Is Man Good or Bad, and Should He Be Punished? The Ontologies of Political Subject in Literature Which Concern Penal Policy and Punishment[1]

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Introduction: Ontology and Fiction as Heuristic Research Tools for Political Science

Are men good or bad?[3] One must not be fooled by the simplistic form and naïve sound of the question. It is dearly relevant for policy making, especially in the area of criminal justice and penal policy. What are the motives behind actions; what are the moving forces behind behavior; what are the social and political factors leading to crime and violence; what are the prospects of reform and rehabilitation of the subject; what is the rationale behind punishments? All these important questions (and many others) are hidden behind the initial, seemingly banal and anachronistic binary. Political discourses in fiction offer some answers. They produce a broad range of interesting images of criminal man, portraying his character from being entirely socially constructed to being naturally evil, no matter the society. These discourses can inform the discussion on penal policy making by providing rich and conflicting images of subject, society and crime.

The accounts they offer do not supplant science but they give convincing and policy relevant images of man, crime and punishment. Some 25 years ago in a journal article, Nils Christie, a Norwegian criminologist, stated that the policy relevant image of man comes

[1] The material used for this paper has several prior versions. The initial version is the part of my doctoral Dissertation *State and Crime: Interpretive Analysis of Penal Policy in Croatia*, written in Croatian and defended in 2011 at the Faculty of Political Sciences in Zagreb. The broad comparative sweeps in different domains of political discourse that provided the widest interpretive context in my doctoral work also included the short exploration of fictional discourses on evildoing and punishment. Secondly, I used that part of my research for the short presentation in English with long, à la "picaresque" novel title *"The Sovereignty of Evil" and Ontology of Political Subject: Some Examples of the Good, the Bad and the Ugly in Literature and Film, Relevant for Preventive Political Morality*, held in Rijeka on 20th October 2011 at the symposium *Civic Virtue and the Sovereignty of Evil: Political Ethics in Uncertain Times*. That symposium, bearing the exact name of Derek Edyvane's (a political theorist from University of Leeds) book manuscript we discussed, enabled me to employ the now broadened and more polished research material on crime and punishment in order to probe into the foundations of Edyvane's conception of preventive political morality (the presentation and the lively discussion are both available at: http://avc.uniri.hr/hr/node/89). Thirdly, the comments on my presentation helped me to improve the written version (also in English) which is, in the time of writing of this technical note, accepted for publication in the vol. 9 of *The Annals of the Croatian Political Science Association*. Although this paper contains material from prior versions, including the exact textual passages from the last English version to appear in The Annals, the material is once again revised, reworked and reformulated; somewhere it is shortened and somewhere expanded. The conclusion is entirely new.

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[3] Men *and women*, of course; for the matter of this paper and its language policy, I see the morphological differences between genders as a purely stylistic issue. In other words, I could have well written the paper in the female gender, but being a male, I simply chose particular mode of expression that felt more natural, at least for me. All who, for different reasons, feel differently have the author's full permission to add the necessary prefixes, i.e. to imagine, in the process of reading, that all the king's men in the text have a prior *wo* and that all the hes have a prior *s*. (However, politically correct linguistics does in no way mean that there are no differences in the area of crime and penal policy when gender differences in reality are at stake.)

from different discursive sources. He wrote that "our criminal policies influence our images of man: how he is, how he ought to be", also adding, however, that "our images of man—brought to us from other sources—do also set standards for criminal policies" (Christie, 1986: 105). This paper starts from the assumption that interesting images in Christie's sense can be found in fiction and its role is to explore them. In order to do that, I will first explain what is meant by ontology and how I understand fiction. The idea behind this conceptual *ensemble* is that perhaps unexpected or paradoxical combination of ontology and fiction—these are sometimes associated with the opposite metaphors of "depth" and "surface"—can be useful in political science of penal policy. In the introduction, I will also illustrate the method of analysis by the way of some examples, and explain the narrow focus on violent crime, which I use to make more general points. In the main part of text I will provide the interpretive examples of different discourses in literature (and, also, some from film, since I don't want to constrain the concept of fiction only on one artistic genre) and interpret their pictures of man, i.e. their ontologies of political subject, possibly relevant for penal policy and politics. The reader will notice that I use the traditional ideological categories of Left and Right to classify the analyzed examples: I am aware that they do not do full justice to the nuances in the interpreted material[4], but they certainly come in handy and are practically hard to avoid in analysis and grouping of the analyzed discourses; their meaning is explained further in the introduction. Besides the usual summing up, the conclusion will further reflect on the politics in and of these texts and finally justify the usage of the concept of political subject, which becomes useful when one combines political science and penal policy. It will also offer a due elucidation concerning the relationship between the key concepts, hinted in the following reasonable excerpt from the barrage of possible questions: Is fiction political or is it even "only politics"? Is ontology fictional, or only fiction? Is ontology political, or only politics? And, to exhaust some more logical possibilities by turning the tables: Is politics ontological or, perhaps—fictional? But let us first clarify the meaning of the one of these terms that is probably least mundane.

The term ontology is not used with mystifying pretensions of grasping the fundamental depth of being. This essay is not a phenomenological exercise in fundamental analytics of being in the world (Heidegger, 1985: 9, 14). Nor does it owe any debts, in terms of precise hermeneutics, to the recognized traditions and authors of the ontological enquiries from the history of philosophy. I use the term as it is commonly used in meta-theoretical language of today's mainstream political science (e.g. Marsh and Furlong, 2002). It denotes entities or, to put it more metaphorically, "building blocks" a political theory presupposes. For example, for rational choice theory in economics and political science these blocks are utility maximizing individuals, and for more or less orthodox variant of

[4] In his short story *Fog* from the late forties, Boris Vian parodies the stereotypic discourses of Left and Right on violent crime:

> "This established, if we consider that from his youth my client only knew robbers and assassins, that all his life he had before him an example of debauchery and decadence, that he gave himself to this life-style and adopted it as normal to the extent that he became a debauchee, robber and assassin himself, what can we conclude?" The jury was confounded by such eloquence, and an old bearded man on the extreme right with wise diligence watched for an involuntary splutter from the floor. But once more the teacher was obliged to answer: "Nothing," and blushed. (…) "We will conclude that submersed in an honorable milieu, my client only would have contracted honorable traits. (…)" (…) "But," concluded the lawyer, "what I told you just now wasn't true. My client is of a reputable family, has received an excellent education, and killed the victim voluntarily and in full conscience so that he could steal his cigarettes." "You are right!" the jury shouted unanimously. After deliberation, the murderer was condemned to death (Vian, 1992: 81-82).

Marxism, these are economic classes. These entities are bound by certain elementary logic; they are put within the web of certain causes and consequences; they have certain typical and expected motives and interests (if a theory chooses to endow them with sentience and consciousness). In other words, ontology means not philosophically grasped fundamental essence of being, but grasping of a clear theoretical conception that explicates the elementary functioning of the analyzed phenomenon.

The alternative way to look at it—possibly controversial, but more familiar for those versed in the history of political theory—is to evoke Carl Schmitt's treatise *The Concept of the Political*. In the seventh chapter of that work, Schmitt stated that every political theory presupposes certain anthropology, or as we could put it, certain ontology of political subject. The controversy here is not in Schmitt's Nazi allegiances, but in his insistence on the statement that all "genuine political theories" see man as evil, in the sense that he is dangerous and unpredictable (Schmitt, 1996: 58-68).[5] A fundamental picture of the subject that fuels political theory—its fundamental anthropological "belief"—is important because it can serve to draw an essential distinction between various political theories and ideologies. In that sense, for example, distinction between Left and Right can be seen as a distinction between proposing anarchism and believing in authority: while Left *ultima linea* believes that political authority interfering in the social sphere, as a potential sphere of freedom of the individuals[6], induces all kinds of evil, Right, on the other hand, espouses a strong belief that man is more or less naturally evil, i.e. dangerous and inclined to violence, and thus has to be subject to political authority. Depending on the conception of human subject, presence of authority and its penal policy, or precisely the opposite—its absence—produces crime and other social evils. Either way, the ontology of subject shapes the fundamental logic of a political theory and sets the stage for its penal implications in the normative sense.

The ontology is thus a term marking our attempt to acquire the precise understanding of fictional discourses that say something about man being good or bad, peaceful or violent, in a way that is intelligible within the context of the discussion on crime and penal policy. It is, however, important to understand that our attempt is not constrained only on the "anthropological" question on subjects (it does not necessarily posit, in advance, that individual subjects are at all important for good and evil, peace and violence: it could be "society", not "anthropology"). The scope of ontology is a bit wider in a way: when searching for the theoretical core of a discourse, the important ontological task is to find out what are the causes and consequences of evil, violence and crime; what kind of subjects, institutions

[5] Leo Strauss elaborated on this theme in the review of Schmitt's treatise in *Archiv für Sozialwissenschaft…* (Strauss, 2001a) and in subsequent short letter he sent to Schmitt (Strauss, 2001b: 84).

[6] The Latin qualification is inserted to suggests that this (Schmittian-Straussian) distinction between Left and Right perhaps applies only if one has in mind the final temporal stage of societal development, or logically postulates perfect communist society, where ideal social conditions enable true freedom, and where human subjects, not being evil as such, act peacefully towards one another, without coercion of the state which has withered away. In the historical meantime, the Rousseauist coercing of the subject to be free and revolutionary collective action in the Marxist tradition (or simply, and more mundanely: socialism administered by the state) are more naturally labeled as "leftist", while the above formulations on freedom are more easily associated with Ayn Rand's or Nozick's liberalism or anarchocapitalism, which are usually understood as something on the "Right". Anyway, although I find them useful, the precise application of established historical labels is not of the essence for our understanding of ontology and its application in the following analysis.

or, more generally, entities are involved; what kind of actions, motives, causal or moral mechanisms of evildoing are we dealing with? Generally, the question is how and why evil—more often than good, which is not so much seen as a problem, but as a desired state—comes about and what to do about it? If we were to sum up the idea of our effort into an aphorism, we should say: first ontology, and only then—political theory. I will now give two examples of the method of analysis that searches for ontology in fiction: the first, a simple one, comes from Terry Eagleton's recent book on evil (Eagleton, 2011), where Eagleton analyzes fiction, most notably the works of William Golding, and comes to conclusion on the roots of evil doing. His work serves both as an attempt to legitimize moral categories introduced in the initial question and as an example of an ontological answer relevant for political theory and the discussion on crime and penal policy. The second example is a short analysis of a film that provides a clearer picture of our method of analysis, also hinting that fictional ontologies can be more complex and nuanced.

