

The Culture of Control

Crime and Social Order in Contemporary
Society

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A History of the Present

We quickly grow used to the way things are. Today more than ever, it is easy to live in the immediacy of the present and to lose all sense of the historical processes out of which our current arrangements emerged. In the USA the public now seems quite accustomed to living in a nation that holds two million of its citizens in confinement on any given day, and puts criminal offenders to death at a rate of two or more per week. In much the same way, the British public no longer seems surprised by the existence of private prisons that house an increasing proportion of Britain's prisoners, and citizens go about their business hardly noticing the surveillance cameras that stare down on the streets of every major city. On both sides of the Atlantic, mandatory sentences, victims' rights, community notification laws, private policing, 'law and order' politics, and an emphatic belief that 'prison works', have become commonplace points in the crime control landscape and cause no one any surprise, even if they still cause dismay and discomfort in certain circles.

To the moderately informed citizen who reads the papers or watches the television news, these are the taken-for-granted features of contemporary crime policy. They have the same familiarity and easy intelligibility as other common elements of our everyday world such as cable television, mobile phones, or suburban shopping malls. But the most striking fact about these crime policies, is that every one of them would surprise (and perhaps even shock) a historical observer viewing this landscape from the vantage point of the recent past. As recently as thirty years ago, each of these phenomena would have seemed highly improbable, even to the best-informed and most up-to-date observer. However obvious and common-sensical our present-day arrangements may appear to us now, they seem deeply puzzling and perplexing if considered from a historical viewpoint that is still very close to us in time. As I will argue in the pages that follow, the historical trajectory of British and American crime control over the last three decades has been almost exactly the contrary of that which was anticipated as recently as 1970. Rereading the government documents, research reports and expert commentaries of that period, one finds a set of assumptions and expectations that have been completely confounded by subsequent events.¹

It is sometimes said that events become more easily predictable once they have actually occurred. But the historical processes that took us from the settled expectations of the early 1970s to the realized outcomes of the following decades

continue to defy our understanding. We still do not really know how we got from there to here and why the crime control future—which is the present we now inhabit—turned out to be so different from the one that was widely expected a generation ago. As a counter to this social amnesia, this book sets out to develop a history of the present in the field of crime control and criminal justice. In the process of describing this history, it aims to solve a problem that has been perplexing commentators for much of the last twenty years—the problem of explaining how our contemporary responses to crime came to take the form that they did, with all their novel and contradictory aspects. Its task is to unravel the tangle of transformative forces that has, for decades now, been reconstituting those responses in surprising and unexpected ways and to understand the ensemble of practices and policies that has emerged out of these developments.

In describing this work as a ‘history of the present’ I hope to distance myself from the conventions of narrative history and above all from any expectation of a comprehensive history of the recent period. My primary concern is analytical rather than archival. That concern is to understand the historical conditions of existence upon which contemporary practices depend, particularly those that seem most puzzling and unsettling. Historical inquiry—together with sociological and penological analysis—is employed here as a means to discover how these phenomena came to acquire their current characteristics. The history that I propose is motivated not by a historical concern to understand the past but by a critical concern to come to terms with the present. It is a genealogical account that aims to trace the forces that gave birth to our present-day practices and to identify the historical and social conditions upon which they still depend. The point is not to think historically about the past but rather to use that history to rethink the present.²

If that genealogical account succeeds, it will provide a means to analyse the new practices of crime control that have been assembled during the past three decades, and to uncover the assumptions, discourses, and strategies that give form and structure to this social field.³ It will also identify the political interests and cultural meanings that provide support for these new arrangements and the specific mechanisms that connect crime-control institutions to other social domains.

In the course of this analysis I pursue a series of questions that are both genealogical and sociological. The genealogical inquiry asks: ‘What are the social and historical processes that gave rise to our present ways of controlling crime and doing justice?’ and ‘Upon what historical conditions do these institutions depend?’ The sociological inquiry is more focused upon the field’s contemporary structure and functioning. It asks: ‘What are the rules of discourse and action that organize the diverse practices that make up this field?’ ‘How are these rules and these practices related to those of other social domains, such as welfare, politics, or the economy?’ and ‘What role do these practices play in the governance of late modern society?’

These questions are inspired, in large part, by the work of Michel Foucault, though my analyses are less philosophically ambitious and more sociologically oriented than much of the scholarship that has followed in his wake. They are primarily analytical questions, summoning up the resources of social and historical inquiry, but they also involve a normative aspect that ought to be made explicit. Whether he acknowledged it or not, Foucault’s inquiries always carried within them a critical, normative dimension, urging us to identify the dangers and harms implicit in the contemporary scheme of things, and to indicate how our present social arrangements might have been—and might still be—differently arranged. The present book proceeds with the same critical intent, but I have chosen to subdue that normative voice until completing my analysis of how this field of practice is currently constituted in all its complexity and contradiction. One of the abiding lessons of Foucault’s example is that if critical theory is to be taken seriously, it will have to first engage with things as they actually are.

The study thus tackles a problem that is at once historical, penological, and sociological:

Historical. As I will describe in more detail below, recent developments in crime control and criminal justice are puzzling because they appear to involve a sudden and startling reversal of the settled historical pattern. They display a sharp discontinuity that demands to be explained. The modernizing processes that, until recently, seemed so well established in this realm—above all the long-term tendencies towards ‘rationalization’ and ‘civilization’—now look as if they have been thrown into reverse.⁴ The re-appearance in official policy of punitive sentiments and expressive gestures that appear oddly archaic and downright anti-modern tend to confound the standard social theories of punishment and its historical development. Not even the most inventive reading of Foucault, Marx, Durkheim, and Elias on punishment could have predicted these recent developments—and certainly no such predictions ever appeared.

