

**V. Vegh Weis ed., *Criminalization of Activism: Historical, Present, and Future Perspectives*, London: Routledge, 2022, 259 pp, £39.99 (paperback)**

**Reviewed by Lea Pilone**

In this anthology edited by Valeria Vegh Weis the authors discuss the criminalization of protest movements. The collection uses an interdisciplinary approach and combines theoretical approaches from different fields, such as historical, critical, green, feminist and southern criminology as well as Indigenous and LGBTIQ+ Studies (p. 1). In continuation of Vegh Weis' theoretical framework put forward in *Marxism and Criminology: A History of Criminal Selectivity* the repression of political activism is understood as a form of over-criminalization (p. 1). In *Marxism and Criminology*, Vegh Weis argued that in capitalism criminal law follows a selective logic of over- and under-criminalization and that the punishability of a certain behaviour does not correspond to the social harm of it, but rather to the damage the action poses to capitalist relations of production. "Criminalizing activism" comes at a time when not only are protests rising globally and the capitalist crisis is deepening, but also at a point where the way protests are met is changing: the police suppression of protests is becoming militarized and technological surveillance takes on a new quality. Following an introductory part the book is organized in five sections.

Part I begins with theoretical approaches to the over-criminalization of dissent. Authors argued that activism in the West is increasingly met with the use of exception regulations, accompanied by a discursive process of "Othering", which marks the protest movements as non-democratic outsiders of the community (p. 24). This part also considers environmental harm and the state handling of resistance against it within criminal law and shows how states though formally protecting nature through legislation also criminalize resistance to environmental harm to comply with neoliberal market principles (p. 35). Furthermore, the process to narrow down resistance by a process of co-optation, which is characterized by "the state ability to control, re-absorb and make functional those counter roles, standards, goals and expectations" of the protests (p. 45) is addressed.

Part II contains historical examples of the over-criminalization of activism. Contributors thematize the criminalization of protest movements in the Roman Republic and Medieval England, the exclusion of low castes in India from access to essentials such as water through penal law and the protests against it, the

Queensland anti-apartheid protests of 1971 and ultimately the process by which the Italian Communist Party labelled the *Autonomia Operaria* group as terrorist and in this way sought to break it down.

Part III discusses over-criminalization in the Global North with two contributions focusing on the Black Lives Matter movement and the oppression of Black people in the US. It also reveals different criminalization processes, from lawfare against civilian sea rescue groups to the mild criminalization of Belgian youth protests against climate change. Furthermore, the criminalization of the referendum for the independence of Catalonia shows how and why states threatened in their existence respond with the criminalization of protests and how this depoliticizes underlying social conflicts (p. 141).

Chapters in Part IV on the current cases of over-criminalization in the Global South focus exclusively on Latin America. They show how the criminalization of social movements in Latin America are characterized by a different degree of repression than in the Global North. This increased level of repression is marked by “the punitive administration of social dissidence through illegal means” (p. 165), such as the assassinations of social leaders and other forms of partially illegal lawfare. Overall the findings underpin that what Fanon was writing on the form of governing the colonies, that in contrast to the capitalist metropolis, police and the military guaranteed the maintenance of order in the colonies by pure violence, still has repercussions in the Global South today (Fanon 1961: 4).

The last section contains articles on the challenges for a critical agenda on the criminalization of activism. Articles discuss the “paradox role” (p. 208) of artificial intelligence used as a technology to suppress and at the same time to organize protests, the policing during the Covid-Crisis, feminist activism and the problem of carceral feminism, and lastly point to the difficulties of the concept of activism, arguing that in Nazi Germany individuals who later became convicted war criminals often started their careers as activists.

The historical-materialistic method with which Vegh Weis developed the theory of over- and under-criminalization in *Marxism and Criminology* is not deployed in most of the contributions. As a result, one effect of over- and under-criminalization depicted by Vegh Weis is partially lost, namely how selective criminalization contributes to the (re-)production of capitalism by upholding its property relations. As a result, exploitation and wage labour are no longer the central category for understanding over-criminalization. Instead, intersectional categories such as gender, race and class are used to explain overcriminalization. In this context, while drawing the line for criminal selectivity between Black and White can be useful in the US context, this does not allow a universal analysis of criminalization practices in capitalism. For this it would be important to understand race as a relationship between white and non-white labour and as one

of exploitation and overexploitation. In this relation the reason for the over-criminalization of non-white labour lies precisely in its over-exploitation compared to the degree of exploitation of white labour (I elaborate this critique in an article foreseeably being published this autumn, see Pilone forthcoming). Also, if the function of criminalization explored in *Marxism and Criminology* would have been taken more into account, some questions could be resolved easily. For example, the described paradox of digital technologies could be dissolved if one asked about the actors behind the digitalization processes. It would become clear that the subject who uses digital technologies also determines how and what they are used for (Schadt 2020).

In summary, the book contains valuable accounts of the different historical and theoretical facets of the criminalization of protests. Although readers of *Marxism and Criminology* will find that its approach is not fully applied in *Criminalization of Activism*, the collection offers different approaches and a valuable insight to the field from different angles.

## References

- Fanon, F. (2004/1963) *The Wretched of the Earth*. New York: Grove Press.
- Pilone, L. (forthcoming), “Polizei und Rassismus in Deutschland. Eine historische Genese”, in E. Roldán Mendivil & B. Sarbo, eds., *Die Diversität der Ausbeutung. Zur Kritik des herrschenden Antirassismus*. Berlin: Dietz Verlag.
- Schadt, P. (2020) “Die Digitalisierung als Scheinsubjekt”, *Widersprüche*, 158(4): 32–47.
- Vegh Weis, V. (2017) *Marxism and Criminology. A History of Criminal Selectivity*. Chicago: Haymarket Books.