ‘uncivil

politics of law and order' (Hogg and Brown 1998) the demise of penal welfarism and the development of a 'popular' (Bottoms 1995) or 'new' (Pratt et al 2005) 'punitiveness'; the emergence of a cultural politics of exclusion (Young 1999) or a new cultural formation: 'the crime complex' (Garland 2001c: xi); a highly racialised criminalisation of minorities and immigrants (Wacquant 2001, 2002); 'governing through crime' (Simon 2007); shifts in cultural sensibilities towards punishment in the direction of Elias's 'decivilisation' (Pratt 2000, 2002, Vaughan 2000), to mention but a few (for a list see Brown 2005: 27-8).

There is merit in any and all of these, but attempts to explain the punitive turn must do more to grasp the 'success' or 'productive' nature of the prison, how it has become more deeply embedded in the social structure. This entails examining: the way it '*reproduces*' crime, criminality and criminals; the way the prison experience is '*normalised*' for certain sectors of the population, becoming an expected, destructive, tolerated, inconvenient fact of life, to be managed and confronted across communities and generations;<sup>1</sup> the way imprisonment and its meanings are *transmitted* and circulated in experiential and mediated cultural relays; and the development of a political economy in which prisons are heralded as an expanding industry, offering hope of employment and market stimulation, especially in rural communities, in contrast to earlier NIMBY opposition to new prisons.

As we watched the surge of the sea and the surf, its rolling, heaving energy and movement, a sense of fluidity and exchange seemed to express the current space of the prison in the social 'order' better than the traditional images of an impermeable and fixed wall of stone or concrete, behind which rapidly increasing numbers are corralled. In 2001 there were 8005 receptions into NSW prisons and 63% of these — over 5,000 people — were serving less than six months imprisonment (NSW Legislative Council 2001: 109). With a recidivism rate of over 40% in NSW and a previous imprisonment rate of over 60%, the enclosure of imprisonment is negotiated for most prisoners through a revolving door, or to continue our railway analogy, a turnstile. The sand ran between our toes, squeaking with each step, footprints washing

away in the next wave. I recalled a piece of criminological trivia linking criminology and surfing: Which criminologist submitted an MA thesis entitled *Surfers: A Study of the Growth of a Deviant Subculture* in 1962? Answer: John Irwin, of *The Felon* fame (1970, see also Irwin 1973).

### The Regulation of Surfing

We pause to watch the surfers at the northern end of Maroubra and Mary asks about the 'rules', if any, of board surfing. As an old board surfer, now restricted through age and fitness to body surfing, I launch into an explanation of the term 'dropping in', explaining that the aim of surfing is to ride the wave as close as possible to the point where it is breaking, and in an ideal but uncommon situation, be inside a 'barrel' or cylindrically breaking wave. So that the surfer closest to the breaking point on a wave has the right of way as he/she travels along the breaking wave; other surfers should not catch or 'drop in' down the face of the wave along which the 'inside' surfer is travelling. Subsidiary rules include paddling out around the break and not letting go of the board when going through white water or the broken wave.

'How is this enforced?' Susan asks. My response to this question is 'In a range of ways', the most immediate being verbal abuse and/or physical violence from the surfer dropped in on or mates who may be out in the surf or observing from the beach. Fights and assaults are not uncommon, and I mention the case of former Australian surfing great Nat Young being seriously assaulted at Angourie by the father of a young surfer after a dispute (Young N 2000). In an interesting development in the mode of 'governmentality', this event drew attention to the emergence of a code of practice or ethics (variably described as the 'Surfriders Code, Surfers Code of Ethics' and 'The Tribal Law of Surfing', Nazer 2004: 7) that is now widely distributed on surfing websites, magazines and surf shops, and in some places displayed on posters, notice boards and signs at beaches (see Fitzgerald and Clark 2001: 242 for an example of a poster and N Young 2000: 8 for an example of a plaque at a Margaret river surf spot).

The oft asserted rationale for surfing is ‘freedom’, as Tim Winton puts it: ‘it’s a passion and nothing gets close. You’re out on the water, not thinking about what you’re supposed to be doing, what you have to do tomorrow — you’re in the present tense. You’re untouchable and in that sense it’s quite meditative’ (Connolly 2009: 30, see also *Bombora* 2009). This sense of freedom is evident, not just in the physical activity and the mental state of ‘being in the present tense’ but in the language of surfing, which is composed of ‘short sentences, the disjointed syntax, produc[ing] a world that is a mosaic of physical sensation, of bodily freedom. The body’s (or nature’s) life of sensation breaks free from the control of culture; it momentarily disrupts and fractures the seamless world of sense (as opposed to sensation) that is the hallmark and *raison d’être* of culture’ (Fiske et al 1987: 69-70).