The last three decades have seen an accelerating movement away from the assumptions that shaped crime control and criminal justice for most of the twentieth century. The central agencies of the modern criminal justice state have undergone quite radical shifts in their working practices and organizational missions. Today’s practices of policing, prosecution, sentencing, and penal sanctioning pursue new objectives, embody new social interests and draw upon new forms of knowledge, all of which seem quite at odds with the orthodoxies that prevailed for most of the last century. What I will term ‘penal welfarism’—the institutional arrangements that increasingly characterized the field from the 1890s to the 1970s, and which shaped the common sense of generations of policy-makers, academics, and practitioners—has recently been shaken to its roots. In the face of this disruption, a profusion of historical questions beg to be addressed. What is the nature of the change? What distinguishes today’s reconfigured field from the penal-welfare one that existed for most of the twentieth

century? What conjuncture of social and penal developments precipitated this turn of events? And how are these developments to be understood?

Penological. This rapid and far-reaching transformation has provoked dissension and not a little bewilderment among penal practitioners and commentators. In place of the expected progress along a predetermined line of development, or even the setbacks and temporary reversals that were familiar from the past, the new changes appeared as a fundamental attack upon the existing system. Practitioners who were trained before the 1980s have seen their cherished orthodoxies undergo major revisions; standing arrangements and codes of conduct rendered obsolete; the distribution of powers changed; and aims and objectives that had no place in the old system become increasingly prominent. Instead of 'change as usual' there has been the alarming sense of the unravelling of a conceptual fabric that, for the best part of a century, had bound together the institutions of criminal justice and given them meaning.

Within the brief time it takes to progress from basic training to mid-career, a whole generation of practitioners—probation officers, prison officials, prosecutors, judges, police officers, and criminological researchers—have looked on while their professional world was turned upside down. Hierarchies shifted precariously; settled routines were pulled apart; objectives and priorities were reformulated; standard working practices were altered; and professional expertise was subjected to challenge and viewed with increasing scepticism. The rapid emergence of new ways of thinking and acting on crime, and the concomitant discrediting of older assumptions and professional orientations, ensured that many penal practitioners and academics lived through the 1980s and 1990s with a chronic sense of crisis, and professional anomie.

As recently as 1970, those involved in the business of crime control shared a common set of assumptions about the frameworks that shaped criminal justice and penal practice. There was a relatively settled, self-conscious, institutional field and the debates and disagreements that occurred operated within well-established boundaries. Criminal justice textbooks and practitioner training manuals could articulate the premises that guided penal practice and confidently transmit this culture from one generation to the next. Today, for better or for worse, we lack any such agreement, any settled culture, or any clear sense of the big picture. Policy development appears highly volatile, with an unprecedented amount of legislative activity, much dissension in the ranks of practitioner groups, and a good deal of conflict between experts and politicians. The battle lines of debate seem blurred and rapidly changing. No one is quite sure what is radical and what is reactionary. Private prisons, victim impact statements, community notification laws, sentencing guidelines, electronic monitoring, punishments in the community, 'quality of life' policing, restorative justice—these and dozens of other developments lead us into unfamiliar territory where the ideological lines are far from clear and where the old assumptions are an unreliable guide.

The constant flux and febrile energy of this transition has left an older generation of criminal justice personnel exhausted and disillusioned, cast adrift from the landmark ideals and exemplars around which they were trained. Meanwhile, their younger colleagues lack any stable ideology or conceptual framework to guide their actions and shape their visions. Familiar folkways are now outmoded. Issues are hard to handle or even think about because there is no articulated and established ideology to govern our thinking and colour our judgement. What Pierre Bourdieu would call the *habitus* of many trained practitioners—their ingrained dispositions and working ideologies, the standard orientations that 'go without saying'—has been undermined and rendered ineffective. For at least two decades now, criminal law and penal policy have been working without clear route maps on a terrain that is largely unknown. If this field is to have any self-consciousness, and any possibility of self-criticism and self-correction, then our textbooks need to be rewritten and our sense of how things work needs to be thoroughly revised.

At the start of the twenty-first century, after several decades of flux and uncertainty, the new contours of the field appear to be taking shape with a solidity and a clarity that permit a little more confidence in our attempt to map its terrain. A regrouping has begun to occur, new principles are becoming established, new working assumptions are slowly coming into focus—though none of this is as yet clearly articulated, or fully self-conscious. As the landscape of crime control starts to settle, and its new regions become better known, we can begin to explore its character on a more comprehensive scale.

One aim of this book is to advance this process of self-consciousness and reflexivity and to identify the new frameworks that are now emerging. This aim is pursued not to smooth the system's functioning or to still the anxieties of penal functionaries. Instead its intent is to open up these arrangements to informed criticism and to help develop an understanding of the social effects and political significance of the system that is taking shape.

Sociological. Institutions of crime control and criminal justice have definite conditions of existence. They form part of a network of governance and social ordering that, in modern societies, includes the legal system, the labour market, and welfare state institutions. They refer to, and are supported by, other social institutions and social controls, and are grounded in specific configurations of cultural, political and economic action. So while the field of crime control has a certain autonomy, and a capacity for internally generated development and change, any major transformation in the field's configuration will tend to signal correlative transformations in the structure of the social fields and institutions that are contiguous to it.

