

## **From Hyperspace to Hypercrime**

### *Technologies and the new geometries of deviance and control*

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#### **Abstract**

This paper argues that the significance of technology for contemporary crime and control needs urgent retheorisation. In a context where communications and information technology are having such profound effects upon social interaction, important questions arise about the changing relations between spatial experience, crime and control. The paper suggests that one standard approach here – the claim that communications technology crimes are best explained by reference to them as ‘cybercrimes’ which occur in ‘cyberspace’ – represents one variant of the failure to properly locate technology within the social. Adopting a Simmelian perspective, the paper advocates considering technology in terms of a geometry of offending behaviours and responses to them – one defined by social interaction rather than the other way around. It is argued that an extended form of social space – a hyperspace – is now evolving, with important implications not just for our experience and perception of crime but the kinds of options available for managing it.

**Key Words:** cybercrime, hypercrime, technology, space, control

#### **Introduction**

Perhaps one of the most striking recent examples of the recurring tension for criminology between policy and theory has been the way that criminal justice systems around the world have responded to the increasing influences of technology upon both crime and control. Whether it is the legal status of electronic eavesdropping or the rights and wrongs of carbon emissions, criminal justice policy in these areas stands at an uncertain stage of development. In my recent book *‘Hypercrime’* (McGuire, 2007) I attempt to address some of these theoretical gaps with respect to

technologies that facilitate social interaction. One instance of these – communication technologies – has become associated in the popular mind with the supposed emergence of ‘new’ forms of deviance, usually referred to as ‘cybercrime’. In this paper I present some of the theoretical problems of this approach (as described in my 2007 book) and outline a different stance.

The book is subtitled ‘*The New Geometry of Harm*’ – a deliberate invocation of the seminal ideas about space and the social world produced by one of the major figures within the early social sciences - Georg Simmel. One of Simmel’s most profound ideas – that a ‘social geometry’ may be as valid a tool for analysing the social world as formal geometry has been for the ‘natural’ world (e.g. Simmel, 1997) – has been occasionally revisited within social science, (see, amongst many others Bourdieu, 1984; De Certeau, 1984; Harvey, 1989; Thrift, 1995). Within criminology however, deployments of space as an explanatory variable have tended to reduce to quantitative description (i.e. geographical models of offending patterns) or ‘situational’ approaches towards defending it (Clarke, 1997). The result has been a denuding of the analytic potential of space as a tool within the discipline, one that has served to licence a number of misconceptions on the part of policy makers. Notorious amongst these, and what primarily concerns me here, has been to permit the idea of a ‘cyberspace’ - an ontologically distinct realm of social interaction - to circulate uncritically. Not only has this proved to be a powerful motivation for believing that criminology should treat cybercrime as something ‘special’, it has also allowed policy makers to treat electronic interaction as something so intrinsically different from ‘normal’ interaction that it is legislatively unique. The requirement placed upon communications providers to enable government monitoring of all electronically mediated interaction, created by the US Communications Assistance for Law Enforcement Act (CALEA) of 1994 (Campbell, 1999), set the tone. Meanwhile, the recent proposal by the UK Government that any form of interaction involving a contemporary communication technology should be recorded, stored and monitored (Travis, 2008) is the latest instance of the legitimising role of ‘cyberspace’ in the production of these unprecedented controls over social life. Similar examples abound and criminologists must hold themselves at least partly culpable for helping such responses to seem not just legitimate but ‘natural’ outcomes of the spread of communications technologies. I will therefore begin by setting out some of the more fundamental problems raised by the cybercrime stance, before arguing how a concept of ‘hypercrime’ may be at least as adequate an approach.