The idea of regulating freedom may seem contradictory to those not schooled in the history of liberalism and the idea of ‘governing through freedom’ (Foucault 1978-79, Rose 1999, Dean 1999), but as with most practices there are always and already unwritten rules or norms and in surfing not dropping in was ‘the’ foundational rule. What has changed has been codification, under titles such as ‘Give Respect to Gain Respect’ and ‘Respect the Beach, The Ocean and Others’.

My companions seem surprised when I tell them there are law journal articles (Nazer 2004) and legal forums (Fitzgerald and Clark 2001) on the regulation of surfing. In California legislation was drafted — the *California Open Waves Act* — which included a provision that ‘the surf belongs equally to everyone’, but it was not proceeded with due to lack of support and overt opposition to legislative regulation (Nazer 2004: 32). Nazer frames the whole surf regulation debate in terms of Garrett Hardin’s well known ‘tragedy of the commons’ (Hardin 1968), the idea that common resources (such as common pasture) tend to be overused by individuals, reducing what is available for the community as a whole. Although waves are not a fungible resource which can be ‘fished out’ there *are* distribution and equity issues. Rose (1986) argues that some types of property such as public pathways and navigable waterways are inherently public and that ‘tragedies of the commons have

been averted through successful informal management' (Nazer 2004: 14). Nazer suggests 'the surfer's commons' managed through informal customs, may share this inherently public quality (Nazer 2004: 15).

One of the targets of ethical or regulatory codes is the strong tendency to localism in surfing, the idea that the waves are 'owned' by locals, or to put it less frontally, that locals should have precedence, a feeling common at many surf breaks and sites throughout the world, writ large in graffiti at certain breaks, like the one at North Curl Curl, which states in large letters 'Locals only'. In a sign of the struggle over localism a similar sign at The Pass, a Byron Bay point break, was altered to read 'Love Only' (Murphy 2003: 5).

### The Bra Boys

The main Maroubra exponents of localism are the surf group or 'gang', the Bra Boys, now somewhat notorious after the release of the documentary film, *Bra Boys: Blood is Thicker than Water* (2007), narrated by Russell Crowe. The film has been successful at US underground film festivals; in Australia it produced mixed responses from film critics and audiences, exemplified on the ABC program *At the Movies*. Margaret Pomeranz praised it as an authentic underground documentary, showing the gang culture of local tribalism, loyalty, brotherhood and violence as a survival mechanism, while her co-host David Stratton argued that it was amateurish and poorly produced radical chic, glorifying thuggery.

The film was produced by Sunny, one of the Abberton brothers at the centre of the Bra Boys, brother Koby, an internationally known big wave professional surfer, being the most famous. The Abbertons' mother was a heroin addict, they grew up in the housing commission and all four brothers had different fathers. Maroubra Beach is portrayed as 'Mum and dad to so many kids' as Sunny puts it, the gang 'brotherhood' a replacement family. 'My Brother's Keeper' is the gang's motto and tattoo; Koby has it prominently etched on his upper chest. It was reputedly coined by a Bra boy in Long Bay who stumbled across a

passage from Ezekiel 25:17:

Blessed is he who, in the name of charity and good will, shepherds the weak through the Valley of darkness; for he is truly his brother's keeper, and the finder of lost children. And I will strike down upon thee with great vengeance and furious anger those who attempt to poison and destroy my brothers.

Certainly there was no shortage of 'furious anger' in 2002 at the Coogee-Randwick RSL when a police Christmas party and a 21<sup>st</sup> birthday party of a popular Bra Boys surfer, coincided. A wild brawl ended the night with 40 police, including women officers, injured, some seriously, a helicopter hovering overhead and an 'officers down alert' drawing police reinforcements as the brawl spilled out onto the street. The 'charity and goodwill' part of the Ezekiel passage was little in evidence in 2006 when the Bra Boys attacked members of a University Christian Youth Group who were having a BBQ in the park at Maroubra (Evers 2007: 2).

'This all sounds very macho', Susan remarked, 'male bonding, violence, tribalism, mateship, tattoos, brotherhood, hostility to outsiders.'

'Women seem to feature mainly as girlfriends, WAGS,' is my rather apologetic reply. 'There are a few good young girl surfers coming through who have status, but it is very much a bloke thing'. This is part of Evers's criticism, that the 'bonding process' shown in the film 'actually works to put everyone else outside belonging' most particularly women. Evers also challenges the 'one in all in' ethos of the brotherhood: 'there are better ways to do mateship. It can actually mean looking after your brother so they don't get into stupid fights in the first place, it's not about joining in regardless of whether your brother is in the right or wrong' (Evers 2007: 2). Such criticisms echo earlier feminist critiques of subcultural theory in the Birmingham Centre for Cultural Studies tradition (McRobbie 1991). In the absence of some detailed ethnographic work (a walk-on part for a budding researcher, preferably one who surfs), whether the Bra Boys are best seen as a 'gang', a club, or part of a surfing subculture, is difficult to answer, as difficult



as making complex theoretical classifications of subculture, lifestyle or 'tribe'. Throw in the figure of Koby Abberton and 'celebrity' needs to be added to the mix.