This crime control field is characterized by two interlocking and mutually conditioning patterns of action: the formal controls exercised by the state's criminal justice agencies and the informal social controls that are embedded in the everyday activities and interactions of civil society. The formal institutions

of crime control tend to be reactive and adaptive. They operate in ways that seek to supplement the social controls of ordinary life, though they sometimes interfere with these social controls and undermine their effectiveness. As the character of everyday life changes, its changing habits and routines often have consequences for the structure of informal controls, that can, in turn, cause problems for the functioning and effectiveness of the institutions of formal control. We have to bear in mind, therefore, that the field of crime control involves the social ordering activities of the authorities *and also* the activities of private actors and agencies as they go about their daily lives and ordinary routines. Too often our attention focuses on the state's institutions and neglects the informal social practices upon which state action depends.

A reconfigured field of crime control involves more than just a change in society's response to crime. It also entails new practices of controlling behaviour and doing justice, revised conceptions of social order and social control, and altered ways of maintaining social cohesion and managing group relations. The remodelling of an established institutional field, the emergence of different objectives and priorities, and the appearance of new ideas about the nature of crime and of criminals also suggests shifts in the cultural underpinning of these institutions. They suggest the possibility that, behind these new responses to crime, there lies a new pattern of mentalities, interests, and sensibilities that has altered how we think and feel about the underlying problem.

To investigate the new patterns of crime control is therefore, and at the same time, to investigate the remaking of society and its institutions for the production of order. It is to ask, 'what is the new problem of crime and social order to which the emerging system of crime control is a response?' 'What is the new strategy of governance of which it forms a part?' 'What are the new social conditions that helped bring these into being?' Such is the densely interwoven character of social relations, that an inquiry into the transformation of one institutional field inexorably leads to questions about contiguous fields and about the cultural, political and economic relations that underlie them. As I will argue in what follows, today's reconfigured field of crime control is the result of political choices and administrative decisions—but these choices and decisions are grounded in a new structure of social relations and coloured by a new pattern of cultural sensibilities.

Indices of change

So what are the changes to which I have been referring? What are the signs of movement and the visible landmarks of the emerging new terrain? Rather inconveniently, a simple statement of observed shifts and transformations brings with it some tricky theoretical problems and some delicate questions of historical and penological judgement. As the contentious literature on this subject attests, specifying *what* has happened is almost as controversial as explaining *why* it has happened. Nevertheless, it is possible to point to a set of developments that most

informed commentators would recognize, if only as a starting point for discussion. At this stage I want merely to catalogue those signs of transformation that have been perceived by practitioners and academic commentators. I present them here as a first, under-theorized, approximation of what is going on, though as my analysis unfolds I will provide more detailed accounts of each one.

These 'observations' are, of course, already interpretations, insofar as they operationalize conceptual tools and analytical categories and make judgements about qualitative or quantitative change. But they are widely shared and regularly recurring interpretations that are not especially controversial, nor are they closely linked to any specific interpretation or theory. Beginning with this deliberately weak definition of the problem to be explained, the remainder of the book attempts to rethink this preliminary series of observations: to extend and elaborate them, to offer an account of how they came into being, and to explain their significance for crime control and social order in late modern society.

Here, and throughout the book, I draw upon evidence from the UK and the USA to make my case. My argument will be that the strong similarities that appear in the recent policies and practices of these two societies—with patterns repeated across the fifty states and the federal system of the USA, and across the three legal systems of the UK—are evidence of underlying patterns of structural transformation, and that these transformations are being brought about by a process of adaptation to the social conditions that now characterize these (and other) societies. I make no claim that the pattern of developments to be found in these two societies is universal: there are important national differences that distinguish the specific trajectory of these policy environments from one another and from those of other societies. Nor would I claim that the recent UK and US experiences are in all respects similar, and I will frequently point up differences of kind, of degree, and of emphasis that continue to distinguish them.⁵ However, it is my claim that the institutional problems and policy responses that have taken shape in these two places are sufficiently alike to allow me to talk, some of the time, about structural tendencies that characterize them both. This also leads me to suppose that many of the underlying problems and insecurities are, or soon will be, familiar to other late modern societies, even if their cultural and political responses and social trajectories turn out to be quite different.⁶ As I will suggest in the pages that follow, the pattern of risks, insecurities and control problems to which American and British governments, corporations and citizens have been responding are those typically generated by the social, economic and cultural arrangements of late modernity—even if the specific politics, institutions and cultural adaptations that shape their responses are not.

Abstracting from the extensive literature on crime control and criminal justice in America and Britain, it is possible to indicate the most important currents of change occurring over the last thirty years:

The decline of the rehabilitative ideal

If asked to describe the major changes in penal policy in the last thirty years, most insiders would undoubtedly mention 'the decline of the rehabilitative ideal'—a phrase that Francis Allen brought into common usage when he used it as the title of his 1981 book.⁷ A more cautious description of what has occurred, written twenty years after Allen's book, might talk instead about the fading of correctionalist and welfarist rationales for criminal justice interventions; the reduced emphasis upon rehabilitation as the goal of penal institutions; and changes in sentencing law that uncouple participation in treatment programmes from the length of sentence served.