## **The problems with cybercrime**

Whilst there are many ways in which technologies have been associated with criminality, perhaps the outstanding contemporary instance of this has been that of cybercrime. For it is only here that there has been a

comprehensive attempt to define criminal behaviour in terms of a specific technology. I have argued in various contexts (e.g. McGuire, 2006; 2007) that this stance has not only proved to be something of an intellectual dead-end but, more seriously, that it has been implicated in a number of undesirable policy outcomes. There is no space to rehearse all of the arguments for this conclusion here, but there seem to be at least three areas in which the model can be said to have failed to ‘deliver’ in the way that a good social science model ought:

*Factual/empirical inadequacies*

Numerous examples exist where claims about cybercrime have failed to match up to the gold-standard for any scientific theory – empirical and predictive adequacy. Whether it is claims about supposed causal associations between the internet and suicide – when suicide rates amongst the 16-30 age group in the UK and US have been falling (see Kochanek et al., 2004, National Institute for Mental Health in England, 2008). Or whether it is the widely circulated assertion of huge and continuing annual percentage rises in so-called ‘identity theft’ (for example the notoriously flawed £1.7 billion estimated annual cost produced by the UK Government, (Home Office, 2006)) when key indicators of this such as credit card fraud have often shown declines. And studies have suggested that card and ID fraud were most likely to have been conducted by close family members or friends rather than internet thieves. Claims about cybercrime have too often failed to match up to the realities (see APACS, 2005; Gilligan, 2005; BBB, 2005).

*Historical inadequacies*

The suggestion - implicit or explicit - that crimes effected by communications technologies only became worthy of discussion subsequent to the advent of the internet is not just poor scholarship, but a serious distortion of their historical impact. The wealth of examples of financial fraud, hacking, identity impersonation, expansions in access to pornography and sex made possible by earlier communication networks such as the telegraph, the telephone or even postal systems, demand much greater attention than they have been given by criminologists (see e.g. McGuire, 2007 ).

*Normative inadequacies*

Symptomatic of the gaps in a credible social science of online deviance has been the single-minded focus on a small and sensationalised cluster of offences, to the exclusion of less obvious but more insidious misuses of communication technology by the State and corporate worlds. Thus electronic eavesdropping, the promotion of information based weapons technologies, illegal exchanges of personal data and workplace harassment - to name but a few - have rarely been given equal attention to the stalkers, internet rapists, identity thieves and other colourful characters within the cybercrime story of internet crime.

Whilst each one of these inadequacies is worthy of a paper in itself I want, for the purpose of the discussion here, to keep focussed on another problem with the cybercrime approach – the kind of social space which both defines it and where it is meant to be effected. For ‘cyberspace’ is not just some of kind of medium miraculously created by the advent of the internet, it is also the place where cybercrimes are meant to ‘happen’ (cf. Yar, 2006:5).

It is true that many criminologists now tend to avoid the term, but the concept of a cyberspace usually remains somewhere at the back of people’s minds when they discuss cybercrime. The problem is that this idea is not just deeply flawed, it has (and continues to have) a number of direct and undesirable effects upon policy regarding communications technology. And such commitment becomes all the more surprising when some obvious reasons for caution are considered:

- (a) First, the cyberspace concept seems to be a clear overreaction to recent communications technologies. As other commentators have noted – why did nobody think there was a ‘telephone space’, a ‘telegraph space’ or even a ‘postal space’ when these communication networks first came into being? After all these were equally ways in which social interaction was extended (see e.g. Koppell, 2000).
- (b) Secondly, the way the cyberspace idea has been constructed always suggests some kind of an ontological ‘other’ – a space distinct from ‘normal’ social space. In particular it sets up the false (and dangerous) dichotomy between a ‘real’ space and a ‘virtual’ space.
- (c) Finally, and related to the previous point, this ‘other’ that is cyberspace then fosters the presumption that, as an alien other, it is a ‘wildzone’, an unregulable space which associates experiential gaps with danger. As an unknown, cyberspace is automatically transformed into something ‘dangerous’ for, just as with the blank spaces on medieval maps, it may contain monsters. And of course where ‘there be monsters’, there must special provisions be made. Whether it is laws which are exceptions to the norm (because cyberspace is virtual, not real) or whether it is the right of governments to listen to everything we do ‘in cyberspace’ (because it is so unregulable), the presumption of a cyberspace sets up a series of dubious and threatening assumptions about control and policy which criminologists have rarely questioned enough.