### **The Hines Killing and the Politics of Self Defence**

We have by now made our way beyond Maroubra Beach, heading south along Marine Parade, past Mahon Pool, skirting Jack Vanney Memorial Reserve. At the end of Marine Parade just as the road sweeps a bend and we need to head inland for a few streets before we can again connect up with the coastal walk, I point to the spot where a local standover man, drug dealer and rapist, Tony Hines, was thrown over the cliff by Jai Abberton after Abberton had shot him in a car in August 2003 (for a detailed journalistic account of the killing and the subsequent trial see Kamper and Miranda 2006). At the time the blood trail where Hines's body had been dragged could be seen starting on the road way, across the footpath, through the park and on to the rocks. My companions seem receptive to further details despite the rather gory subject matter so I launch into a potted summary of the case and the applicability of the doctrine of self-defence, as they are both criminologists and not criminal lawyers.

Jai Abberton admitted the shooting but claimed that it was in self-defence, or alternatively, defence of others, the other being Jai's then girlfriend, Sarah. The defence scenario was that Hines, who was sitting in the front passenger seat while Sarah drove and Jai was in the back, had made clear his intentions to rape Sarah that night and had produced a gun in the car. A struggle over the gun ensued after Jai managed to grasp it and Hines was shot four times, three in the head. Jai then panicked and with Sarah's help they dragged the body to the cliff and threw it over, Jai returning in the early morning to push the body off a rock ledge where it had become wedged, into the sea. Jai Abberton was charged with murder and Koby Abberton with being an accessory after the fact. The prosecution case was that Hines thought that Jai had slept with Hines's girlfriend when Hines was in prison and was aiming to get Jai and that Jai simply got in first, bringing the gun

with him. The Crown case was bolstered by a witness who claimed Jai had admitted to him he planned the killing.

The law of self-defence is reasonably clear: for a successful self-defence plea the defendant needs to believe that the conduct was necessary to defend him/herself or others, and that belief has to be reasonable in the circumstances as the person perceives them. If these conditions are met it is a complete defence leading to an acquittal. Self-defence is really a specific example of the broader necessity doctrine which crops up in a range of areas: abortion, escapes from the burning prison, the fire engine going through the red light to get to the fire, and so on. The defence met its limit in *Dudley and Stephens* where it was said that hunger was never an excuse for killing and eating someone; so the shipwrecked sailors who killed and ate the weak cabin boy after being adrift at sea for three weeks and having given up hope of rescue were guilty of murder (see generally Brown et al 2006: 627-660).

But while the law is reasonably clear its application is not, depending heavily on moral and political evaluations of what was the lesser evil. In a NSW case a former NSW police officer had unlawfully accessed the police computer to find the address of a man on bail charged with sexual assault of two of the police officer's nieces. He then barged into the suspect's house and emptied six shots into him from his police service revolver before calling the police and saying 'now the girls are safe'. A jury acquitted him of homicide and he was hailed as a hero in certain victim and sexual assault support circles after he spoke at a rally outside NSW Parliament House.

The jury plays a big role and it is likely that its deliberations are influenced in part by popular cultural scripts such as *Dirty Harry* where vigilante actions are open to an approving gaze, compared with the indifference and tardiness of the formal criminal justice system. The vigilante has been feminised in popular culture, Sally Field (*An Eye for an Eye*) joining the usual suspects Eastwood and Schwarzenegger. The worse the character and actions of the deceased were, or can be portrayed to be, the better the prospects that the jury will accept that the killing was in self-defence or defence of others. Character denigration

of a dead accused is a common feature of self-defence pleas, as it is with provocation defences, and certain cultural scripts or repertoires — for example, a violent response to an alleged homosexual advance (HAD) — are in common, albeit contested, circulation (Golder 2004). In Jai's case the jury took only one and a half hours to acquit him, some of them hugging him on the steps of the courthouse. Koby later pleaded guilty to making false statements to police and received a nine month suspended sentence.