According to Eagleton, evil is an important concept, not at all something to be discarded. We have to know what it is and how it comes about. Eagleton speaks of "authentic materialism" aware of limitations of moral actions. Since moral actions depend on "material" i.e. socioeconomic context, the roots of evil can be traced in social context. Unlike the proverbial British people evoked by Eagleton, the average man does not display virtue under pressure: human beings are mixed, "morally hybrid" creatures. Accordingly, the biggest evil does not come from evil individuals, but from institutions, vested interests and "anonymous processes" (cf. Eagleton, 2011: 156, 160). Like small children, those who are materially deprived and uneducated cannot be evil. The society is to blame for their evil deeds, so societal change is indicated to combat evil, not at all harsh punishing of the individuals.

However, it can become more complicated than what this more or less traditional position on the Left suggests, unambiguously tracing the causes of evil in unjust society and giving limited autonomy to moral actions of the individuals. Good illustration of this can be found in Fritz Lang's classic thriller film *M* from 1931 that tackles the problem of evil. The film tells a tale of the compulsive serial killer of young girls, perhaps a pedophile, finally caught in orchestrated action of "normal" criminals (smugglers, thieves, pimps, etc.), irritated by police pressure and the bad name that vicious killer gave to all the "decent criminals". He is judged in front of crime syndicate in a lynching atmosphere and saved by the police in the last moment. In a convincing monologue, the murderer Hans Beckert, played by Peter Lorre, claims he cannot constrain himself, no matter how hard he tries. The criminals, knowing that Beckert will ultimately be released from some prison hospital and that he will probably kill again, think that only solution is to kill him on the spot. However, his "lawyer", provided by the criminals in order to imitate fair trial and the due process of law, accuses them for hypocrisy (criminal boss presiding the trial is himself wanted for three murders), and claims that the fact Beckert cannot help himself is the precise reason why he must *not* be killed. In other words, he is not responsible for his deeds, so he should not be punished. The final scene stops before the sentence on regular trial by the state is pronounced. Instead of judge's sentence, the message is sent directly to the viewers, stating that all of us should take better care of our children.

In Lang's film we can see all the intricacies of political interpretation. They open in front of us on both dimensions, of social diagnostics and policy prescriptions. On the one side—let us, then, follow Schmitt and label this position "Left"—we could speak of hypocritical society seeking scapegoats for its own fallacies. Killer is but one of lost and alienated children, perhaps a neglected patient waiting to be cured. On the other side—we can call it "Right"—the killer is naturally evil. He cannot help it but to kill young girls: it is in his nature. Furthermore, whether he is morally guilty or not, seems to be beside the point. Retribution to victims' families and protection of society demand punishment, and it looks like the cheapest solution in utilitarian terms is to take depraved killer's life: treatment is costly, dubious in terms of success, and with high chance of recidivism.

We do not need to resolve the paradoxes of *M* here. For now, the Lang example serves us to suggest that truth in these matters is—if it is at all unambiguously lying somewhere "out there"—hard to find and that evil and policies to counter it are a slippery terrain for political theory. But this opens second set of methodological questions, demanding few more introductory warrants and disclaimers. To put it simply, why research fiction at all, and not the "truth"? The initial remark that fiction speculates on ontology of violence and evildoing in many interesting and non-trivial ways stands on good grounds that connect fiction not just with truth, but with creativity that might, at least sometimes, transcend it. I think it is out of question that good fiction usually builds on strong personal experience, perceptive talent, thorough research and preparatory work done by the author. It can thus present some unquestionably real problems of society and politics, including the problems of evil deeds, relevant for political theory, and it can often do it better than some dry scientific compendium or methodologically correct but shallow or irrelevant research. And it is not only alternative road to truth, one that is simply esthetically easier to digest than dry science. One must not forget the "magic" expressive element of fiction, one that is hard to explain rationally. Doris Lessing, the 2007 Nobel laureate in literature, writing the first tome of her autobiography, somewhat disappointedly concluded that her biography is perhaps inferior to her literary magnum opus *The Golden Notebook*. Her statement applies to the works we use here as a material for detecting problems: "I have to conclude that fiction is better at 'the truth' than a factual record. Why this should be so is a very large subject and one I don't begin to understand" (Lessing, 2008a: ix).[7]

This is, I admit, a sensitive terrain with many important things at stake. The array of "weighty" words so far included truth, method and science, and it calls for an additional clarification when combined with artistic creation subsumed under the awkward term fiction. It seems that common sense and general methodological decency of science oblige us to

[7] Aside of much else what it does, Lessing's Golden Notebook perhaps gives better insight into „intellectual and moral climate" on the Left after Second World War than many, if not all, historical investigations of the theme. The same goes for reading of Stendhal's and Tolstoy's works, which give excellent insight in 19th century France and Russia: „To read Red and Black, and Lucien Leuwen is to know that France as if one were living there, to read Ana Karenina is to know that Russia" (Lessing, 2008b: xv). Even if this statement sounds naïve and overconfident (in elementary Cartesian sense, one might ask: "How do you know, without a clear methodological check?" or "Why should we believe your claim?"), I am prepared to take the risk of being irrational at least in this initial exploratory phase. As notable economist and political scientist Charles Lindblom stated not, writing about different ideological and methodological limitations of contemporary social sciences, the scope of probing in our "troubled attempt to understand and shape society" should not be too constrained in order to avoid impairment in our thinking (Lindblom, 1990: 59-77). For the purposes of this paper, I must say that I completely agree with him.

provide a short caveat. The idea is, of course, not to glorify "fiction over truth", but to use fiction in an intelligent way to get us to the core of the problems. Interesting reflections built on personal experiences and ruminations of finer spirits on important social and political issues might well show us the probable core of the problem, possible causes and consequences of the phenomenon or its interesting aspect, and give clues for normative political theory trying to tackle it. This paper simply falls within the scope of the Popperian "it does not matter where it springs from" complex of discovery (Popper, 2002). In methodological sense, it is not normatively obliged by the complex of testing an idea that principally demands firmer rules for falsification. In this phase, we are using creative insights to *ask questions* and provide *preliminary* answers and *suggestions* for theorizing and "further research". I admit that without this caveat, whether it is good or bad, it could all be—just fiction.

The final warrant explains why I chose to focus on specific area of evildoing to illustrate the more general problems of ontology of evil. I must admit that I cannot be sure if my discussion applies to other social evils or even if one can speak of general ontology of evil in society and politics, of goodness or badness of political subject. I do not necessarily want or need to make such ambitious claims, but I am pretty certain that even the discussion in this narrow area will provide some useful heuristic insights for political science of penal policy in general. The reasons for this narrow focus are not theoretical, but primarily personal, stemming from my particular research interests. Since I defended my PhD thesis on politics and violent crime, and the part of my research built historical and comparative framework for understanding violent crime and political violence, including wide exploration of the theme of (physical) violence in literature and film, it was a natural area to focus on. Fortunately, violent crime seems to be a good litmus test for the initial set of questions. Without much hesitation, violent crime can be called evil and there seems to be a wide consensus on that matter. People beating and killing each other, sometimes for political reasons and within political structures—state or non-state, formal or informal—breach the old ideal of peaceful social contract and state's monopoly of force under the rule of law. Violence challenges the elementary presuppositions for decent life in a society. Violence, or more specifically "violent crime", is an evil connected with political subject and political structures being good or bad. Among innumerous examples of different fictional discursive depictions of this problem, its causes and solutions, together forming an ontology of violent evil, I chose about a dozen examples, showcasing some "patterns and regularities". These are, I think, the paradigmatic cases that provide answers to titular question, chosen from the field that is just short of immense.[8]

[8] The accounts of violent crime in literature range from fatal and apolitical pictures of the violent subject, given in Camus' *Stranger* or Genet's *Miracle of a Rose*, to Vian's surrealist and ironic provocations in *The Ants*; from Kafka's ideas on violence performed by depersonalized bureaucracy in *The Process* and *The Castle* or by punishing machine of his baroque story *In the Penal Colony*, to specifically political causes of violence and suffering in Solzhenitsyn's *One Day in the Life of Ivan Denisovitch* or Orwell's totalitarian dystopia *1984*; from the evils of society portrayed in Dickens' *Oliver Twist* or Hugo's *Les Misérables* where crime and violence stem from poor living conditions of the working class, to the evils of nature in Bulgakov's *The Fatal Eggs* or Golding's *Lord of the Flies*. The same discursive and political diversity is caught in film, ranging from Gavras' and Haneke's films (e.g. *Z*, *Caché*, *Das weisse Band*) to the films by Peckinpah, Boorman or Millius (*Straw Dogs*, *Conan*, *Zardoz* and *Deliverance*), Lars von Trier (*Dogville*, *The Antichrist*) or Kubrick (*The Clockwork Orange*). I discuss some of these in more detail in the next part of the paper. The concept of fiction has a broader application. I decided to exclude other forms of art because that would stretch my paper too much,

To sum the lengthy introduction up, to announce the next section, to justify the section title (and to introduce few new metaphors) at the same time: I will search for bones and blocks called ontology in the fictional discourses, roughly classified on the Left and on the Right, depending on their picture of the political subject. The books (and films) analyzed are breeding ground for ideas and answers on the ontologies of man, punishment and penal policy. If heuristic is a research tool used when one does not have definite answers and precise algorithms, and wants to attain an understanding or roughly solve a problem, these fictional discourses are useful tools for political science interested in penal policy; the conclusions of the analysis can be scrutinized in further, methodologically stricter, empirical research for which this initial stage will provide probing ideas and set terrain for later scientific investigations.