Its not that we cannot or should not recognise the production of a social space by a particular technology, as Lefebvre, (1991) pointed out, ‘spaces are produced’ socially in all kinds of ways. But getting clear about how and what kind of space is crucial, for important consequences for policy follow from the decisions we make here.

## **An alternative**

Central to my challenge to the presumptions behind the ‘cybercrime’ idea has been the attempt to outline an alternative stance on trends in (communications) technology crime and their implications for social life and interaction. As part of this it was essential to find an alternative to the technological fetishism which often infects cybercrime explanations, a penchant manifest in the tacit assumption that, by prefixing communications-related crime with the term ‘cyber’, we somehow account for it. Instead, I argue, that our understanding of criminalities related to communications technology must be relocated within the appropriate realm of analysis for social science – namely within the social world.

After all, the idea of seeing technology not as an external, or independent force but as something intrinsically social is hardly a very new one. Aristotle (1984:IV) for example defined what he called *techne* in clear social terms – as the product of our attempts to imitate and surpass nature. More recently Heidegger (1977) placed even greater emphasis upon its social determination – as something that forms a mode of existence for us. But as with many theorists of technology, Heidegger was profoundly negative, viewing it as something which so changes our existence as to (ultimately) enslave us. By contrast Marshall McLuhan (1962; 1964), a theorist little discussed in criminology in spite of the important insights into technology crime he offers, proposed we saw technology in such profoundly social terms that it was actually a part of us, not separate. Drawing upon the work of Harold Innis (1950), McLuhan argued that technology was not ‘just’ a tool, but could be thought of as an extension to our physical bodies, ways in which our existing capacities could be enhanced. As he famously put it – the wheel is a technology which ‘extends’ the foot, much in the same way as we can think of the phone extending the voice. Given this conception, it immediately becomes clearer how communications technology entails nothing which is ontologically distinct from the ‘real’ social world - rather, in extending our bodies, it extends the social world we inhabit. It then becomes clearer how technology crime (and control) is no kind of an ‘ontological other’, it is simply another example of the range of extensions to our social world.

What does seem true is that, in the case of communications technologies, this process of extension appears to have reached a kind of tipping point – a fact that explains a lot about the readiness to accept the hyperbole of the cyberspace/cybercrime model. What I suggest (McGuire, 2007) is that this (long historical) process of bodily extension, of capacity enhancement, has become so profound that it is in the process of creating a radically new kind of social space – one that not only extends our communications capacity – but the process of social interaction itself, not least criminal behaviour. For want of a better word I refer to this extension of social space in terms of a process of hyperspatialisation – though the result is not the kind of thing once described by Frederic Jameson

(1991:44), where it is our inability to grasp the global enormities of a post-modern world that constitutes hyperspatial experience. Rather this is a lived medium, a product of the wider capacities generated by the extensions of (numerous) technologies. My contention then is that, just as with previous extensions to interaction in history, this more recent set of extensions generates a new order of deviance, both real and imagined. That is, just as (say) printing brought about important shifts in crime (and crime control), so then I argue does this more comprehensive stage of the hyperspatialisation process – the emergence of a more fully developed hyperspace of interaction – deliver its own more comprehensive transitions in deviance and control. In other words hypercrime is simply an inevitable outcome of living within a hyperspace.

## **Hyperspace**

The concept of a hyperspace does not seem to be an obvious candidate for acceptance into the policy makers lexicon, so what of practical use might it offer to criminology? In physics a hyperspace is often used as way of referring to 'higher dimensional' spaces – spaces where motions are possible which are impossible within the lower order medium (being able to move in a third dimension for example makes 3D space 'hyperspatial' with respect to 2D space) (cf. Valente, 2004). The suggestion I offer parallels this idea of an 'expansion of possibility'. That is, the variety of ways in which social interaction can take place have now become so enhanced that social space too is now 'hyperspatial', with implications that criminal justice policy must begin to take seriously.