### **The Shark Arm, the Virgin Mary and the Bali Bombing Memorial**

As we passed above Wylies Baths I pointed to the replanting being undertaken by the local Council to replace the dying banksias trees, poisoned by a nearby property owner wanting to maximise his water views. The Council had responded by putting up a large banner blocking the view opened up by the withered leaves, the banner warning of the penalties for tree poisoning. Evidently, crime was all around us, criminalisation extending to certain assaults on the environment, subject matter for an emerging 'green' or 'environmental' criminology (South and Beirne 2006, Beirne and South 2007, White 2008). Further on at several Coogee Beach sites we read signs listing various prohibitions: including 'no dogs', 'no diving', 'no spearfishing', and injunctions to 'beware shallow water', 'slippery areas', 'submerged rocks', 'heavy crashing waves', and 'hazardous marine creatures'. The signs prompted a discussion of sociological and criminological literature on the 'risk society', from Beck (1992) through to O'Malley (2004).

As we passed the northern end of Coogee Beach the visitors were taken with the round turret of what is now The Palace Hotel. I offered a quick history, dwelling on its time as an aquarium, and the infamous 'shark arm' case on Anzac Day in 1935 when a 3.5 metre tiger shark, looking a bit green around the gills, suddenly coughed up the tattooed arm of a Sydney boxer, petty crim and police figzigg, Jim Smith, to the horror of onlookers and the delight of the tabloids. The

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arm turned out to have been cut off with a knife rather than bitten off by the shark, leading to a homicide inquiry, the charging of one Patrick Brady, the killing of a prosecution witness and the acquittal of the accused (Castles 1995).

To the right of The Palace Hotel we stopped at the new memorial to the Bali dead and the nearby fence post that for three weeks of religious frenzy and surging crowds of mainly black clad women pilgrims from the western suburbs clutching tracts, became the Virgin Mary. I spoke about standing outside the laundromat on Beach Street and seeing that there *was* a strange haze around a particular post, a tinge of blue and white, a halo maybe, probably a trick of the light, but you never knew. Like the Taliban's work on the Bamiyan Buddhist cliff statues in 2001, some vandals felt it necessary to smash the particular post. It was then replaced by the Council and is now quiet, marked only by stray posies, offerings of the devout.

Susan and Mary lingered at the Bali bombing memorial, reading through the list of names of twenty of the dead who were from the Coogee, Maroubra and Malabar area, six of whom were in Bali on an end of season trip by the Coogee Dolphins rugby league team. They were quiet, seemed moved, and did not ask any questions, the circumstances of the bombing and its aftermath well known to them. I wondered about a segue into the case of the Bali 9 and the issue of the death penalty and the role of the AFP, but it felt out of keeping with the solemnity of the moment so it passed in silence.

## 'Zones' of the Beach

The path from Coogee around Gordons Bay to Clovelly was marked mainly by discussion about the beauty of the surroundings, the lovely weather, the various shades of blue in the sea and questions about the birdlife and vegetation, only some of which I could answer. We wound our way through the bottom of Waverly cemetery where I pointed out the graves of Henry Lawson, Jules Archibald, Dorothea Mackellar and George Freeman, down to Bronte; past the cafe strip, bogey hole and

the park full of families having picnics and BBQ's. Bronte is probably the most multicultural of the eastern suburbs beaches, as the park offers shade and respite from the heat of the beach itself, and space for all manner of furniture, games, cooking devices, rugs, tents, food and dogs.

As we look down on Tamarama Beach, Susan remarks on the apparently different demographic composition of the various beaches we have passed, noting even from on high, the tanned and sculptured bodies evident on Tamarama and comparing this with the mixed family scenes and cooking smells at Bronte, the younger backpacker crowd turning pink at Coogee and the serious surfers ripping the waves at Maroubra. Even within individual beaches there are what Fiske Hodge and Turner call 'zones', spread out on an axis from Nature at one pole, to Culture at the other. Starting at the Nature end we have the zone of Deep Water, followed by the zone of Shallow Water and then the zone of Beach. Moving toward Culture we have the Esplanade, the zone of Lawn and finally the zone of City (Fiske et al 1987: 60). In this structuralist take 'the beach provides a physical bridge between the city (culture) and the sea (nature)' (Fiske et al 1987: 59). The beach is a 'text' which can be 'read', 'an 'anomalous' category, in the middle of the basic oppositions of the culture from which we construct our meanings — such as 'them' and 'us', 'good' and 'bad', 'the land and the sea' (Fiske et al 1987: 59).

They argue it is this 'flexibility of the beach, its wide potential for meaning that allows different sections of society to find in it different ways of articulating, different ways of relating to, this deep biblical opposition between land and sea, or the basic anthropological one between culture and nature' (Fiske et al 1987: 72). As with many structuralist accounts this seemed a satisfying and tidy response to Susan's observation on the different beaches, but I heard the echo of Foucault's injunction in favour of a strategic logic which 'is the logic of connections between the heterogeneous and not the logic of homogenization of the contradictory' (1978-79: 42). Hartley and Green argue that for cultural studies the beach 'has proved to be a machine for thinking about identity, the body, desire and nation' (2006: 349).