As we will see, 'rehabilitative' programmes do continue to operate in prisons and elsewhere, with treatment particularly targeted towards 'high risk individuals' such as sex offenders, drug addicts, and violent offenders. And the 1990s have seen a resurgence of interest in 'what works?' research that challenges some of the more pessimistic conclusions of the 1970s.⁸ But today, rehabilitation programmes no longer claim to express the overarching ideology of the system, nor even to be the leading purpose of any penal measure. Sentencing law is no longer shaped by correctional concerns such as indeterminacy and early release. And the rehabilitative possibilities of criminal justice measures are routinely subordinated to other penal goals, particularly retribution, incapacitation, and the management of risk.

Nevertheless, Allen was right to observe that there was, from the late 1970s onwards, an astonishingly sudden draining away of support for the ideal of rehabilitation. This change of heart occurred first and most emphatically among academics, but eventually, and with more misgivings, it also affected the aspirations of practitioners, the practical reasoning of policy-makers and the expectations of the general public.⁹ Within a very short time it became common to regard the core value of the whole penal-welfare framework not just as an impossible ideal, but, much more remarkably, as an unworthy, even dangerous policy objective that was counter-productive in its effects and misguided in its objectives.

This fall from grace of rehabilitation was hugely significant. Its decline was the first indication that the modernist framework—which had gone from strength to strength for nearly a century—was coming undone. Rehabilitation had been the field's central structural support, the keystone in an arch of mutually supportive practices and ideologies. When faith in this ideal collapsed, it began to unravel the whole fabric of assumptions, values and practices upon which modern penalty had been built.

The re-emergence of punitive sanctions and expressive justice

For most of the twentieth century, penalties that appeared explicitly retributive or deliberately harsh were widely criticized as anachronisms that had no place

within a 'modern' penal system. In the last twenty years, however, we have seen the reappearance of 'just deserts' retribution as a generalized policy goal in the US and the UK, initially prompted by the perceived unfairness of individualized sentencing.¹⁰ This development has certainly promoted the concern for proportionality and fixed sentencing for which its liberal proponents had hoped. But it has also re-established the legitimacy of an explicitly retributive discourse, which, in turn, has made it easier for politicians and legislatures to openly express punitive sentiments and to enact more draconian laws. In a small but symbolically significant number of instances we have seen the re-emergence of decidedly 'punitive' measures such as the death penalty, chain gangs, and corporal punishment. And although British policy-makers have avoided the excesses of the southern states of America, one nevertheless sees echoes of this in the language adopted by government ministers in the UK when they urge that we should 'condemn more and understand less' and strive to ensure that prison conditions are suitably 'austere'. Forms of public shaming and humiliation that for decades have been regarded as obsolete and excessively demeaning are valued by their political proponents today precisely because of their unambiguously punitive character. Hence the new American laws on public notification of sex offenders' identities, the wearing of the convict striped uniform, or work on a chain gang, and also their milder British equivalents: the paedophile register and the requirement of uniforms and demeaning labour for those doing community service.¹¹

For most of the twentieth century the openly avowed expression of vengeful sentiment was virtually taboo, at least on the part of state officials. In recent years explicit attempts to express public anger and resentment have become a recurring theme of the rhetoric that accompanies penal legislation and decision-making. The feelings of the victim, or the victim's family, or a fearful, outraged public are now routinely invoked in support of new laws and penal policies. There has been a noticeable change in the tone of official discourse. Punishment—in the sense of expressive punishment, conveying public sentiment—is once again a respectable, openly embraced, penal purpose and has come to affect not just high-end sentences for the most heinous offences but even juvenile justice and community penalties. The language of condemnation and punishment has re-entered official discourse and what purports to be the 'expression of public sentiment' has frequently taken priority over the professional judgement of penological experts.¹²

This open embrace of previously discredited purposes has also transformed the more formal, academic discourse of the philosophy of punishment. The latest wave of normative theory stresses the symbolic, expressive, and communicative aspects of penal sanctioning, as philosophers begin to create rationales for retributive measures that better express the cultural assumptions and political interests that now shape the practice of punishment.¹³

Changes in the emotional tone of crime policy

Official policies regulating crime and punishment always invoke and express a range of collective sentiments. Throughout the period when the penal-welfare framework prevailed, the dominant tone sounded by policy-makers was one of confident progress in combating crime and rationalizing criminal justice. The affect invoked to justify penal reforms was most often a progressive sense of justice, an evocation of what 'decency' and 'humanity' required, and a compassion for the needs and rights of the less fortunate. These sentiments were, no doubt, the aspirational values of political elites rather than the sensibilities of the general public, and there is a sense in which their evocation was a cover for professional interests and strategies of power. But the regular invocation of these sentiments served to deepen their hold upon the moral imagination and to justify many of the things that were done in their name. Today, such sentiments are still present, and still invoked—particularly by proponents of 'restorative justice' whose proposals are beginning to make some small inroads at the margins of criminal justice.¹⁴ But they no longer set the emotional tone for public discourse about crime and punishment.