Ontology of Evil in Literature (and Film): Society, Nature, Reform, and Repression

A. Society and Reform

We can build from simpler to the more complex positions. A good starting place for probing is the naïve position on the Left. At least in literary criticism this naiveté is admitted. Ironically, the genre that depicts society and its ills, "socialist realism", is not realist at all. Its function is political: its role is to take part in all encompassing revolutionary struggle. Wikipedian definition is pregnant and precise: "Socialist realism is a teleologically-oriented style having its purpose the furtherance of the goals of socialism and communism."[9] The novel *Mother* written by Maxim Gorky in the beginning of the 20th century is a good example of that "teleogical" discourse where strong sense of political purpose pre-shapes the diagnosis. In the first chapter of the novel, Gorky draws a firm connection between desperate lives of the working class on the turn of the century and their inclination to violence, which is in no way instrumental, but only serves as a relief for their pointless existence. Factory is used as picturesque metonym for brutalities of capitalism and social miseries of the working men:

> Every day the factory whistle bellowed forth its shrill, roaring, trembling noises into the smoke-begrimed and greasy atmosphere of the workingmen's suburb; and obedient to the summons of the power of steam, people poured out of gray houses (…) The day was swallowed up by the factory; the machine sucked out of men's muscles as much vigor as it needed" (Gorky, 1907: Ch1).

The causal chain in the first chapter consists of few precise interconnected segments: "the accumulated exhaustion" deprives workers of their appetite; "exhausted with toil" they drink lots of vodka; they beat their wives and children, they fight among

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making the pool of material from which we would have to chose not only short of immense but almost short of infinite: in tracing the ontology of evil in the field of violent crime and penal policy one could, for example, interpret Van Gogh's *La ronde des prisonniers* (*The Round of the Prisoners*) from 1890 (cf. Rivera Beiras, 2005, 167); analyze comic books like the classic *The Eternaut*, exploring the violent state of nature (Oesterheld and López, 2008) or Moore's famous *V for Vendetta* on totalitarian repression as a source of violent evil (Moore and Lloyd, 1990); or analyze songs, spanning from politically engaged Bob Dylan's *Only a Pawn in their Game*, about the racist social structures and politics ultimately responsible for shooting of a civil rights activist, to depressive and fatalistic The Pogues' *Hell's Ditch* that uses allegory of the rose for killer, making explicit references to Genet's book. And that is only the beginning.

[9] http://en.wikipedia.org/wiki/Socialist_realism.

themselves, sometimes killing each other. This all affects the children, which are socialized into this pointless, violent existence:

> This lurking malice steadily increased, inveterate as the incurable weariness in their muscles. They were born with this disease of the soul inherited from their fathers. Like a black shadow it accompanied them to their graves, spurring on their lives crime, hideous in its aimless cruelty and brutality (Gorky, 1907: Ch1).

Unless political struggle changes things, constant and pointless drunkenness and violence appears as "perfectly legitimate": "Life had always been like that. It flowed on monotonously and slowly somewhere down the muddy, turbid stream, year after year…" (Gorky, 1907: Ch1).

It is of less importance if we take the offered ontology of violence produced by injustices of capitalism, as a literary depiction seeking revolution today or as a caricature belonging to the past, meaning that capitalism is lesser evil that can be cured by workings of social democracy and its social policies that long ago curbed extreme versions of (19th Century) capitalism. The ontology of evildoing is similar in both variants: violence comes from society, mostly from its unjust economical mechanisms, and can be best cured by inducing changes in society by the means of social policy, or perhaps by fundamental economic reform, but certainly not by narrow measures of criminal justice policy making.

B. Nature and (Impossibility of) Reform

If unjust society really produces evil than liberal democratic politics and its penal policy gives too little and comes too late. However, there is very probably much more to violent crime—perhaps a foremost symptom and a symbol of evil—than provided by discourse of Gorky's socialist realism and its lighter versions. Our second excerpt comes from roughly the same time, but the position is quite opposite. Dostoyevsky's *Crime and Punishment* from the second half of the 19th Century speaks of psychology or, more generally, nature as the root cause of evil. The interesting moment in the novel for us is not the relatively banal deed, but the discourse surrounding it. The killing of an old evil usurist and her half sister gets the plot going, but the discussions that the killer, Raskolnikov, leads with cunning police investigator, Porfiry Petrovitch, together with his friend, Razumikhin, are the literary place where the discourse on evil and causes of crime comes to prominence. Dostoyevsky's message is that socialism does not cure problems of human nature responsible for evil deeds. Not the factory, a metonym of capitalism successfully producing evils, but the phalanstery, a metaphor for socialism unsuccessfully curing evils, is used in the following excerpt serving to pinpoint the problems of naïve socialist ideas on preventing evils:

> I am not wrong. I'll show you their pamphlets. Everything with them is "the influence of environment," and nothing else. Their favorite phrase! From which it follows that, if society is normally organized, all crime will cease at once, since there will be nothing to protest against and all men will become righteous in one instant. Human nature is not taken into account, it is excluded, it's not supposed to exist! They don't recognize that humanity, developing by a historical living process, will become at last a normal society, but they believe that a social system that has come out of some mathematical brain is going to organize all humanity at once and make it just and sinless in an instant, quicker than any

> living process! (…) And it comes in the end to their reducing everything to the building of walls and the planning of rooms and passages in a phalanstery! The phalanstery is ready, indeed, but your human nature is not ready for the phalanstery—it wants life (…) You can't skip over nature by logic (Dostoyevsky, 1866: Part III, Ch 5).

The part is spoken in conversation by Razumikhin who "interrupted with heat" to explain how one cannot put "the whole secret of life in two pages of print" (Dostoyevsky, 1866: Part III, Ch 5). The symbols in the names are clear, at least to the speakers of Slavic languages: the troubled killer's name Raskolnikov connotes problems of psychology, nature and loss of control (*raskol* literary meaning *divide*), while Razumikhin's name is a strong positive signifier (*razum* means *reason*) and associates the quoted message with reasonableness and prudence. The final shocking example, serving to support the idea that nature is the cause of problems, also comes from Razumikhin who asks how one can blame society when a forty year old man rapes a ten year old girl, a theme that is also explored in Dostoyevsky's later *Demons*[10], and that brings us back to Lang's Beckert where we began.

But if problem is in nature, what can be done by politics? How to stop Raskolnikov to kill the evil granny? Any conceivable penal policy devised by the state does not seem to be up to the task. If socialism does not cure evil, liberal democracy with its penal framework certainly does no better job. Liberal political theory, agnostical in the matters of human nature, cannot interfere in private sphere of the individual, who must first commit violent crime for state to react. Liberal political theory starts from given natures of its subjects. Nature is the source of evil; moral advance, if one can speak of such a thing, is at best very slow and fickle. The ontology of individual demons that haunt human nature does not open space for optimism of social reformers and political revolutionaries.

C. Society and Nature: A Double Reform?

But what if evil is product *both* of bad society and bad nature? This is position taken by Aldous Huxley in his utopian novel *The Island* from the early sixties. Defining the spirit of the decade, the novel portrays utopian political community located on the island of Pala where subjects live peaceful and happy life, enriched with different self fulfilling experiences. Blessings of Western science and technology are combined with Eastern thinking and holistic spiritual doctrines. The economy is not industrial; environment is preserved, while technology is applied in a controlled and limited manner. Huxley's eclectic New Age heaven brings unique ritual of initiation to higher spheres of perception: Pala subjects develop their spirituality by taking *moksha*, a psychedelic drug fabricated from mushrooms.

The peaceful utopia cannot survive in a belligerent surrounding, so Palanese society ultimately falls as victim of a military defeat. However, discussions between Will Farnaby, a shipwrecked journalist who enthusiastically explores Palanese society, and Pala's inhabitants, especially Dr. Robert, grandson of Dr. Andrew MacPhail, a Scottish physician who co-founded Pala, reveal how Pala is, internally, almost literally devoid of violence.

[10] Stavrogin, the central character in *Demons*, rapes a young girl who commits suicide. He also murders his disabled wife, finally committing suicide himself.

From violence in the family and violent crimes by petty criminals to war crimes orchestrated by ambitious political leaders, ontological ruminations from Huxley's Island portray violence as stemming from mankind's yearning for power and domination. The problem for Huxley's Dr. Robert is that all small scale and large scale, political and non-political, "tyrants and sadists"—all the frustrated "power-loving troublemakers", are not curbed and reformed early enough in their lives. Together with society, politics, morals and culture of the West, these violent actors produce spiral chain of suffering. The evil is written both in human nature and in the structure of society, which enables human nature to develop its destructive potentials to the fullest.

Since there are two fundamental types of violent subjects "two distinct and dissimilar species—the Muscle People and the Peter Pans", two different strategies of violence prevention are employed in ideal Palanese society. The Peter Pans, immature romantics who want to compensate their inferiority complex with excesses of power (Huxley's ultimate example is Hitler), are dealt with by the means of "early diagnosis and three pink capsules a day before meals". Jail sentences, psychoanalysis and psychiatry, are no solution for Dr. Robert; neither are moralistic Christian sermons: "Words about sibling rivalry and hell and the personality of Jesus are no substitutes for biochemistry". The Muscle Men (ultimate example is Stalin) are, however, "as muscular" and "just as tramplingly extraverted" on Pala. Their lust for power is controlled by Palanese societal and political arrangements; it is deflected "from people and on to things". While it would perhaps be a simplifying overstatement to say that potential totalitarian dictator becomes a lumberjack, Huxley's utopian social reformers offer no doubt about the success of Palanese social experiment: "A crop of potential failures and criminals, potential tyrants and sadists, potential misanthropes and revolutionaries for revolution's sake, has been transformed into a crop of useful citizens who can be governed adandena asatthena—without punishment and without a sword". The following passage sums up lengthy Dr. Robert's discourse (from which the quoted bits in this paragraph and the one before are taken), and gives the essential contours of Huxley's ontology of violent evil, focusing on classical liberal thinker who theorized on power:

> That was Acton's fatal weakness. As a political theorist he was altogether admirable. As a practical psychologist he was almost nonexistent. He seems to have thought that the power problem could be solved by good social arrangements, supplemented, of course, by sound morality and a spot of revealed religion. But the power problem has its roots in anatomy and biochemistry and temperament. Power has to be curbed on the legal and political levels; that's obvious. But it's also obvious that there must be prevention on the individual level. On the level of instinct and emotion, on the level of the glands and the viscera, the muscles and the blood (Huxley, 1962: 189).

The passage points to another limitation in prevention of evil that we are faced with if we accept liberal framework for penal policy, as well as social-democratic solutions within that elementary institutional context. Huxley is warning us that narrow liberal conception of political theory will not produce an effective solution. We will return to this theme in conclusion, employing our most pessimistic fictional forces, but here it is worth noting that liberal political theory, tailored to the existent liberal democracies and fact of pluralism, could not be good enough for solving or at least ameliorating the problem of violent evil. In the utopian framework of Huxley's Island, diminishing violence requires not only total

reformation of society, politics and ideology, but determined imposition of behavioral patterns to subjects, perhaps even involuntary tinkering with biochemistry. While Dostoyevsky stops on diagnosing that the problem is in nature and that naïvely conceived socialist reforms do not work, Huxley is much more ambitious: he demands *total* change of society and nature. This is, however, deeply illiberal.