## Vertigo

On the cliffs between Bronte and Tamarama we venture off the path and peer over the cliff edge into the water, although I don't go too close to the edge as I suffer from vertigo. Vertigo has taken on broader metaphorical connotations of late, thanks to Jock Young's *The Vertigo of Late Modernity* (2007) where vertigo is seen as stemming from insecurities and resentments. Young argues that:

Vertigo is the malaise of late modernity: a sense of insecurity of insubstantiality, and of uncertainty, a whiff of chaos and a fear of falling. The signs of giddiness, of unsteadiness, are everywhere, some serious, many minor; yet once acknowledged, a series of separate seemingly disparate facts begin to fall into place. The obsession with rules, an insistence on clear uncompromising lines of demarcation between correct and incorrect behavior, a narrowing of borders, the decreased tolerance of deviance, a disproportionate response to rule-breaking, an easy resort to punitiveness and a point at which simple punishment begins to verge on the vindictive (2007:12).

In this rich cultural critique of 'turbo-charged capitalism' and the 'disembeddedness' of everyday life, Jock Young has extended an examination of cultural processes of inclusion/exclusion started in his earlier *The Exclusive Society* (1999), marking a path away from 'left realism' and its 'taking crime seriously' attempt to correct the perceived abstentionism and romanticism of 'left idealism' (another binary). The metaphors alone — society as *bulimic* in that it simultaneously culturally absorbs the poor yet structurally excludes them (absorption and rejection) (Young 2003a), and *vertigo* — the insecurity and sense of falling, leading to resentment, vindictiveness and 'othering', indicate the bold sweep and wildness of the analysis. Mary has read the book twice, carefully, and is intrigued and impressed by the way Young constantly moves between setting up and then denying sets of binary oppositions, in the process illustrating the blurring of boundaries, the fluidity of late modernity, or to use the metaphor of Bauman, who Young cites often, 'liquid modernity' (Bauman 2000).

Like her I am excited and energised by the book, its rapid-fire

shifts; the insertion of short vignettes of daily life 'Elsewhere'; the rich summaries of ethnography in the 'criminology of 'transgression'; the powerful chapter on 'terrorism and anti-terrorism terrorism'. Once our discussion has started I feel a bit embarrassed about my crass introduction of the topic of vertigo as we peered over the cliff: a weak joke that my sense of vertigo was actually of the Hitchcockian fear of heights sort, plus the effects of a recent ear infection. In short a failure to identify personally with many of the symptoms of vertigo, especially the resentment and vindictiveness. But later, reading a 'Review Symposium on Vertigo' (2008) in *Theoretical Criminology*, I was struck by the contribution by Evi Girling which clarified the unease I had been feeling about the generalisability of the feeling of vertigo, its rather taken for granted or self evident nature. Girling argues that there is an 'uneven "methodological attentiveness"' between the rich ethnographies from below in the 'criminology of transgression' and the lack of voices of the 'middling class' who suffer an 'attributed visceral experience of vertigo', insufficiently substantiated sociologically (Girling 2008: 540-3). We moved on, to a section of coastline where the 'casting out' of the excluded and the 'fear of falling' moved from the metaphoric to the homicidally literal.

### The Marks Park 'Badlands'

Perhaps you know of a place close to your home, some 'wrong' suburb alongside a rail line, a no-go house or park around the corner where something dreadful is said to have concussed the spirit of the environment. Such places are badlands. For a badland can exist inside your own consciousness, in the past perhaps, or in caches of denial shoved to the back of the mind (Gibson 2002: 179).

Past Tamarama the cliff walk is spectacular, especially the views north over Bondi at the edge of Marks Park, a key venue in the annual *Sculpture By The Sea* exhibition which attracts many thousands of visitors. I didn't want to spoil Susan and Mary's enjoyment of the landscape but felt obliged to briefly rehearse the shocking story of police inaction and incompetence over the Marks Park killings and

attacks in 1989-90 when three men were killed in a six month period and a fourth disappeared, three young men being convicted in relation to one of these deaths. A further five gay men were killed in the inner city in those two years (see generally Tomsen 1997, 2002, Mason and Tomsen 1997). The coroner's conclusion at a 2005 inquest into three of the Bondi deaths was that the first investigation was 'grossly inadequate and shameful. Indeed to characterise it as an "investigation" is to give it a label it does not deserve' (Milledge 2005: 6). The 'investigation' into the first death, that of Ross Bradley Warren, was effectively closed within a week after the senior police officer in charge determined it was 'death by misadventure'. No brief of evidence was ever submitted to the coroner and no photographs were taken of the scene. In relation to the second killing, that of John Alan Russell, crime scene photographs *were* taken of Mr Russell's body on rocks below Marks Park, a number of which show a clump of hair in his hand. These hairs, very probably from one of his attackers, were bagged but were never subject to forensic testing and were subsequently lost.