Since the 1970s fear of crime has come to have new salience. What was once regarded as a localized, situational anxiety, afflicting the worst-off individuals and neighbourhoods, has come to be regarded as a major social problem and a characteristic of contemporary culture.¹⁵ Fear of crime has come to be regarded as a problem in and of itself, quite distinct from actual crime and victimization, and distinctive policies have been developed that aim to reduce fear levels, rather than to reduce crime. Government-sponsored research now regularly investigates the levels and character of this fear, categorizing and measuring the emotional reactions prompted by crime—concrete fears, inchoate fears, generalized insecurity, anger, resentment—and correlating these with actual patterns of risk and victimization.¹⁶

The emergence of fear of crime as a prominent cultural theme is confirmed by public opinion research that finds that there is a settled assumption on the part of a large majority of the public in the US and the UK that crime rates are getting worse, whatever the actual patterns, and that there is little public confidence in the ability of the criminal justice system to do anything about this.¹⁷ This sense of a fearful, angry public has had a large impact upon the style and content of policy making in recent years. Crime has been re-dramatized. The stock welfarist image of the delinquent as a disadvantaged, deserving, subject of need has now all but disappeared. Instead, the images conjured up to accompany new legislation tend to be stereotypical depictions of unruly youth, dangerous predators, and incorrigible career criminals. Accompanying these projected images, and in rhetorical response to them, the new discourse of crime policy consistently invokes an angry public, tired of living in fear, demanding strong measures of punishment and protection. The background affect of policy is now more frequently a collective anger and a righteous demand for retri-

bution rather than a commitment to a just, socially engineered solution. The emotional temperature of policy-making has shifted from cool to hot.

The return of the victim

Over the last three decades there has been a remarkable return of the victim to centre stage in criminal justice policy. In the penal-welfare framework, individual victims featured hardly at all, other than as members of the public whose complaints triggered state action. Their interests were subsumed under the general public interest, and certainly not counter-posed to the interests of the offender. All of this has now changed. The interests and feelings of victims—actual victims, victims' families, potential victims, the projected figure of 'the victim'—are now routinely invoked in support of measures of punitive segregation. In the USA politicians hold press conferences to announce mandatory sentencing laws and are accompanied at the podium by the family of crime victims. Laws are passed and named for victims: Megan's law; Jenna's law, the Brady bill. In the UK crime victims appear as featured speakers at political party conferences and a 'Victims' Charter' has been established with broad bipartisan support.

The new political imperative is that victims must be protected, their voices must be heard, their memory honoured, their anger expressed, their fears addressed. The rhetoric of penal debate routinely invokes the figure of the victim—typically a child or a woman or a grieving family member—as a righteous figure whose suffering must be expressed and whose security must henceforth be guaranteed. Any untoward attention to the rights or welfare of the offender is taken to detract from the appropriate measure of respect for victims. A zero-sum policy game is assumed wherein the offender's gain is the victim's loss, and being 'for' victims automatically means being tough on offenders.¹⁸

The symbolic figure of the victim has taken on a life of its own, and plays a role in political debate and policy argument that is often quite detached from the claims of the organized victims movement, or the aggregated opinions of surveyed victims.¹⁹ This is a new and significant social fact. The victim is no longer an unfortunate citizen who has been on the receiving end of a criminal harm, and whose concerns are subsumed within the 'public interest' that guides the prosecution and penal decisions of the state. The victim is now, in a certain sense, a much more representative character, whose experience is taken to be common and collective, rather than individual and atypical. Whoever speaks on behalf of victims speaks on behalf of us all—or so declares the new political wisdom of high crime societies.²⁰ Publicized images of actual victims serve as the personalized, real-life, it-could-be-you metonym for a problem of security that has become a defining feature of contemporary culture.

Paradoxically, this vision of the victim as Everyman has undermined the older notion of the public, which has now been redefined and dis-aggregated. It is no longer sufficient to subsume the individual victim's experience in the notion of

the public good: the public good must be individuated, broken down into individual component parts. Specific victims are to have a voice—making victim impact statements, being consulted about punishment and decisions about release, being notified about the offender's subsequent movements. There is, in short, a new cultural theme, a new collective meaning of victimhood, and a reworked relationship between the individual victim, the symbolic victim, and the public institutions of crime control and criminal justice.

Above all, the public must be protected

Protecting the public is a perennial concern of crime policy, and the correctionalist system was by no means casual about this. It was, after all, the penal-welfare reformers who invented preventive detention and the indeterminate sentence, and the system that operated for most of the twentieth century reserved to itself special powers to incarcerate 'incorrigible' and dangerous offenders for indeterminate periods. But in an age when crime rates were low and fear of crime was not yet a political motif, protecting the public was rarely the motivating theme of policy-making. Today, there is a new and urgent emphasis upon the need for security, the containment of danger, the identification and management of any kind of risk. Protecting the public has become the dominant theme of penal policy.

In the last few decades, the prison has been reinvented as a means of incapacitative restraint, supposedly targeted upon violent offenders and dangerous recidivists, but also affecting masses of more minor offenders. Probation and parole have de-emphasized their social work functions and give renewed weight to their control and risk-monitoring functions. Sentences that are higher than would be justified by retributive considerations are made available and even mandatory. Community notification laws publicly mark released offenders, highlighting their past misdeeds and possible future dangers. There is a relaxation of concern about the civil liberties of suspects, and the rights of prisoners, and a new emphasis upon effective enforcement and control. The call for protection *from* the state has been increasingly displaced by the demand for protection *by* the state. Procedural safeguards (such as the exclusionary rule in the USA and the defendant's right of silence in the UK) have been part-repealed, surveillance cameras have come to be a routine presence on city streets, and decisions about bail, parole or release from custody now come under intense scrutiny.²¹ In these matters the public appears to be (or is represented as being) decidedly risk-averse, and intensely focused upon the risk of predation by unrestrained criminals. The risk of unrestrained state authorities, of arbitrary power and the violation of civil liberties seem no longer to figure so prominently in public concern.