A Foucauldian empirical remark would highlight that imposition of behavioral patterns and subtleties of pharmacotherapy is long going on in the West, sometimes at an early age, but liberal political tradition offers a bit more maneuvering space for subjects not just in theory or ideology. Even if the main points of Huxley's dual ontology are accepted, his solution for evil seems radical. New age topping does not alter the fact that totalitarian price is paid for Palanese annihilation of violence. To pay at least some respect to ontology of political subject that should be informing present constitutional liberal democracies—free will of the autonomous subject—we must, paradoxically, turn to the right side of ideological spectrum in our search for further solutions in penal policy design.

D. Nature and Repression

The idea that human nature is evil, in the above mentioned Schmittian sense that human beings are dangerous and potentially violent, is common place in literature. What Dostoyevsky hinted becomes more explicit in discourses I will present here. The idea that nature is evil does not only appear among Christian authors who variate the theme of the Original sin (cf. Borges, 1999: 133-134): it appears outside of interpretive keys that reference a particular religious worldview.

Classical place in the first (in our case: Christian) sense is William Golding's *Lord of the Flies*, allegorical novel from the fifties about group of preadolescent boys who, after a plane crash, find themselves on a desolate island. From singing *kyrie eléison*[11] in a well ordered society (or at least in a repressive enough education system), where grownups drink tea, discuss and solve problems (Golding, 1954: 101), the boys end up killing each other as their nature takes over. Simon, the Christological figure is killed, as well as Piggy, overweight boy with glasses (and the sole one with the "abilities of abstract thinking"), in the story that intents to depict "the darkness of man's heart" (Golding, 1954: 225).

On the other hand, similar view of nature can appear within skeptical and ironic frameworks, with clearly secular overtones.[12] *The Fatal Eggs*, a short story from the twenties written by Mikhail Bulgakov is good example. In the interpretively rich story, chaos is spawned in the society by the work of nature. In the biological laboratory experimenting with amphibians, red ray of light is accidentally discovered by Professor Persikov. The ray makes amoebas, and then frogs, reproduce at enormous speed and devour each other. In

[11] This liturgical theme appears in the first of two adaptations to film, the black and white version from the 1960s. Golding's story belongs to the film section as well.

[12] The position of the author outside of the analyzed work, or even outside its smaller discursive excerpt, isn't of essential importance here. For example, Camus may be on "the Left" and write abolitionist essays against death penalty (Camus and Koestler, 2002) but his *Stranger* is in that sense more fatal and apolitical; violence happens not because of society or malignant subject, but in twist of fate in the wider framework of various absurdities of existence, perhaps „because of" the see (*mer*) and the strong sun (*soleil*) that come together in main character's name.

the process, most unscrupulous, most destructive, or simply most "evil", prevail.[13] When politics in the early Soviet Union gets interested for political and social potential of the ray, the ray is accidentally used on the reptile eggs. The invasion of reptile mutants almost destroys society. They are not defeated by the civil guard and the armed forces but, not surprisingly, by the infamous Russian winter, force of nature itself, which turned to be historically important in curbing various imperial projects. Instead of depth of moral fall, Bulgakov's story presents the cynical view of evolution, where its essential impulses of reproduction and aggression that work in humans are amplified and mediated to the reader through a layered metaphor.

Evil and destruction come naturally. Within the rightist discourses, evil is often fatally portrayed, endowed with certain demonic persistence and aesthetic qualities. Beneath the aesthetics, the ontological difference in comparison to the position from the earlier sections of this essay is that evil essentially comes from humans. The arrangement of society is mostly irrelevant: evil manifests itself, no matter type of society. The second part of the difference, that constitutes the position on the Right, skeptical to any form of belief in social progress and social utopianism, is that human evil needs fear, sanctions and repression in order to be controlled. In another words, it needs strong authority.[14] The vehement version of this discourse can be found in Michel Houellebecq's writings. His *Elementary Particles* from the late 1990s portray evil nature and imply need for repression. Adolescent boys are explicitly equated with animals in the pack. Stronger dominate the weaker, brutally beat, sexually harass and humiliate them. In boarding schools things get worse when, in the naïve spirit of the 1960s, the regime of "self discipline" is introduced. Leftist solution that diminishes authority makes things worse:

> One or two cruel elements were enough to reduce the others to a state of savagery. In early adolescence, boys can be particularly savage; they gang up and are only too eager to torture and humiliate the weak. Cohen had no illusions about the depths to which the

[13] Bulgakov's description of struggle between amoebas has a general air:

> In the red zone and in whole plate there was less and less room and the inevitable struggle began. The newborn attacked, tore to pieces and devoured one other. Among the newborn lied the corpses of those died in the struggle for survival. The best and the strongest prevailed. And these were horrid (…) they distinguished themselves with certain special wickedness and swiftness (Bulgakov, 2000, 19; translation from Croatian K. P.).

[14] This point is stated in Antoine de Saint-Exupéry's second novel *Night Flight*, where author's position is expressed via repeated reflections of Rivière, director of nocturnal postal flights and perhaps the central character of the novel. The general idea is that individual good can and must be sacrificed for the good of the whole, but one must note that Rivière does not hold that individuals *per se* are morally evil. His reflections are focused on the general forces of corruption that tend to thrive if there are no rules and threat of punishment, i.e. authority. Strengthened with botanical metaphors of chaos (jungle and lawn), de Saint-Exupéry's discourse points to universal view of decadence that nature brings to culture, perhaps close to Bulgakov's view of nature's destructiveness, however with the clear difference of bringing in the explicit policy prescription for penal repression:

> Rules are (…) like rites of a religion, which seem absurd, but they shape humans. (…) Am I just or unjust? I don't know. But when I punish, the number of engine failures falls down. (…) I did not lay him off so brutishly, but that evil, for which, perhaps, he was not responsible, but which was spread through him. (…) If we don't eradicate evil when we stumble upon it, wherever it may be, the lights go out: to fail and not suppress it, when it accidentally reveals its weapons, is simply a crime. (…) It is interesting how we loose control of events, how big, dark force reveals itself, the same one that erects jungles, which grows and breaks through. (…) I love all that people, and I am not against them, but against the things which pour out of them. (…) Maybe it is clear. The same is with the eternal struggle of the gardener on the lawn. The urge itself forces his hands to the ground, which ever after prepares the primordial forest (de Saint-Exupéry, 2005; excerpts are compiled from pp. 30, 58, 60, 62 and 73; the translation to English is mine, from the Croatian edition).

> human animal could sink when not constrained by law. (…) Unfortunately, a ministerial directive taken after the riots of 1968 introduced an autodisciplinary system in boarding schools and a reduction in staffing. The decision was very much of its time, and resulted in considerable savings in salaries. It became easier for pupils to move about at night, and soon the bullies took to staging raids on the younger boys' dormitories at least once a week. They would bring one or two victims back to the *cinquième* dormitory, where the ceremonies would begin. (…) For the most part, animal societies are structured according to a hierarchy in which rank relates directly to the physical strength of each member. The most dominant male in the group is known as the *alpha male,* his nearest rival the *beta male,* and so on down to the weakest of the group, the *omega male* (Houellebecq, Part I, Ch 8 "The Omega Male").

Reduction of staff in the wider array of state apparatuses could perhaps be understood as a neoliberal measure, more to the Right than to the Left on the ideological spectrum as it is usually conceived, but the essential idea is that weakening of the authority and its replacement with different social programs is a bad thing to do because it underestimates "evil" in human nature.[15] The idea that evil is natural part of human condition could, perhaps paradoxically, be reconciled with liberal framework. The view that human nature is evil is combined with complementary view that aggressive subjects are also driven by a more fundamental drive for self preservation. Since anybody can kill anybody, and the final consequence of easily imaginable spiral of violence is the state of destructive civil war where all stand against all in general insecurity, the prospect of such evil can drive the minimal political consensus on authority, rules and punishment. It all returns to Hobbes and the authority of Leviathan, to the backbone of liberalism.[16]

E. An Excurse into Film before Concluding: German Children's Stories, Straw Dogs and Old Testament Justice

The world of cinema offers interesting variations of the portrayed discourses on violence and roots of evil, and the ontologies of political subject relevant for penal policy. A different discursive medium, with its altered angles and shifted accents, offers possibilities to continue our probing a bit more. Perhaps the strongest leftist cinematic statement on specifically *political* violence to the day is Costa Gavras' *Z* from the end of the 1960s. Film tells a universal story—with strong and intended references to the events preceding the then actual authoritarian rule of military junta in Greece—about the charismatic left wing

[15] The other possible interpretive accent in reading the quoted passage from Houellebecq is that this natural evil is amplified in specific institutional settings such as nursing homes, boarding schools and borstals. In realty, these places do not lack the horror stories on violence. This is classically explored in Musil's *The Confusions of Young Törless* (2004). As a boy, Musil attended military internate in Austro-Hungarian Empire. His expressionist style is, of course, more sublime than Houellebecq's simple and brutal statements of fact, but he also vividly portrays violence, which has strong sadistic and sexual dimension to it.

[16] There is a normative twist to this negative view of human nature. Nietzsche affirmed its will to power: hate toward nature comes from the weak, those who are sick from nature, i.e. who are sick from reality, and seek to overthrow it with the ethics of the weak (Nietzsche, 1999: 8, 23-24). And Nietzsche's iconoclasm is pale when compared to almost a century older de Sade's discourse that vividly describes brutalities of human nature combining philosophical reflections with precise pornographic dissections of orgiastic violence. According to de Sade, human being is part of nature, which is but eternal series of violent crimes that strong perform over the weak (de Sade, 2004: 75, 161). In one sense, however, that discourse is not revolutionary but conservative: perverse enjoyments, by virtue of their definition, need normal moral and political order to fulfill themselves as transgressions.

politician leading the peace movement. In the beginning of the film the politician is killed in riots. As the story about the investigation of the case develops, seemingly spontaneous violence of the right-wing extremists is exposed as carefully planned. The executors are in fact political agents instrumentalized by the government and high ranking military officials who understand socialism as “mildew” destroying the unity of national body.