The coroner found that two of the three deaths were homicides; the third, the disappearance of Giles Jacques Mattaini was acknowledged as a death but the cause and manner could not be determined. The inquest only came about after the persistent letter writing of Mrs Russell, whose son had disappeared, prompted a conscientious police officer, Detective Stephen Page, to start cold case reinvestigations. This painstaking process over three years (Operation Taradale) unearthed a pattern of systematic gay hate attacks and homophobic killings at the time by a group of suspects, some of whom were heard boasting about the killings on police phone taps: 'I threw a fag off the cliff at Bondi ... I've jumped on blokes heads you wouldn't believe it; we were always going out bashing fags' (Milledge 2005: 13). But with the elapse of time, the incompetent original investigation, the loss of evidence and the suspects' denials and refusal to cooperate, there was insufficient evidence to charge them. Page, no longer a police officer, was quoted outside the inquest as saying: 'I think if we'd managed it a lot better back then, we wouldn't have been giving evidence before a coroner' (Callaghan 2007: 240).



Journalist Greg Callaghan has produced a detailed account of the killings, the initial 'inquiries' and the later inquiry, under the title *Bondi Badlands* (2007). Callaghan attributes the term to 'locals', noting that 'the area became so notorious for screams ringing in the night and the snaking pathway so frequently bloodstained' (Callaghan 2007: 5). After outlining the events in the journalistic style above to my companions, I mentioned a theorised account of the notion of badlands, found in Ross Gibson's *Seven Versions of an Australian Badland* (2002) examining the Capricornia coast north of Rockhampton in Queensland.

According to Gibson 'a badland can be understood as a natural space deployed in a cultural form to persuade citizens that unruliness can be simultaneously acknowledged and ignored' (Gibson 2002: 15). Thus the Capricornia scrub is 'a place where evil can be banished so that goodness can be credited, by contrast, in the regions all around' (Gibson 2002: 17). Starting with a random killing spree in the area in 1975 Gibson moves to 'many more murder-scenes from the bloody past of Australia's colonial frontier' (Gibson 2002: 50) including murders and massacres carried out by the Native Police and their officers; the land grabs of settlers; the James Morrill case of the shipwrecked Englishman who had lived with Aborigines for seventeen years;<sup>2</sup> the blackbirding of Melanesian labourers to work in the canefields, resulting in 'grievous' death tolls from diseases, industrial accidents, 'unpredictable vengeance killings' (Gibson 2002: 138) and sorcery; the White Australia policy and the deportation of Melanesian labourers after Federation, 'part of an explicit, national refusal to know the legacies of recent history' (Gibson 2002: 167).

From these multiple histories of death, exploitation, expropriation and expulsion Gibson constructs the contours of myth, which he defines as:

a popular story that highlights contradictions which a community feels compelled to resolve narratively rather than rationally, so that citizens can get on with living. Myths help us live with contradictions, whereas histories help us analyse persistent contradictions so that we might avoid being lulled and ruled by the myths that we use to console

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and enable ourselves. Which is why we desire our myths and need our histories (Gibson 2002: 171).

The central Queensland 'badlands' myth functions to cordon off the landscape and the 'unruliness' of a history of frontier violence and non-white 'otherness' into a 'no-go area for White Australia' (Gibson 2002: 169), in the process insulating other areas from the haunting and ghosts of that violence and hindering the mourning that is necessary to combat the denials and amnesia in order that 'guilt and threats might be lived out' (Gibson 2002: 159).

Judith Butler argues:

Some lives are grievable, and others are not; the differential allocation of grievability that decides what kind of subject is and must be grieved, and which kind of subject must not, operates to produce and maintain certain exclusionary conceptions of who is normatively human: what counts as a livable and grievable death? (Butler 2004: xiv-xv).