Politicization and the new populism

In another significant break with past practice, crime policy has ceased to be a bipartisan matter that can be devolved to professional experts and has become a prominent issue in electoral competition. A highly charged political discourse now surrounds all crime control issues, so that every decision is taken in the glare of publicity and political contention and every mistake becomes a scandal. The policy-making process has become profoundly *politicized* and *populist*. Policy measures are constructed in ways that appear to value political advantage and public opinion over the views of experts and the evidence of research. The professional groups who once dominated the policy-making process are increasingly disenfranchised as policy comes to be formulated by political action committees and political advisers. New initiatives are announced in political settings—the US party convention, the British party conference, the televised interview—and are encapsulated in sound-bite statements: 'Prison works', 'Three-strikes and you're out', 'Truth in sentencing', 'No frills prisons', 'Adult time for adult crime', 'Zero-tolerance', 'Tough on crime, tough on the causes of crime'.²²

There is now a distinctly populist current in penal politics that denigrates expert and professional elites and claims the authority of 'the people', of common sense, of 'getting back to basics'. The dominant voice of crime policy is no longer the expert or even the practitioner but that of the long-suffering, ill-served people—especially of 'the victim' and the fearful, anxious members of the public. A few decades ago public opinion functioned as an occasional brake on policy initiatives: now it operates as a privileged source. The importance of research and criminological knowledge is downgraded and in its place is a new deference to the voice of 'experience', of 'common sense', of 'what everyone knows'.²³

The politicization of crime control has transformed the structure of relationships that connects the political process and the institutions of criminal justice. Legislators are becoming more 'hands on', more directive, more concerned to subject penal decision-making to the discipline of party politics and short-term political calculation. This constitutes a sharp reversal of the historical process whereby the power to punish was largely delegated to professional experts and administrators. One sees this reverse transfer of power in a series of measures (fixed sentence law reforms, mandatory sentences, national standards, truth in sentencing, restrictions on early release, etc.) that have shifted detailed decision-making tasks back to the centre—first to the courts and later to the legislature itself.²⁴

'Politicization' sometimes suggests a polarization of positions, but the populist form that penal politics has taken has had exactly the opposite effect. Far from there being a differentiation of policy positions, what has actually emerged, in the 1980s and 1990s, is narrowing of debate and a striking convergence of the policy proposals of all the major political parties. It is not just one

party that has moved away from the old correctionalist orthodoxy: they all have. The centre of political gravity has moved, and a rigid new consensus has formed around penal measures that are perceived as tough, smart and popular with the public.

The reinvention of the prison

For most of the post-war period, imprisonment rates in America and Britain decreased in relation to the numbers of crimes recorded and offenders convicted. Within the post-war penal-welfare system, the prison was viewed as a problematic institution, necessary as a last resort, but counter-productive and poorly oriented to correctionalist goals. Much governmental effort was expended on the task of creating alternatives to incarceration and encouraging sentencers to use them, and for most of the twentieth century there appeared to be a secular shift away from incarceration and towards monetary penalties, probation, and various forms of community supervision. In the last twenty-five years this long-term tendency has been reversed, first and most decisively in the USA, but latterly in the UK as well.²⁵

The reversal of this trend in the USA was followed by the steepest and most sustained increase in the rate of imprisonment that has been recorded since the birth of the modern prison in the nineteenth century. In the period from 1973 to 1997, the numbers of inmates incarcerated in the USA rose by more than 500 per cent. Equally remarkable, there was a rise in the relative frequency of custodial (as opposed to non-custodial) sentences, and in the average length of prison terms—a rise that continued long after official crime rates had trended downwards. After a century in which the secular trend was for crime rates to rise and imprisonment rates to fall, the recent period has seen the emergence, first in the USA and then in the UK, of precisely the opposite phenomenon—rising imprisonment rates and falling crime rates.²⁶

In vivid contrast to the conventional wisdom of the previous period, the ruling assumption now is that 'prison works'—not as a mechanism of reform or rehabilitation, but as a means of incapacitation and punishment that satisfies popular political demands for public safety and harsh retribution. Recent years have witnessed a remarkable turnaround in the fortunes of the prison. An institution with a long history of utopian expectations and periodic attempts to reinvent itself—first as a penitentiary, then a reformatory, and most recently as a correctional facility—has finally seen its ambition reduced to the ground-zero of incapacitation and retributive punishment. But in the course of this fall from grace, the prison has once again transformed itself. In the course of a few decades it has gone from being a discredited and declining correctional institution into a massive and seemingly indispensable pillar of contemporary social order.²⁷

The transformation of criminological thought

The criminological ideas that shaped policy during the post-war period were an eclectic mixture of abnormal psychology and sociological theories such as anomie, relative deprivation, subcultural theory, and labelling. Criminality was viewed as a problem of defective or poorly adapted individuals and families, or else as a symptom of need, social injustice and the inevitable clash of cultural norms in a pluralist and still hierarchical society. If there was a central explanatory theme, it was that of social deprivation, and later 'relative deprivation'. Individuals became delinquent because they were deprived of proper education, or family socialization, or job opportunities, or proper treatment for their abnormal psychological disposition. The solution for crime lay in individualized correctional treatment, the support and supervision of families, and in welfare-enhancing measures of social reform—particularly education and job creation.²⁸

The intellectual repertoire of post-war criminology was capacious enough to contain many different emphases and theoretical disputes and it no doubt appeared open-ended and compendious to the criminologists and practitioners of the period. But in retrospect, it seems clear that this pattern of thought, this criminological *episteme*, was both historically distinctive and structured in a fashion that was well adapted to the individualizing processes of criminal justice and the social rationality of the welfare state.