Gavras’ position could be subsumed under the umbrella ontology of the Left, with the emphasis on the strong critique of nationalism. In the story, lumpenproletariat and madmen act as direct agents of evil. On the combined basis of unofficial political legitimation, military and police training, and mandate from the government, they execute violence, ultimately helping to procreate the inequalities of power in an unjust order that could otherwise be changed. According to the ontology of the Left, social change would reduce the causes of violence, but the movie shows it does not happen. The question stemming from its portrayal of events places challenges to political science of penal policy on empirical terrain. *Z* conveys a universal message, but its strong social and historical rootedness—the film is arguably literal description of events in Greece from the early 1960s, namely the assassination of Grigoris Lambrakis—tells a message of its own. It is hard to cure evil if concrete societies are divided. Perhaps social change would cut down evil, but what is the use if there is no real chance for consensus, since in existing societies economic, ideological, political, religious, and cultural divides are deep and entrenched. In Gavras’ perspective, societal evil is perhaps essentially different than natural one. It is much worse. The question for policy designers of all sorts is what can be done if “socialism” is “mildew” for one political side, and cure for the other, i.e. if the strong political divides persist not only in then and today’s Spain, Greece, and perhaps Croatia, with “red” and “black” historical and ideological divide, entrenched in family histories, but in the West in general?

As *Z* shows us, the world of film sometimes offers rich and highly stimulating insight into empirical terrain of contemporary politics, but perhaps more often, it offers clear-cut ontological exercises that speculatively probe into nature of violent evil. I will limit this pre-concluding section to three examples. One sees evil as consequence of oppressive authority structures. The second sees evil as the only way to fight evil. The final one simply sees people as evil and posits that society cannot do much about it. Themes are by now familiar but accents are different, offering new challenges and intriguing questions.[17]

The action of Michael Haneke’s film *The White Ribbon* takes place in small German protestant village where different and inexplicable acts of violence take place. The trap is set for the doctor: a stretched wire makes him fall from horse and, consequently, he is badly injured. Pastor’s budgerigar is impaled, and baron’s son is kidnapped and badly beaten. It is suggested that children are responsible for the evil deeds but not as authentic small villains like in Golding or Houellebecq. Instead, their violence functions as a symptom.

[17] Cf. also Boorman’s films, showing violence in the state of nature (*Deliverance*) and explicitly connecting violence with sexuality (*Zardoz*). On the other side of ideological spectrum, one should explore a subgenre of German cinema of 2000s that speaks of different social experiments producing violence: *The Experiment* where division of roles between guards and prisoners (although in combination with certain problematic characters) brings escalation of violence, and *The Wave*, where the division of roles between the leader and the party members in an experimental class on “autocracy” transforms playful teenagers into hyper-disciplined and fanatic proto-totalitarian community whose members (again principally the ones poorly socialized and having character problems) are ready to kill “traitors” and “enemies”.

Haneke point could be that children have reacted to the violence of authority structures. Pastor constantly sermons on guilt and performs harsh punishment on children for smallest of the offences.[18] Doctor is the expert in sexual violence. He rapes his daughter and abuses his maid, who was his mistress already in the time when his late wife was alive. Baron, the economic ruler of the village, treats his workforce badly. They are at constant risk of arbitrary getting fired. The message is that violence comes from "hidden" violence of societal structures: religion, family and economy. Since repression produces violence, it is a bad recipe for curbing violence. Similarly to Haneke's *Caché*, where this relationship is directly signified in the title, violence on personal level appears only as a reaction to prior hidden violence.[19] Since it ends with the beginning of the First World War, Haneke's story also serves as a political metaphor. The oppressed authoritarian generation is the one that later provided popular terrain for legitimation of National Socialism, and finally for the horrors of Second World War, arguably the ultimate evil in history of mankind, even if one measures solely by simple quantitative criterion such as number of deaths.

Haneke's ontology is much richer than initial Gorky's story on limited socioeconomic roots of violence. Can any penal policy cure the evils coming from deeply entrenched structures of Western societies? Does any penal policy within liberal framework offers too little and comes too late? We will return to this in the conclusion.

The opposite ontology is displayed in Sam Peckinpah's *Straw Dogs* from the early 1970s, yet another film on violence. The role of David, a talented mathematician, is played by Dustin Hoffman. Endowed with the habitus of an inhibited, stereotypic "nerd" with big glasses, David symbolizes politeness and civilization. He arrives in a village in Cornwall with his wife, to work on his mathematical equations in peace of her picturesque birthplace. Soon after local bullies perceive his infirmity, violent evil arises. First his cat is killed, and then his wife is raped. As he defends the village idiot from the drunken mob, a final massacre ensues in which David emerges as victorious. Pushed to the edge, his violent nature comes to surface and he successfully defends himself, his house and his family. One of the possible interpretive points is that violence can only be constrained by counter violence, not by talk, deliberation or nice manners. Violence, a natural force, understands only the language of violence. In this animalistic ontology there is no higher just instance that would care.[20] But, since people have to tend for themselves, it seems that politically controlled repression to prevent violence and retribution for violent acts could be allowed in this seemingly pessimistic framework, as a way of political intervention in the natural order of things. The question is, then, how far repressive punishment as evil on its own may be

[18] The title of the movie refers to the symbolically ambivalent and interpretively challenging fact that pastor puts white ribbons on children's arms as a sign of their purity, reminding them not to commit any more sins.

[19] In *Caché* (Hidden), the bourgeois couple living in Paris, start receiving anonymous disturbing tapes, apparently for no reason. It turns out that husband's moral misdeeds from early childhood are probably to blame: a jealous child's manipulation put an Arab boy whose parents died in the 1961 Paris massacre into an orphanage instead of possible adoption. The film is an allegory for French colonial guilty consciousness and political violence towards Arabs.

[20] The titular phrase is taken from fundamental Taoist document *Tao Te Ching* (The Book of Path and Virtue) attributed to Laozi. In the 5th song of the book, it is said that universe does not care for "the straw dogs" (which were symbolically burned and stepped over during the public feasts in imperial China): *Heaven and earth do not act from any wish to be benevolent; they deal with all things as the dogs of grass are dealt with* (Laozi, 6th Ct B.C.).

used to fight and constrain evil? Decade behind us provided a controversial example: US foreign policy and military operations throughout the world have been lead with Peckinpah's elementary precept, literally dressed in discourse of evil. Even the last "State of the Union" presidential address employed the imagery of danger and darkness, of "evil out there", and used military actions as political metaphors for American unity.[21] However, our theme here is not the US foreign policy, which could perhaps better be subsumed under Haneke's chief trope of repression producing "evil" (which is then personalized and punished, to clear one's guilty consciousness and to induce political legitimation), but ontological implications of discourse for penal policy and punishment. May political structures fight fire with fire? The answer could be that, while social democratic ideal of rehabilitation might be naïve, liberal framework allows for conditioned repression as a necessary deterrent. One possible Peckinpah's point is also that if David had been firmer and more resolved, than the apotheosis of violence wouldn't have taken place at all: firm rules and resolute actions may sometimes be effective and prevent evil to escalate.

That brings us to the last discursive example in this section, where Peckinpah's violent animals are endowed with free will and consciousness. Since they are turned into morally and politically autonomous subjects, the dire penal consequences are justified. In Lars von Trier's early 2000s *Dogville* evildoers are more than just dogs. The simple scenery of the film (as if it was a theatre play), strengthens the bare boned ontological message of the plot that tells a story about the roots of evil. Grace, played by Nicole Kidman, escapes from the gangsters into a small American town.[22] She starts doing good deeds to be accepted by the town council as a permanent resident. Life looks happy until the police seek Grace twice. The town folks feel endangered and Grace is requested to do more work for the residents to redeem herself. She soon turns into a victim of oppression. She is exploited, sexually abused and raped. Finally, Grace becomes a slave in chains. Seemingly caring town intellectual Tom makes a sentimental advance to her and is rejected. This hypocritical coward then becomes a leader of the evil flock of torturers and exploiters, "nobly" opting for her detention instead of rape. When gangsters finally arrive, it turns out that the mob leader is Grace's father. Gangsters kill all the residents in what seems to be a just retribution. The town is burned and Grace kills Tom herself.

One of the possible readings is the following: simple, almost vulgar Christian symbolism is at work, as in Golding's story. "Grace" is here to give chance, in escape from Lord Father, who wisely knows that people have to be constrained by repression and harsh laws; that they have to fear of violence not to inflict it one upon another. The more Grace gives to people, more she is abused, finally learning the true human nature. Since after all they have done they show no remorse, she accepts her father's vengeance in well known Old Testament style. The city is burned like Sodom and Gomorrah and only being that survives is town's dog—"Moses". Alongside this Biblical layer, there is also an ontology of evil at work. In a text on Von Trier's Dogville, Andrea Brighenti in that sense remarks:

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[21] Barack Obama, *2012 State of the Union Address: Enhanced Version*, http://www.youtube.com/watch?v=Zgfi7wnGZlE.

[22] Although the film is a part of Von Trier's "American trilogy" the message is universal, like in case of Gavras' *Z*.

> The presence of Grace turns out to be a significant and even abundant economic resource – sexual resources included. The ragged, ignorant inhabitants of Dogville transform themselves into slaveholders. Paradoxically, then, it is not because they are poor that they begin to do bad deeds—as the philanthropist argues—but because they are no longer as poor as they used to be (Brighenti, 2006: 106).