Thus 'certain forms of grief become nationally recognized and amplified, whereas other losses become unthinkable and ungrivable' (Butler 2004: xiv-xv). A clear example has been presented on our walk. Within six months of the Bali bombing on 12 October 2002 a plaque and memorial sculpture were erected in Coogee, dedicated to 'those local residents who lost their lives', twenty of the dead being from the eastern suburbs including six members of the Coogee Dolphins rugby league team. The dedication at the sculpture reads: 'The linked figures in this sculpture signify family, friends and community. Bowed in sorrow and remembrance, they comfort, support and protect each other'. Not a lot of 'comfort, support and protection' was in evidence at Marks Park when one victim who managed to escape with his life was being viciously assaulted. 'I remember seeing girls. Watching and laughing and still to this day it runs through my mind that they could sit there and do that' (Milledge 2005: 13). In the words of the Coroner:

As he was being dragged, one of his assailants said *'I'm going to throw you over the side'*. At the time that was said the victim had been dragged to the top of the cliff face. ... When he was running for his life and screaming for help a voice from a nearby unit yelled back at him 'I'm

not helping no poofta' (Milledge 2005: 13).

Drawing on Butler, Kristen Davis tries to explain 'the lack of public mourning' over the Marks Park disappearances and killings arguing that the victims were 'symbolically cast out into a zone of uninhabitability with their deaths largely unrecognised and unpunished' (2007: 2). She suggests the particular site, as a gay beat, is central to 'translating their lives as unimportant and their hold on their communities as members entitled to safety and concern as negligible' (Davis 2007: 4). In the light of what she sees as a 'deeply problematic' mainstream media reading of 'Bondi as a cultural icon haunted by an unacknowledged queer and violent background' (Davis 2007: 4), the site of the murders becomes crucial in explaining the lack of public mourning. 'As a beat, and a *Bondi* beat at that, the very crime scene worked against the murders and suspected murders of these men being taken seriously by police or journalists' (Davis 2007: 4). The coroner at the 2005 inquests did try to provide some space for a public mourning, stating clearly that 'it is important that we do the best by these men, for they were loved and they were decent men' (in Callaghan 2007: 239). We were all quiet as we wound our way down to Bondi Beach.

As we waited for the bus at Bondi we discussed mourning and remembrance as keys to destabilising the binaries that 'badlands' evoke and fulfill, hoping that knowledge and recognition might overcome the fear which saturates places of dread. On remembrance Mary said: 'You have told us lots of stories about recent events and you have mentioned massacres and dispossession of the Aboriginal people but you haven't told us any stories of this in relation to the land we have passed through.' It was true, I hadn't, and I felt ashamed that this was so. I did know a lot about Aboriginal over-representation in the prison system and something of the history of colonial dispossession, focused especially around Sydney Cove; the stories of Governor Phillip in *Dancing with Strangers* (Clendinnen 2003); the Hawkesbury 'skirmishes'; the well known massacres elsewhere; but little specifically located in the spaces we had traversed. All I could do was own up to this ignorance, promise to try to remedy it if we ever repeated this walk and wonder why it was

that local stories of the Aboriginal presence and dispossession were less readily available, suggesting that it wasn't merely a personal failing but said something about forgetting and the conditions under which certain histories are erased, or at least do not make it into popular local discourse. I recalled Meaghan Morris's reading of Mudrooroo Narogin Nyoongah's 'Beached Party' which Meaghan calls an 'elegy', written for Australia Day 1991 (Morris 1992: 106). Morris reads it as explaining why:

the beach may be one of the deepest-laid 'realities of life' in Australia, one in terms of which the danger of dissociating the pleasures of popular culture from the political conflicts of history — as well as the desire to do so — is lived in the everyday (Morris 1992: 106).

## **Conclusion**

Is there a conclusion to this sort of mundane and fragmented leisure/tourist walk? To clothe our wanderings in the raiment of flâneurs, would be pretentious. We were indeed strollers but we were not exploring the urban environment, rather the fissure between land and sea, between suburb and beach, between sky and horizon, between history and myth. We had a mission, to walk from Maroubra to Bondi, not to float and meander or create beauty from the marginal and mean streets of the city. Nor could we claim to be de Certeau's 'walkers', forming a 'chorus of idle footsteps' for we were not 'composing a path' (1988: 97), it was in truth laid out before us, from a beginning at an unseen but ever present Long Bay gaol, to an ending at South Bondi, just past the 'badlands' of Marks Park, echoing with the ghostly cries of those cast out and over, both recent and past. Yet to take this inscribed path as totally fixed is to miss, as de Certeau notes:

the act itself of passing by. The operation of walking, wandering, ... that is, the activity of passers-by, is transformed into points that draw a totalizing and reversible line on the map. ... The trace left behind is substituted for the practice. It exhibits the (voracious) property that the geographical system has of being able to transform action into

legibility, but in doing so it causes a way of being in the world to be forgotten (1988: 97).

I do not know if my companions would feel that our stroll had caused 'a way of being in the world to be forgotten'. Like me, I suspect that they would remember the day, not for the 'line on the map' ('we walked from here to there'), 'the trace left behind' substituted for the practice, but for the colour of the sea, the surge of the surf, the:

things *extra* and *other* (details and excesses coming in from elsewhere) [which] insert themselves into the accepted framework, the imposed order. One thus has the very relationship between spatial practices and the constructed order. The surface of this order is everywhere punched and torn open by ellipses, drifts, and leaks of meaning: it is a sieve order (de Certeau 1988: 107).