In the period since the 1970s, a quite different set of criminological ideas has begun to emerge and to influence government policy. The theories that now shape official thinking and action are *control theories* of various kinds that deem crime and delinquency to be problems not of deprivation but of inadequate controls. Social controls, situational controls, self-controls—these are the now-dominant themes of contemporary criminology and of the crime control policies to which they give rise.²⁹

The criminologies of the welfare state era tended to assume the perfectability of man, to see crime as a sign of an under-achieving socialization process, and to look to the state to assist those who had been deprived of the economic, social, and psychological provision necessary for proper social adjustment and law-abiding conduct. Control theories begin from a much darker vision of the human condition. They assume that individuals will be strongly attracted to self-serving, anti-social, and criminal conduct unless inhibited from doing so by robust and effective controls, and they look to the authority of the family, the community, and the state to uphold restrictions and inculcate restraint. Where the older criminology demanded more in the way of welfare and assistance, the new one insists upon tightening controls and enforcing discipline.

Contemporary criminology increasingly views crime as a normal, routine, commonplace aspect of modern society, committed by individuals who are, to all intents and purposes, perfectly normal. In the penal setting, this way of

thinking has tended to reinforce retributive and deterrent policies insofar as it affirms that offenders are rational actors who are responsive to disincentives and fully responsible for their criminal acts. But in its more general implications for crime prevention, this new perception has had rather more novel consequences. One genre of control theories—which we might term *the criminologies of everyday life*—consists of theories such as rational choice, routine activity, crime as opportunity and situational crime prevention and has rapidly become a major resource for policy makers in the last two decades. The working assumption of these theories is that crime is an event—or rather a mass of events—that requires no special motivation or disposition, no pathology or abnormality, and which is written into the routines of contemporary social and economic life. In contrast to welfare state criminologies, which began from the premise that crime was a deviation from normal, civilized conduct, and was explicable in terms of individual pathology, faulty socialization or social dysfunction, these new criminologies see crime as continuous with normal social interaction and explicable by reference to standard motivational patterns.³⁰

One important feature of this approach is that it urges official action to shift its focus away from criminality and the criminal individual towards *the criminal event*. The new focus is upon the supply of criminal opportunities and the existence of ‘criminogenic situations’. The assumption is that criminal actions will routinely occur if controls are absent and attractive targets are available, whether or not the individuals have a ‘criminal disposition’ (which, where it does exist, is in any case difficult to change). Attention should centre not upon individuals but upon the routines of interaction, environmental design and the structure of controls and incentives that are brought to bear upon them. The new policy advice is to concentrate on substituting prevention for cure, reducing the supply of opportunities, increasing situational and social controls, and modifying everyday routines. The welfare of deprived social groups, or the needs of maladjusted individuals, are much less central to this way of thinking.

The expanding infrastructure of crime prevention and community safety

Over the past two decades, while national crime debates in Britain and America have focused upon punishment, prisons and criminal justice, a whole new infrastructure has been assembled at the local level that addresses crime and disorder in a quite different manner. Developed under the tutelage of the Home Office in Britain, and largely by private enterprise and local government in the USA, this network of partnership arrangements and inter-agency working agreements is designed to foster crime prevention and to enhance community safety, primarily through the cultivation of community involvement and the dissemination of crime prevention ideas and practices.

Community policing, crime prevention panels, Safer Cities programs, Crime Prevention through Environmental Design projects, Business Improvement

Districts, Neighbourhood Watch, city management authorities—all of these overlapping and interconnecting activities combine to produce the beginnings of a new crime control establishment that draws upon the new criminologies of everyday life to guide its actions and mould its techniques.³¹ And while this new infrastructure has definite relations to the institutions of criminal justice—especially to the police and probation which sponsor or administer many of the major initiatives—it should not be regarded as merely an annex or extension of the traditional criminal justice system. On the contrary. The new infrastructure is strongly oriented towards a set of objectives and priorities—prevention, security, harm-reduction, loss-reduction, fear-reduction—that are quite different from the traditional goals of prosecution, punishment and ‘criminal justice’. So while the most prominent measures of crime control policy are increasingly oriented towards punitive segregation and expressive justice, there is, at the same time, a new commitment, especially at the local level, to a quite different strategy that one might call *preventative partnerships*. Today’s most visible crime control strategies may work by expulsion and exclusion, but they are accompanied by patient, ongoing, low-key efforts to build up the internal controls of neighbourhoods and to encourage communities to police themselves.

Civil society and the commercialization of crime control

One of the most interesting features of this new cluster of preventative practices and authorities is that it straddles the dividing line between public and private, and extends the contours of officially co-ordinated crime control well beyond the institutional boundaries of ‘the state’. For most of the last two centuries the state’s specialist institutions of criminal justice have dominated the field, and have treated crime as a problem to be governed through the policing, prosecution and punishment of individual law-breakers. Today we see a development that enlists the activity of citizens, communities and companies, that works with a more expansive conception of crime control, and that utilizes techniques and strategies that are quite different from those used by traditional criminal justice agencies.