Unlike in Gorky and Haneke, evil does not come from society and it can even thrive in affluent society. Ontologically postulated freedom implies the moral and penal responsibility for violent evildoers. In that perspective, social state paternalism and belief in curing evils through economic and social progress turns out to be misguided and arrogant.[23] Old Testament view of human nature brings Old Testament justice.[24]

Beyond Heuristics? Ontology of Political Subject, Penal Policy and Political Science

Essential pictures of man, society, evil and crime, contained in presented fictional discourses are by now pretty clear, so let us sum up the ontologies and speculate on rudimentary penal policy prescriptions which they offer. If society produces violence, then social reform or even revolution should be the best policy to prevent crime. Alternative economy and egalitarian society with equal opportunities for all will ultimately eradicate crime. Penal policy could be but a relic of bourgeois society (Gorky). However, if the demons of human nature are the problem, then, perhaps, there is a need for repressive order, i.e. utilitarian repression and morally just retribution, to control human nature and keep it from committing greater violence. Moral expiation and, thus, rehabilitation of the individual in carceral institution could be viable alternatives (Dostoyevsky). Finally, both nature and society could be flawed, but not irrevocably fixed: one might tinker with human nature in early stage to prevent crime and insert it in an ideal peaceful society, but the price could be a bit totalitarian. Best penal policy in that perspective would be the one that would not exist, i.e. the one that would work via alternative preventive mechanisms of early behavioral therapy, egalitarian social structure and ideological work (Huxley). If collectively prescribed and tightly controlled early childhood altering of behavior and biochemical therapies, literal or metaphorical, are simply too much for liberal-democratic common sense, then we are faced at least with a difficult task of changing economy, religion, family structure and gender roles, as the more ambitious story of multifaceted and multistructural repression that produces violence suggests. Penal policy could be but a sacrificial ritual that legitimizes the order and induces guilt without changing things: the idea is not to punish, but to dismantle patriarchate and capitalist economy (Haneke). If human nature is, on the other

[23] In Von Trier's controversial *Manderlay*, also a part of his American trilogy, negative picture of human nature is paired with skepticism towards democracy that ultimately produces more chaos than authoritarian regime of governing, since it allows evil natures, now endowed with political rights and decision making opportunities, to fully manifest themselves. Political science could not be less surprised: it is hardly news that, in order to work, democracy demands certain level of political culture (as in Almond and Verba), social capital (as in Putnam), and economy (as in Lipset hypothesis).

[24] Von Trier has a negative view of nature. In *Antichrist*, a phantasmagorical fox speaks nature's motto, congested into words: "Chaos reigns!" In one interview for Croatian newspapers, Von Trier explicitly spoke on such understanding of nature: "When you look at how nature works, how life is procreated in nature, how there is lots of killing and suffering, I find it hard to accept that God created such a world. All that killing and suffering is such a bad idea" (*Nacional*, 26th January 2010, translated from Croatian K. P.). Lars Von Trier became Catholic when he turned 30. For quasi-theological interpretation of Antichrist as a film that depicts an alternative world created by Satan, cf. Ebert, 2009.

hand, simply bad and hardly changeable—destructively chaotic (Bulgakov), prone to aggression when left to itself (Golding), and sometimes brutal and sadistic (Houellebecq)—the idea is to keep it repressed by authority, punish transgression and control it by rules. Perhaps there is no individual blame, but penal policy is the only means to keep civilization going and preserve community (de Saint-Exupéry).[25] Sometimes this response needs to be quite firm (Peckinpah), and if there is free will to be good or bad, then retribution, administered by higher authority, is just, including the capital punishment (Von Trier).

If we abstract a bit further and repress some more details, we are, on the one hand, faced with the story of criminal motives induced by social structures, spawning crime and violence, with the postulated paradoxical possibility of political will breaking the cage of injustice. Violence and crime are a symptom of societal ills and penal policy, however it might be conceived, is at best only a temporary necessary evil (Left). On the other hand, motives are natural and stubborn and society must, among other strategies, work against them repressively: violence and evildoing are almost human instincts which cannot be written off, but only curbed by repression (Right). Finally, there is, if we switch to the broadest historical perspective, a hint of future society without violence and crime at the putative end of history. There is, on the other hand, a perspective of eternal return and historical cycles where human nature repeats itself in the never ending spiral of sins, crimes and punishments. On the one hand, penal policy disappears. On the other, it is essential. On the one hand, reform and rehabilitation are the future. On the other, reform and rehabilitation are impossible. We are thus back with Schmitt, i.e. with anthropology—or ontology of political subject—that shapes political theory and gives prescriptions for penal policy. But what is the truth in this fictional crossword puzzle? How do we decide the Right and the Left story?

This paper will not come out of the fictional maze and provide such an answer, since its scope, methodology and presuppositions prevent it to do so, but it can draw the path towards a possible exit. This is the place where key concepts reenter the picture. The aphorism “ontology first, political theory second” served as a basis for this fictional research. This means there is some fundamental picture of human affairs—in this case, picture of causes of evildoing and harm to others—that set the stage for normative political theory and penal policy design. Fiction is a medium that transfers different ontological pictures of reality, or different segments and congruent aspects of same reality—the reality politics has to deal with.[26] In that sense both ontology and fiction are *political* and should be analyzed as political material. However, if they are *not only politics*—political projections that have no liaison to reality or can simply change reality, since everything in society is postulated as outcome of ultimately arbitrary power and politics—they are political in yet another sense, or two. Firstly, they are potentially *infused with ideological bends* and biases, often subtle and

[25] It is quite another story when “natural” violence is intermingled with primitive local culture of violence. This is explored in *Wake in Fright*, a film by Ted Kotcheff from the early seventies, also known as *Outback* (Kotcheff also directed *First Blood*, a film that fell prey to Rambo franchise). In that film, central character is a teacher who gets stuck in Australian outback where people drink gallons of bear, play primitive gambling games, take part in drunken brawls and in as drunken kangaroo hunts, shooting animals just for kicks from their pickup trucks.

[26] Perhaps this gives ironical new meaning to Foucault's remark from early 1983 Collège de France lectures on *parrhesia* that all of ontology should be analyzed as fiction (*Et que toute ontologie, enfin, soit analysée comme une fiction*).

ingenious, that reflect not just personal frustrations or dispositions of character but also political interests, class positions and cultural backgrounds. Secondly, societies, levels of violence and its understandings change, as Norbert Elias (Elias, 2000) has pointed long ago and Steven Pinker has reminded us in his recent controversial bestseller on decline of violence (Pinker, 2011). Politics plays role in a *world* that *is not fixed*, and however slow changing they may be, ontologies and fictions are, *sub specie aeternitatis*, part of this *political game*. People on the Left may speak of economic structures but will not stop believing in political action that could change them. That is perhaps the meaning of Brecht's harsh designation of apolitical people as "imbeciles" (*Schwachsinnige*) who are, because of their political illiteracy and disinterestedness, ultimately responsible for societal evils.[27] In the sense sketched in this paragraph, the remark is on the right place. Politics changes and influences almost everything, but one must not forget, contra Brecht, that it may prove impotent and crash on the rocks of social reality or, worse, bring forth the totalitarian mass destruction.

How does this help to design good penal policy, the one that is just to the victims and to the perpetrators, that reduces crime, and that is not costly? The conventional picture that I have drawn, the one of fictional ontologies as political and politically relevant speculations on penal reality, has only one possible answer. The reality check, the exit from our maze, lies in empirical work, reflections from practice, historical and comparative penal policy research, for which the maze offers wonderfully rich heuristics of ideas, models, speculations and details. As such, this exit is out of bounds in this paper. Two fictional reminders, in fact, two letters, pulled from the analyzed material will suffice as useful guideposts. Firstly, the letter M. What is valid for fiction, as a simplification of reality, *a fortiori* is valid for political science research on penal policy: as in Lang's film, truth is hard to find, the problems are complex; they involve lots of actors, positions, stories, and probably do not offer simple solutions. This may sound as a worn out phrasing, but I think it is so. Secondly, the letter Z. Research is one thing, but political struggles, works of the practitioners and activists on the terrain are other thing. Gavras' classic on political violence reminds us that change may be very difficult. It is a wholly different game than theoretical penal policy design; the game in which one, however, must not downplay the role of science, especially political science.

The last unresolved issue, then, is the one of the political subject, an essential concept of the above mentioned political science enterprise. Although I have intentionally left it formally undefined, it has certainly not escaped the attention of the reader that I implicitly used a wide definition of penal policy, which is reasonable thing to do when penal policy is a subject of political science (in contrast to e.g. law or social work). In the perspective of political science, *penal policy* is, of course, *penal politics*. Authorized choice, accepted and implemented programs and courses of action on different institutional levels (local, state, regional, global) involve struggle for power, factions, interests, political discourses and, generally speaking, what Karl Mannheim long ago called "irrational maneuvering space" as a specific difference of politics in comparison to bureaucracy. The

[27] In Brecht's often quoted remark: "He doesn't know, the imbecile, that from his political non-participation comes the prostitute, the abandoned child, the robber and, worst of all, corrupt officials, the lackeys of exploitative multinational corporations." This can be read into Lang, of course.

definition is wide in the sense that it conceptually encompasses not just penological discourses, institutions and subjects, but wider politico-institutional complex through which society shapes, implements and rationalizes its criminal law. So it includes what is sometimes labeled *criminal justice policy making*, i.e. *criminal justice politics*.[28] This justifies using the concept of political subject, especially in a democratic times such as ours: all the potential clients, subjects, tax payers that ultimately finance the penal system, civil servants, private entrepreneurs etc. involved in penal policy, are at the same time citizens, the small political nodes of potentially active political power which together shape penal policy. In other words, *homo penalis* is at the same time *home politicus*. The political ontologies analyzed show how things work and suggest how to build politics and policy. But they are not just diagnoses on causes of crime and penal subjects. They are also political statements, projections and blueprints for political actions, for political subjects who, ideally speaking, democratically influence and design penal policy which seizes them as penal subjects on the other side of the coin comprising penal and political ontologies as its head and tails. And, to be sure, this area of penal politics, of intermingled penal and political subjectivities, can hardly be more important! It is the area that, under the threat of sanctions, sets the rules for civil life and peaceful interaction; the area of state's monopoly of force, which still remains, practically speaking, a politico-theoretical fiction; the area of potential loss of liberty, actual carceral boom and massive prison populations not just in the USA; the area where state (at least sometimes and somewhere) takes one's life within law, not to speak of political violence outside the its formal shackles. As fiction suggests, it is, at the same time, the area of large possibilities, ideological battles and numerous constraints. There is a lot to do for political science here: beyond heuristics, beyond fiction. But I will not in the overconfident sphere of possibilities. Since ontology came first in our equation, I will offer a potentially useful pessimistic reflection on societal and political limitations of our epoch, using the same method as before (with all the caveats still working as in the rest of the text). The reader will remember that, more than to socialism (and fascism), I have referred to liberal democratic framework which is living political and economic reality for most of us in Europe and generally in the West. The fictional speculation on its production of violent evil and its possibilities to tackle it is, then, the right way to conclude, warning policy designers to be careful and look out for dangers. The hardest fictional ordeal comes at the end: there is yet one film—cold, misanthropical and pessimistic—that builds on literature and brings our two explored mediums, literature and film, together.