As suggested earlier, a proper examination of the historical effects of communications technology (and indeed many other technologies) upon social interaction quickly makes it clear that such changes are part of a longer term set of processes, processes which do what technology has always done – extend the body and its capacities. Previous commentators – perhaps most obviously David Harvey and Anthony Giddens – have used concepts of 'space-time compression' (Harvey, 1989) or 'distanciation' (Giddens, 1990) to capture one aspect of such transitions. This is the idea that, with modernity, many of the spatio-temporal limitations imposed upon us are contracted. The case is fairly straightforward and - given the weight of evidence - a compelling one. For example, for most of history up until the nineteenth century the highest speed we could travel was effectively the highest average speed of horse drawn coaches and sailing ships - around 10 mph. Between 1850-1930 the advent of steam locomotion raised this average to around 65 mph. In the 1950s propeller aircraft extended this to around 300-400 mph; whilst by the 1960s, with jet propulsion it has risen to 500-700 mph (Harvey, 1989:241).

Paralleling these sudden and dramatic increases in speed have been other indications of a fundamental shift in social life. Nigel Thrift (e.g. 1995) marks this in terms of enhanced mobilities. For example, whilst in 1950 the

average Briton travelled around 5 miles per day, by 2006 this had become closer to 30 miles – a figure itself estimated to double by 2025 (Adams, 2005). Similar shifts in communication mean that the several months it took to get a message from London to New York in the early nineteenth century has now shrunk to less than one second. Complementing Harvey's ideas of spatio-temporal compression, Paul Virilio has spoken of the need for a 'dromology' - a new science marking the fact that, 'today we are entering a space which is speed-space ... this new other time is that of electronic transmission, of high-tech machines' (*cited in* Decron, 2001:71).

These are not particularly new insights. Nineteenth century commentators were well aware of the implications of the new communications technologies for distance interaction – witness for example the obituary to Samuel Morse which celebrated how he had, 'annihilated space and time' (cf Standage, 1998:87). It also seems clear that 'hyperspatialisation-like' processes can be seen in many more extensions to social interaction than spatio-temporal compression alone. As, for example, Simmel was aware, money and economic processes in general, have long functioned as ways in which social interaction goes beyond the immediacies of physical presence (Simmel, 1978). Elsewhere, Deleuze (1992) emphasizes another distinct ingredient related to his 'control society' model of contemporary social order. Here, as regulation shifts from the enclosed disciplinary spaces noted by Foucault (1980) toward forms made possible by a 'deterritorialisation' of space' – control itself, in transcending boundaries, becomes recognisably hyperspatial.

In my 2007 book I attempted to categorise these various ingredients of the hyperspatialisation process in terms of three key processes:

- (a) *Processes of causal enhancement:* Technologies such as transport and communication begin to rapidly extend social and causal interaction by 'reducing distance', 'speeding connection' and facilitating capacities to affect objects at very far and very near proximities..
- (b) *Processes of social complexification:* The 'network society' described by Castells (1996) is only part of the story of complexification. For what actually emerges is a networking of many different networks – an increased interlocking of social, economic, policing, transport, information and so on. In effect this plurality of interlocking networks produces a social complexification so extreme that, given (a), a quasi-continuum of possible connections emerges..
- (c) *Access to and interaction with a multiplicity of representations:* This continuum of possible connection is increasingly mediated by representations. Whether it is the use of computer models to engineer, shape and intervene in the natural and social worlds, or the increasing centrality of securing property by way of representations (here in the form of numeric codes), representation now goes a lot further than mere fictions or 'spectacles' (cf. Debord, 2002). Arguably it becomes a central form of production within the social world.