The 'leaks of meaning', the holes and tears creating a 'sieve order', if there be such, may have their source in our dialogue and musings, in my fumbled attempts at a 'guided tour' for overseas criminological colleagues, in a way of seeing the splendour of a coastal landscape, not as steeped in the bloody deeds of crime and crime scenes — as if these events are social externalities 'imposed' *upon* 'nature' — but rather as a setting in which practices of engagement with local history and myth might constitute a 'way of being in the world'.

But recourse to the sometimes opaque poetics of de Certeau might be read as an inappropriate, indeed opportunist, attempt to provide some sort of homogenising thread or paper trail to the walk. Safer perhaps, recourse to more familiar, well trod ground: that of critical criminology.<sup>3</sup> As Pat Carlen points out, 'one of the many difficulties of defining critical social science is that the term 'critical' is usually thought to involve a deconstructive turn, which, when reflexively turned upon itself, soon manages to disappear in its own reflection' (2009: 277). A danger for critical criminology highlighted by Carlen can be 'a rather positivistic 'othering' of 'non-critical' criminologies, which ironically, in its tendency towards discursive closure, is antagonistic to the critical project' (2009: 278, see also Brown 2002).

Within critical criminology the term 'criminologies of everyday life'

has a rather different inflection to walking as a 'space of enunciation' (de Certeau 1988: 98) or the simple mundanity of strolling, being coined by David Garland in *The Culture of Control* (and see Young 2003b) to characterise:

a set of cognate theoretical frameworks that includes routine activity theory, crime as opportunity, lifestyle analysis, situational crime prevention, and some version of rational choice theory. ... [T]hey each begin from the premise that crime is a normal, commonplace aspect of modern society. ... Crime comes to be viewed as a routine risk to be calculated or an accident to be avoided, rather than a moral aberration that needs to be specially explained (Garland 2001c: 127-8).

On our walk the closest we have come to these 'criminologies of everyday life' was in a brief perusal of signs announcing various prohibitions. By contrast the crime sites we have passed have been witness to violent, expressive crimes (Katz 1988) of Garland's 'criminology of the other' (Garland 2001c: 137) type. Which takes us back to the wider project of critical criminology and its attempts to explain crime and increased punitiveness in the conditions of life in 'late modernity', by way of the host of exciting 'culture of control', 'vertigo' type sociological theories, noted earlier. I cannot speak for my companions but my own disposition is to be dazzled and excited by these brilliant accounts, but somewhat wary of their globalising and in some cases 'dystopian' (Zedner 2002) tendencies. A lower level of abstraction, which in the 'oils ain't oils' tradition uses comparative criminology in the manner of Cavadino and Dignan (2006) and Lacey (2008) to examine the differences within capitalist states, attempting to delineate features of their political, moral and social economies which produce, for example, widely differing levels of inequality, punitiveness and high and low imprisonment rates, may provide surer ground from which to defend and recuperate social democracy (Brown 2009) and elaborate spaces and practices of contestation, than the globalised epochal convergences of life in 'late modernity', however fluid or 'blurred'.

My disposition then is to the 'volatile and contradictory' (O'Malley

1999, 2000, Brown 2005) reading within criminology, and of the crime sites, stories and 'landscape' we have traversed, indeed the lives we live. For on our journey from 'The Bay' to Bondi, from a prison and its lines of penal force to a 'badlands', we 'passed by' crime scenes, sites of great violence and of wondrous beauty; saw surfers carving white scars on blue concave walls, bearers of localism and regulation, a 'brotherhood' of sorts; heard bloody stories of killing and the struggle around its characterisation as culpable or justified; deciphered signs, shark arms, visions of the Virgin Mary and monuments to certain dead; viewed the 'zones' of the beach; pondered the metaphor of vertigo as an expression of life in late modernity; sensed the ghosts of 'ungrievable' dead inhabiting 'badlands' where homophobic 'blood sport' was practiced; traversed 'landscapes' so overloaded with signification as to become mythical; evoked traces of memory and of forgetting. These things and more, had we seen, heard, thought, felt and spoken; lived, in the bright light of a Sydney day.

### Notes

- 1 For example, whether, as Blagg argues (2008), prison has become an Aboriginal 'domain' in which Aboriginal culture is sustained.
- 2 This case is the subject of David Malouf's novel *Remembering Babylon* (1993).
- 3 For two Australian collections see Carrington and Hogg (2002), and Anthony and Cunneen (2008).

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