Society and Nature: A Double Disaster?

Kubrick's *Clockwork Orange*[29] from the beginning of 1970s is a dystopia that in present time functions as a deeply pessimistic picture of contemporary liberal-democratic

[28] For definitions and uses of these concepts on different levels of academic discourses—politico-historical, comparative, normative theoretical and the level of policy studies/analysis—cf. Rusche and Kirchheimer, 2003; Cavadino and Dignan, 2005; Tonry, 2011; Dye, 2005: 60-91; Stolz, 2002; Marion and Oliver, 2011; Welsh and Harris, 2012.

[29] There is some controversy surrounding different versions of Burgess' novel. The early American version of the book excluded the final "metanoia" chapter where main character sees the errors of his ways. Kubrick filmed the pessimistic, shorter version which is the natural one to employ in the theoretical discussion on politics—a pessimistic activity that usually does not rely on spontaneous moral volte-face.

societies. It is also a careful fictional exercise in the analysis of ontology of violent evil. The plot is worth a short recounting.

The main character Alex is the evil leader of the gang of wanton youth, not deprived in any obvious way. Dystopian society is affluent and young evildoers come from affluent families. They have the opportunity to school themselves; they have free time and all the possibilities for non violent self-fulfillment. However, they beat, kill and rape their fellow citizens. Betrayed by his gang co-members ("droogs"), Alex gets 14 years in state prison for murder. His punishment brings no moral advance. When the Bible is read in prison, the prisoners burp, thus reminding the viewer of Huxley's observations on impotence of moral education and Western penal policies. Alex is then exposed to Ludovico technique, an experimental behavioral treatment creating a conditional reflex that makes subject physically sick when his first violent impulse awakens. When the effectiveness of the procedure is demonstrated, the minister of the interior is proud. Priest (the one who ineffectively reads Bible in prison) objects to the technique on the grounds that it eliminates free will, somewhat similarly to the ideas presented in Von Trier's *Dogville*.[30] Official response to priest (and to Lewis) is that government and the people are not interested in "subtleties of higher ethics" but that they simply want to solve the problem of crime effectively, cut it down and reduce prison population.

The Ludovico treatment is deeply illiberal—and effective, like Huxley's Palanese procedures. After the treatment, Alex finds it impossible to be violent and as such he becomes victim of those who had feared him and suffered violence from his hands. Since during the treatment Alex unfortunately listened to the grandiose music of Ludwig Van Beethoven, the composer he adores, he also developed behavioral aversion to it. Alex is then used as a political weapon by the opposition, accusing government to be totalitarian. By the means of Beethoven's music, he is forced to jump through the window and then portrayed in the press as the victim of government's oppression. Minister of the interior gives him reverse treatment that removes the aversion to violence and well paid sinecure, in exchange for silence about his case and not pressing charges. Alex's evil grimace returns. He is filled with joy, and in the end he claims that he „was cured, all right".

The film offers anthropological, societal and political pessimism in portraying contours of evil in contemporary societies. Man is evil and does evil when opportunity arises: Alex was violent, but all of his former victims are also violent when they encounter

[30] Or to the ideas of C.S. Lewis, Christian apologist and author of *The Chronicles of Narnia*, who in his own time published a paper on penal policy in "an obscure Australian journal" (Tonry, 2011: 19). Lewis opted for, if necessary strict but transparent, punishment, based on moral guilt and criminal responsibility of the transgressor. He saw disciplinary reformation of the subject as the flawed penal ideal that punishes the innocent, eliminates freedom of choice, as well as the traditional possibility of mercy. Ultimately, it rests on some dubious "pattern of 'normality' hatched in a Viennese laboratory" (Lewis, 2011: 93). Cf. also early plaidoyer for scientification of penal policy, i.e. "the systematic assistance of psychiatrists, psychologists, and social investigators", in: Glueck, 2011: 78. In the world of film, the theme of disciplinary oppression in institutions, which nominally have purpose to cure and reform the subjects, is classically explored in Miloš Forman's *One Flew Over the Cuckoo's Nest*, from mid 1970s. Mostly harmless patients are subject to different psychiatric diagnoses and psychoactive medicines that make them numb. They are terrorized by evil nurse Ratched and other staff. In the depressing ending, subject who leads the tactical subversions within the institution and undermines disciplining authorities is lobotomized and thus turned into a human vegetable. The film is more of study in disciplinary power in Foucauldian sense (Foucault, 1975; 1980; 1997), with subjectless ontology of power struggles, which uses totally different theoretical language then this paper.

him. The homeless guy, whom Alex and his droogs beat up, attacks Alex when he recognizes him and sees that he is helpless. Alex's former droogs now work in the police: they also beat and torture him to pay him back for beating and domination when he was the leader of the group; his former bourgeois victims torture him and use him for political means. There is no remorse and no forgiveness in Clockwork Orange, and society and politics do not help. Alex's family is alienated, his parents are afraid of him[31]; social workers and probation officers are impotent when it comes to leading him to the right track. Classical penal policy cannot reform Alex, while the new scientific one, aside of being illiberal, makes mistakes. In Clockwork Orange even science is not to be trusted. Cynical liberal democratic politics is not interested in following a rational policy course, but only in staying in power, while sensationalist media seeking scandals go back and forth from amplifying the problem of violence and praising the program to grizzly stories on abuse of human rights and totalitarian intrusions of government. On the top stands the culture of blasé bourgeois society, the one that should provide societal basis for parliamentary liberal democratic politics: home of the rich are burdened with decadence of clothing, strange habituses of their owners, phallic statues and kitschy interior design. The society and politics are disastrous and that does not help the burden of human nature.

The final hard question for elementary penal policy design goes: if evil is cumulative product of our societies' different institutions and human nature, what can be done by dysfunctional liberal democratic politics and its political theory? If things are that bad, should one (if he does not want to summon cultural pessimism of Mel Gibson's *Apocalypto*) recall Leo Strauss' (in)famous remark that modern political science fiddles while Rome burns, but is excused, since it does not know that Rome burns and it does not know that it fiddles? What is to be done if political science, political theory and penal policy design, constrained in the narrow empirical and normative framework of the given situation, work in a structural straightjacket? In the area of human violence and violent crime that I chose to highlight in this paper, some authors claim that conservative approach in politics, the one that lacks the societal vision and constructive political programs—like the implicitly conservative political science that ideologically produces existing "burning" structures—has produced only further decadence of society. As one author has put it:

> Lacking a 'vision thing' with which to imagine the future and direct society the imagination of the political elite (indeed of western culture more generally) has withered and where there was previously a sense of possibilities and improvement, today's energy is put into attempts at damage limitation and harm reduction. Within this more limited mindset the tendency is to shift one's eyes from the horizon and onto the 'gutter' to discover ad nauseam the dangers that lurk there (Waiton, 2009: 372).

Should we—political scientists, political theorists, analyzers of fictional ontologies, speculative penal policy designers and practitioners—believe him?

[31] One might argue that Alex's nature is product of his dysfunctional family which is in turn a product of alienated industrial society.

Author: not as a person, but as a shorthand for a discourse	Ontology of evil: what is the cause of evil?	Ontology of political subject: Is man good or bad?	Speculative penal policy design: how should society react to evildoing?	Ideological classification of a discourse
Gorky	Economy, society; brutality of unconstrained capitalism	Good, when not depraved by society	Economic and social change; political revolution; penal policy is mostly irrelevant	Left
Eagleton	Economy, society, political institutions	"Morally hybrid" creature, but society tends to make him really bad	Thorough reform of unjust structures; penal policy could be one of the ideological apparatuses that procreates capitalist order	Left
Haneke	Violence is produced by prior hidden violence of multiple societal structures (economy, religion, patriarchal family)	Good, unless he lives in society which makes him violent	Unspecified thorough reform, perhaps fueled by cathartic insight into societal hypocrisy; penal policy is only a part of unjust repression	Left
Gavras	Violence is produced by militaristic fascists, their capitalist sponsors, and their nationalist agents	Good; violence stems from societal structure, fascist politics and manipulation of the proletariat	Political action for economic and social change; penal policy is part of the repressive political constellation	Left
Huxley	Peter Pans and Muscle Men, characters born with a predisposition for violence; society and politics certainly do help	Most are good, but some are really bad, and cause all the trouble	Early behavioral therapy and utopian social engineering	Left, but with hints of rightist ontology
Lang	Violent natures and violent structures	Bad, sometimes compulsively violent	Repression or rehabilitation: diagnostics and prescription are ambivalent	Ambiguous: violent natures might be uncured patients or neglected children
Dostoyevsky	Human nature, its psychology and inner demons	Unsuitable for phalanstery, chaotic, sinful, and sometimes violent	Reactionary framework keeps the moral struggles going: penal policy is part of the expiation process	Right
Bulgakov	Violent and chaotic nature; society and politics help to amplify it	Bad, but there is funny side to it	Cynical; does not prescribe	Right
Golding	Sinful human nature	Bad; sinful to the core, where one can see "the darkness of human heart"	Authority is necessary: civilized society curbs violence	Right
Houellebecq	Violent nature, which humans share with other (predatory) animals	Bad; violent, obeys hierarchy and works in packs; stronger enjoy torturing the weaker: it is natural	Repression and control of violent impulses; only science can bring ontological change and radically change decadent Western societies	Right
de Saint-Exupéry	Violence comes from lack of order, i.e. lack of will	Bad; tends to fall apart without discipline	Authority, rules and punishment	Right
Von Trier	Violence comes from evil and sinful nature	Bad; especially malicious towards the powerless	Retribution and capital punishment for the malignant evildoers	Right
Peckinpah	Violence is what bad people do when allowed	Bad; violent, especially when perceives weakness	Strong retribution: firm approach helps general prevention	Right
Kubrick	Alienation, boredom and cynical liberal-democratic politics produce violence	Bad and enjoys it; unsuitable for classical penal treatment	Cynical; cold analysis does not prescribe	Ambiguous: ideology does not help
Forman	Institutions in a disciplinary society curb liberty	Some are good, but those might be lunatics	Punishment by law is perhaps fairer than potentially endless treatment at mercy of different parapenal bureaucracies	Left

TABLE Schematization of fictional ontologies for punishment

REFERENCES

A. Theory

Brighenti, Andrea (2006) Dogville, or, the Dirty Birth of Law. *Thesis Eleven*, 87 (1): 96-111.