It seems clear (to me at least) that hyperspatialisation must be seen as a cumulative product of all such processes (and probably more, still unnoticed). For example, hyperspatialisation processes are clearly not 'just' globalisation – for they stretch beyond the formation of the immediate economic order back to early Neolithic trading networks, the development of Roman roads, the discoveries of fifteenth and sixteenth century European explorers and so on. Nor are they 'just' space-time compressions in Harvey's sense or a 'speed-space' in Virilio's. Not only does this overlook the enhanced levels of networking noted above, but also the increased capacity to interact over 'very near', as much as 'very far' space (in the increased capacity to manipulate the atomic and subatomic worlds for example). In turn, none of these approaches taken singly would accommodate the exponential rise in our capacity to socially interact using mediums/representations/information. Yet neither does our increased dependence upon representations produce a hyperreality of the kind posited by Baudrillard, 'the product of an irradiating synthesis of combinatory models in a hyperspace ... sheltered from the imaginary, and from any distinction between the real and imaginary" (1983:3-4). There may indeed be an significant inflation in the way we interact with 'fictive' or better, counterfactual representations – a transition in representational experience from examples like the novel, or even the film, into a fuller immersion such as that produced by the games worlds so beloved of the enthusiast of 'virtual' realities. But of equal, if not far greater, importance is the way that our models/representations mediate interactions with the natural and social worlds with increasing accuracy – accuracy of the kind which enables genuine causal interaction with the world (for example, the capacity to use a model to pick up a rock on Mars, to manipulate DNA sequences, or to adapt monetary policy to shifts in supply). It is with the emergence of this hyperspace that we can finally begin to think of what the new order of criminality and control that goes with this might look like. We turn, at last, to hypercrime.

## **Hypercrime**

In closing I will set out what seem to some of the more prominent consequences of this hyperspatialisation process for criminological explanation – the complex matrix of extended deviant behaviours and control strategies I have collectively referred to in terms of 'hypercrime'.

### *Shrinking of distance (I) - emergence of 'telepresence' and teleaction*

Hyperspatialisation's remodulation of social interaction and the consequent emergence of what has been called 'telepresence' (Minsky, 1980) - the compression of distance to the extent where anyone can now interact with anyone, anywhere and anytime (across the full audio-visual spectrum) - is having a number of important criminogenic effects. Some have been disproportionately noted over others, whilst others have



scarcely been noticed at all. Amongst the more obvious examples can be included:

- *Remodulations to violence:* It is important to be clear that the enhanced 'reach' of social interaction does not only provide new forms of opportunity for well publicised violent behaviours (in both psychological and physical terms) such for stalking, grooming or other sexual offences. This shift also entails a general enhancement to the capacity for killing individuals at a distance. Of course such capacity stretches back as far as the use of the sling, or the bow and arrow, but there is little doubt that it is one which has grown significantly since the nineteenth century, first with rifles, handguns, automatic weapons and the like, but more recently with missile capabilities of high sophistication. These more sophisticated capacities remain, of course, largely in the hands of the State at present, an imbalance in distance-violence that has been underanalysed within criminology. More widely noted has been the expansion in the range of potential psychological violence enacted remotely - from 'flaming' (insults directed at others online) through to text-bullying or hate crime.
- *Remodulations to theft:* Amongst the most widely discussed criminal outcomes of hyperspatialisation has been the inflation in the capacity to steal at a distance, whether from online bank accounts, by cloning credit cards and so on. Yet remote theft has, in principle, been in place ever since property became something partly mediated by representations (in the form of money for example). In turn, fraud committed over postal systems, or across the telegraph network, are examples of ways in which theft occurred at a distance long before the advent of the internet. What, however, cannot be disputed is the inflation of possibilities for effecting this that enhanced communications networks have created. Equally fascinating is a seeming transition in the very nature of theft produced by hyperspatialisation. Contemporary theft is increasingly a combination of access and representation (see McGuire, 2007) – access to networks of value, mediated by numeric codes. In effect, to be able to access a value network (be that an online bank or a credit card system) by replicating representations of others' forms of access (their codes or pins) amounts to the capacity to (illicitly) use the values represented there. As property is transformed into representations within networks of value, theft becomes a matter of access to that..
- *Remodulations to control:* There can be little doubt that hyperspatialisation has hugely increased the capacity to manage individuals and populations. Not just from a distance, but close up – indeed even from within the body itself. The so called 'surveillance society' is really simply one where, via CCTV, data profiling, electronic tagging, RFID<sup>1</sup> and a host of similar technologies, State and corporate