Cavadino, Michael, Dignan, James (2005) *Penal Systems: A Comparative Approach* (4th ed). London: Sage.

Christie, Nils (1986) Images of man in modern penal law. *Contemporary Crises*, (10) 1: 95-106.

Dye, Thomas (2005) *Understanding Public Policy* (11th ed). Upper Saddle River: Prentice Hall.

Eagleton, Terry (2011) *O zlu* [On Evil]. Zagreb: Ljevak.

Elias, Norbert (2000) [1939_1] *The Civilizing Process: Sociogenetic and Psychogenetic Investigations*. Oxford: Blackwell.

Foucault, Michel (1975) *Surveiller et punir: naissance de la prison*. Paris: Gallimard.

Foucault, Michel (1980) *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (Gordon, Colin, ed). New York: Pantheon Books.

Foucault, Michel (1997) *Il faut défendre la société: cours au Collège de France (1975-1976)* [Society Should be Defended: Course at Collège de France 1975-1976]. Paris: Seuil & Gallimard.

Glueck, Sheldon (2011) [1928_1]. Principles of a Rational Penal Code, in: Tonry, Michael (ed), *Why Punish? How Much? A Reader on Punishment*. Oxford: Oxford University Press, pp. 71-90.

Heidegger, Martin (1985) *Bitak i vrijeme* [Being and Time]. Zagreb: Naprijed.

Lewis, Clive Staples (2011) [1949_1]. The Humantiarian Theory of Punishment, in: Tonry, Michael (ed), *Why Punish? How Much? A Reader on Punishment*. Oxford: Oxford University Press, pp. 91-96.

Lindblom, Charles (1990) *Inquiry and Change: The Troubled Attempt to Understand & Shape Society*. New Haven and New York: Yale University Press and Russell Sage Foundation.

Marion, Nancy, Oliver, Willard (2011) *The Public Policy of Crime and Criminal Justice* (2th ed). Upper Saddle River: Prentice Hall.

Marsh, David, Furlong, Paul (2002) A Skin not a Sweater: Ontology and Epistemology in Political Science, in: David Marsh and Gerry Stoker, eds, *Theory and Methods in Political Science*. London: Palgrave, pp. 17-41.

Pinker, Steven (2011) *The Better Angels of Our Nature: Why Violence Has Declined*. New York: Viking.

Popper, Karl (2002) *Conjectures and Refutations: The Growth of Scientific Knowledge*. London: Routledge.

Rivera Beiras, Iñaki (2005) State form, labour market, and penal system: The new punitive rationality in context. *Punishment & Society*, (7) 2: 167-182.

Rusche, Georg, Kirchheimer, Otto (2003) *Punishment and Social Structure*. New Brunswick i London: Transaction.

Schmitt, Carl (1996) [1932_1] *The Concept of the Political*. Chicago: Chicago University Press.

Simon, Jonathan (2007) *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford: Oxford University Press.

Stolz, Barbara Ann, ed (2002) *Criminal Justice Policy Making: Federal Roles and Processes*. Westport and London: Praeger.

Strauss, Leo (2001a) [1932] Napomene uz Pojam političkoga Karla Šmita [Notes on Carl Schmitt, The Concept of the Political], in: Samardžić, Slobodan, ed, *Norma i odluka: Karl Šmit i njegovi kritičari* [Norm and Decision: Carl Schmitt and His Critics]. Beograd: Filip Višnjić, pp. 69-84.

Strauss, Leo (2001b) [1932] Pismo Karlu Šmitu [Letter to Carl Schmitt], in: Samardžić, Slobodan (ed), *Norma i odluka: Karl Šmit i njegovi kritičari* [The Norm and the Decision: Carl Schmitt and His Critics]. Beograd: Filip Višnjić, p. 84.

Tonry, Michael (2011) Introduction, in: Tonry, Michael, ed, *Why Punish? How Much? A Reader on Punishment*. Oxford: Oxford University Press, pp. 3-28.

Waiton, Stuart (2011) Policing after the crisis: Crime, safety, and the vulnerable public. *Punishment & Society*, 11 (3): 359-376.

Welsh, Wayne, Harris, Philip (2012) *Criminal Justice Policy and Planning* (4th ed). Waltham, MA: Anderson.

B. Literature

Borges, Jorge Luis (1999) [1936_1] A History of Eternity, in: *Selected Non-Fictions*. New York: Penguin, pp. 123-139.

Bulgakov, Mihail (2000) [1925_1] *Kobna jaja* [The Fatal Eggs]. Zagreb: Sysprint.

Burgess, Anthony (1962) *A Clockwork Orange*. London: Heinemann.

Camus, Albert (1996) [1942_1] *L'étranger* [The Stranger]. Paris: Gallimard.

Camus, Albert, Koestler, Arthur (2002) [1957_1] *Réflexions sur la peine capitale* [Reflexions on the Death Penalty]. Paris: Gallimard.

de Saint-Exupéry, Antoine (2005) [1931_1] *Noćni let* [Night Flight]. Zagreb: Zagrebačka naklada.

de Sade, D. A. F., Marquis (2004) [1791_1] *Justine ili nedaće kreposti* [Justine or The Misfortunes of Virtue]. Zagreb: Globus.

Dickens, Charles (1838) *Oliver Twist; or, The Parish Boy's Progress*, http://www.gutenberg.org/ebooks/730

Dostoyevsky, Fyodor Mikhaylovich (1866) *Crime and Punishment*, http://www.gutenberg.org/ebooks/2554

Dostoyevsky, Fyodor Mikhaylovich (1872) *Demons* (*The Possessed*), http://www.gutenberg.org/ebooks/8117

Genet, Jean (2010) ***Čudo ruže*** [The Miracle of the Rose]. Zagreb: Disput.

Golding, William (1954) *Lord of the Flies*. London: Faber and Faber.

Gorky, Maxim (1907) *Mother*, http://www.gutenberg.org/ebooks/3783

Houellebecq, Michel (2001) [1998_1] *The Elementary Particles*. New York: Vintage.

Hugo, Victor (1862) *Les Misérables* [The Wretched], http://www.gutenberg.org/ebooks/135

Huxley, Aldous (1962) *The Island*, http://www.huxley.net/island

Kafka, Franz (1994) *Proces* & *Preobrazba* [*The Trial* and *The Metamorphosis*]. Zagreb: ABC.

Kafka, Franz (2004) *Dvorac* [*The Castle*]. Zagreb: Globus.

Franz, Kafka (2007) [1919_1] *In the Penal Colony*, http://records.viu.ca/~johnstoi/kafka/inthepenalcolony.htm

Laozi (6^{th} Ct B.C.) *Tao Te Ching* [The Book of Path and Virtue], http://www.yellowbridge.com/onlinelit/daodejing05.php

Lessing, Doris (2008a) [1962_1] Introduction: 1993, in: *The Golden Notebook*. New York: HarperCollins, pp. vii-ix.

Lessing, Doris (2008b) [1962_1] Introduction: 1971, in: *The Golden Notebook*. New York: HarperCollins, p. xi-xxvii.

Moore, Alan, Lloyd, David (1990) [1982-1989_1]. *V for Vendetta*. New York: DC Comics.

Musil, Robert (2004) [1906_1] *Pomutnje gojenca Törlessa* [The Confusions of Young Törless]. Zagreb: Globus.

Nietzsche, Friedrich (1999) [1895_1] *Antikrist* [The Antichrist]. Zagreb: Izvori.

Oesterheld, Héctor Germán, López, Francisco Solano (2008) *Eternaut* [The Ethernaut]. Zagreb: Fibra.

Orwell, George (2003) [1949_1] *Nineteen Eighty-Four* (with introduction by Thomas Pynchon). London: Penguin.

Solženjicin, Aleksandar, 2004 [1962_1]. *Jedan dan Ivana Denisoviča* [One Day in the Life of Ivan Denisovich]. Zagreb: Globus.

Vian, Boris (1992) [1949_1] Fog, in: *Blues for a Black Cat and Other Stories*. Lincoln, NE: University of Nebraska Press, pp. 77-86.

Žižek, Slavoj (2008) *O nasilju* [*Violence (Big Ideas)*]. Zagreb: Ljevak.

C. Films

Boorman, John (1972) *Deliverance*, http://www.imdb.com/title/tt0068473

Boorman, John (1974) *Zardoz*, http://www.imdb.com/title/tt0070948

Brook, Peter (1963) *Lord of the Flies*, http://www.imdb.com/title/tt0057261

Forman, Miloš (1975) *One Flew Over the Cuckoo's Nest*, http://www.imdb.com/title/tt0073486

Gansel, Dennis (2008) *Die Welle* [The Wave], http://www.imdb.com/title/tt1063669

Gavras, Costa (1969) *Z*, http://www.imdb.com/title/tt0065234

Gibson, Mel (2006) *Apocalypto*, http://www.imdb.com/title/tt0472043

Haneke, Michael (2005) *Caché* [Hidden], http://www.imdb.com/title/tt0387898

Haneke, Michael (2009) *Das weisse Band: Eine Deutsche Kindergeschichte* [The White Ribbon: A German Children's Story], http://www.imdb.com/title/tt1149362

Hirschbiegel, Oliver (2001) *Das Experiment* [The Experment], http://www.imdb.com/title/tt0250258

Hook, Harry (1990) *Lord of the Flies*, http://www.imdb.com/title/tt0100054

Ebert, Roger (2009) Roger Ebert's Journal: A devil's advocate for 'Antichrist', *Chicago Sun-Times*, 19^{th} May, http://blogs.suntimes.com/ebert/2009/05/a_devils_advocate_for_antichri.html

Kotcheff, Ted (1971) *Wake in Fright* (*Outback*), http://www.imdb.com/title/tt0067541

Kotcheff, Ted (1982) *First Blood*, http://www.imdb.com/title/tt0083944

Kubrick, Stanley (1971) *A Clockwork Orange*, http://www.imdb.com/title/tt0066921

Milius, John (1982) *Conan the Barbarian*, http://www.imdb.com/title/tt0082198

Peckinpah, Sam (1971) *Straw Dogs*, http://www.imdb.com/title/tt0067800

Von Trier, Lars (2003) *Dogville*, http://www.imdb.com/title/tt0276919

Von Trier, Lars (2005) *Manderlay*, http://www.imdb.com/title/tt0342735

Von Trier, Lars (2009) *Antichrist*, http://www.imdb.com/title/tt0870984