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<sup>1</sup> Radio Frequency Identification tagging

agents are able to intervene, acquire knowledge of, and manage situations by utilising the visibilities of a hyperspace (see below) to their own advantage. Within this spatial continuum control itself becomes 'continuous', operating – as Deleuze aptly described it – as 'a modulation, like a ... cast that will continuously change from one moment to another' (1992:2).

*Shrinking of distance (II) – enhanced microcausal power*

As I have suggested, hyperspatialisation is as much about enhanced capacity for causal action with very near objects as very far. This has equal, if not more significant, effects than teleaction, involving a whole new class of potentially criminal behaviours related to misuses of subatomic, atomic, genetic and other phenomena. Such behaviours have hardly begun to be theorised within criminology. Newer developments on the micro level, such as the advent of 'very small' or nanotechnologies are already being explored for the purposes of enhanced control (Laycock, 2007), with little or no public debate and it can only be a matter of time before certain applications of them approach criminality. The fact that we hear less about the way that 'very close up' space can be associated with crime than 'very far' space is not just because the capacity for microcausal interaction is (again) largely in the hands of a few specialised agents at present. It is also because the legal system is still unclear as to what constitutes offences here. But our rapidly developing capability for interventions at the micro-level poses some obvious questions for criminology. The rights and wrongs of biometrics, of DNA profiling, of ultrasound and other 'soft' weaponry are the most familiar examples of the normative dilemmas raised by access to 'very close up' interaction. They are likely to be just the tip of a very large iceberg.

*Instantaneousness of interaction*

It is really only since the 1960s that criminologists have been properly aware of the importance of perceptions of crime upon our criminal justice system and the relation of this to technology, in particular media technologies. Whether it is moral panics, or just panics, important effects on how we police and how we punish can result from such perceptions. Several years before Cohen's (1972) seminal work, McLuhan (1962) had already predicted the importance of hyperspatiality in inflating these kinds of technology-driven panics. The re-emergence of 'oral cultures' as a result of the new possibilities of instant interaction would, he argued, tend to foreground rumour over fact so that, 'terror is the normal state of any oral society, for in it everything affects everything all of the time' (1962:32). As individuals become ever more connected by the networking of networks promoted by hyperspatialisation, it is not just a greater access to global events and crises which produce feelings of insecurity. There are simple, and well known, laws governing information flows which predict precisely the kind of rapid spreads of stories and myths we are experiencing. These new chaotic dynamics of social interaction mean that the 'butterfly's wing'

of an event on one side of the world may produce a disproportionate avalanche of reactions on the other. The credit crunch of 2008 is one obvious example here. The greater readiness to accept both the reality of threats and the need for securitisation is one outcome.

*Enhanced representational power*

As I have argued, the general inflation of representation such as computer languages and computer models cannot be exclusively equated with a world of virtuality, of fictions – however good they have become in making such fictions plausible. Such representations have real causal power, power that enables interventions with real causal outcomes. It is no wonder then that information and representation become commodities of value, or that they then become disproportionately appropriated by those who wish to exploit them for gain. In retrospect the advent of ‘propaganda’ – representations used to gain influence over behaviours – now seems a mere foretaste of what was to come. From advertising to data profiling to the computer models which direct missiles towards their targets, the plethora of representations which play their part in shaping hyperspace, also play their part in generating hypercriminalities. The limitations of the cybercrime stance has again meant that criminology’s focus upon this has been rather circumscribed. Thus, we know a great deal about the use of representations for more sensationalised criminal ends. The theft of identity, or better the theft of identification – representations (codes, numbers etc.) which authenticate an identity – is an obvious example. Beyond this, a far wider and richer range of ways in which access to identifications can be misused, albeit perfectly legally, has scarcely been considered.

*Symbiosis and hybridisation*

Most of the previous examples of the ways in which a hyperspace may be contributing towards something we can think of as hypercrime are, if not obvious, at least familiar. But there are other, potentially more exotic consequences of a world of extended social interaction and deterritorialised space which, while they appear to be at the very margins of theory at present, are already exerting important effects. Indeed the very subtlety of how they are unfolding make them at least as insidious as the previous. One example is the effect upon the way we draw boundaries within social interaction itself. Put simply, a more connected world creates social composites as never before. New symbioses and hybridisations confront us – some of them from our worst nightmares. Symbioses such as that which drew together the cannibal Armin Meiwes and his ‘dinner’<sup>2</sup> (cf. Naughton, 2006) may of course also have taken place in times when more proximal social interaction was the norm. There can however be little

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<sup>2</sup> Meiwes was sentenced to life imprisonment by a German Court in 2006 after meeting Bernd-Juergen Brandes on the internet and then killing and eating him. Brandes had, claimed Meiwes, been enthusiastic about the idea.

doubt that their meeting was made easier by the hyperspatialising power of the internet. Likewise individuals wishing to play out certain sexual preferences, or to hire hitmen, or simply to swap rare stamps could all have met without new communications technologies. But it becomes increasingly likely that, with wider possibilities of interaction, those with certain interests can more easily find those share them. It is of course the 'monstrous' symbioses which catch our attention, but we should not overlook other varieties of social blendings which may pose greater long term risks to aspects of our society we wish to preserve. Hybridisation – a blending of previously distinct social functions rather than the sharing of interests marked by symbiosis – is particularly dangerous in this regard, for this happens almost imperceptibly. But happening it clearly is. Take for example the increased blending of policing and military functions. As Hardt and Negri (2004) amongst others have pointed out, in Iraq the military behave like police, just as police behave like the military. A still more ominous hybridisation – between the citizen and the criminal – also seems to be occurring in the move from individuals constituted by rights and the social contract towards individuals under surveillance, risks who need constant evaluation and management.

#### *Invisibility as a currency of power*

In the connected world of a hyperspace the capacity to be hidden begins to constitute a form of privilege. Indeed, to stay hidden requires the intervention of power. One result is a new order of identific enforcement. In a sense this is the real source of surveillance capacities and helps unravel David Lyon's (2001) dilemma – how exactly to define what is 'bad' about surveillance. For the advent of ID cards, or the constant demand for personal details from the commercial world, involves a requirement for visibility that is not shared equally. As the arbiters of identity become ever more remote and abstracted, the necessity to be identifiable wherever we are and whatever we are doing begins to go beyond an expectation. And to deviate from this requirement is, increasingly, to be criminalised.

## **Conclusion**

The advent of a multiple spectrum of ways in which bodies and societies can 'go beyond' limitations experienced by earlier societies in the way that hyperspaces transcend normal spaces is a stunning development, but it is one supported by a rich evidential background. To reduce the criminological consequences of all of this into a narrow class of offences involving computers has been a serious mistake. Instead, we need urgently to expand our perceptions and to see what has been called 'cybercrime' as a mere indication of a much more interesting and extensive set of possibilities. Hyperspatialisation may only be one way of modelling these and a concept of hypercrime may be no more than a provisional metaphor. But if we are to design a criminology that has the explanatory richness to

cope with what the twenty-first century is likely to throw at us, it is my contention that provisional metaphors are a better place to start than theories which have manifestly failed to deliver.

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