This development is now increasingly being encouraged by government agencies as well by groups and organizations within civil society. On the one hand there has been a concerted attempt by central government (especially in the UK) to reach out beyond its own criminal justice organizations and to activate crime reduction activity on the part of individual citizens, communities, commercial concerns, and other elements of civil society. In a sharp reversal of the long-term tendency towards the monopolization of crime control by specialist government agencies, the state has begun to make efforts to ‘de-differentiate’ the social response—that is, to spread out the crime control effort beyond the specialist state organizations that previously sought to monopolize it.³²

At the same time we have seen the remarkable expansion of a private security industry that originally grew up in the shadow of the state but which is increasingly recognized by government a partner in the production of security and

crime control. Policing has become a mixed economy of public and private provision as more and more routine security functions are undertaken by private police and more and more businesses and households invest in the hardware and protective services offered by the commercial security industry. A similar mixture of public and private is beginning to appear in the penal sector with the startling growth of private prisons—this after more than a century during which the administration of penal institutions proceeded as a state function that largely excluded private or commercial interests.³³

Until very recently, the settled assumption was that crime control and corrections were the state's responsibility, to be carried out by government employees in the public interest. These clear lines between the public and the private have now become blurred. Public sector agencies (prisons, probation, parole, the court system, etc.) are now being remodelled in ways that emulate the values and working practices of private industry. Commercial interests have come to play a role in the development and delivery of penal policy that would have been unthinkable twenty years ago. What we are witnessing is the redrawing of the established boundaries between the public and the private spheres, between the criminal justice state and the operative controls of civil society. The 'modern' field of crime control is being rapidly reconfigured, in ways that de-centre not only the state's specialist institutions, but also the political and criminological rationalities that sustained them.

New management styles and working practices

The last few decades have seen important changes in the objectives, priorities and working ideologies of the major criminal justice organizations. The police now hold themselves out less as a crime-fighting force than as a responsive public service, aiming to reduce fear, disorder and incivility and to take account of community feeling in setting enforcement priorities. Prison authorities see their primary task as being to protect the public by holding offenders securely in custody, and no longer pretend to be capable of bringing about rehabilitative effects in the majority of their inmates. Probation and parole agencies have de-emphasized the social work ethos that used to dominate their work and instead present themselves as providers of inexpensive, community-based punishments, oriented towards the monitoring of offenders and the management of risk. Sentencing has changed, particularly in the USA, from being a discretionary art of individualized dispositions to a much more rigid and mechanical application of penalty guidelines and mandatory sentences.

There is also a new and all-pervasive managerialism that affects every aspect of criminal justice. Within specific agencies and organizations, performance indicators and management measures have narrowed professional discretion and tightly regulated working practice. Across the system as a whole, new forms of system-monitoring, information technology and financial auditing have

extended centralized control over a process that was previously less well coordinated and highly resistant to policy management.³⁴

This emphasis upon the cost-effective management of risks and resources has produced a system that is increasingly selective in its responses to crime and offending. There is now a well-developed practice of targeting resources (on crime 'hot-spots', career criminals, repeat victims, and high-risk offenders); gate-keeping to exclude trivial or low-risk cases (except where these are deemed to be linked to more serious public safety issues); and a generalized cost-consciousness in the allocation of criminal justice resources, including investigative resources, court calendars, probation supervision and prison places. Diversion, cautioning, statutory fines, fixed penalties, and *de facto* decriminalization of minor offences all embody this tendency to conserve expensive crime control resources for the more serious offences and the more dangerous individuals.

There are, of course, egregious instances where these cost-effectiveness principles and managerial strategies appear to have been disrupted or reversed. The startling growth of the prison population first in the USA, and more recently in Britain, is a stark example of fiscal restraint giving way before populist political concerns. Mandatory sentencing laws have been legislated in forms that pay scant regard to the need to preserve scarce penal resources or even to target high-risk cases. 'Quality of life' and 'zero-tolerance' policing initiatives appear to reverse the logic of selective enforcement, or at least define policing priorities in radically new ways. Government-imposed restrictions on the availability of bail, the use of repeat cautioning, or the early release of prisoners are other instances where recent policies have undone the previous reliance upon low-cost, low-impact penal measures, often in the name of public safety or in response to scandals where these policies have been blamed for criminal outrages.³⁵ Such instances show quite clearly the extent to which the field continues to be marked by tensions and contradictions. Indeed, the combination of cost-cutting in sectors of criminal justice that many experts regard as valuable in the long term (drug treatment programmes, community-based prevention, education in prisons, resettlement, half-way houses, etc.) together with profligate spending on measures that are popular with the public but whose effectiveness is considered much more doubtful (mass imprisonment, 'the war on drugs', mandatory sentencing laws, etc.) is a continuing source of tension between sections of the practitioner community and political decision-makers.

A perpetual sense of crisis

For much of the last two decades an unmistakable malaise and demoralization have beset the field. This is regularly expressed in talk of a 'crisis', though the term is clearly inappropriate for a situation that has now endured for several decades. Since the late 1970s, those who work in criminal justice have experienced a period of unrelenting upheaval and reform that shows no sign of letting

up. Throughout the 1990s, things moved faster than ever. There was a welter of new legislation, constant organizational reform, and an urgent, volatile pattern of policy development. Those working in criminal justice have been exposed to a sustained period of uncertainty and disruption, with all of the anxiety and unfocused effort that accompanies rapid institutional change. A reading of the professional journals and newsletters, or the programmes of practitioner conferences, makes this abundantly clear.³⁶

But this is more than the psychological fall-out of a period of reform. There is now a growing sense that the 'modern' arrangements for crime control—organized through the specialist agencies of the criminal justice state—may no longer be adequate to the problem of crime and no longer coherent in themselves. The system's failings are now less easily viewed as a temporary problem, having to do with lack of resources or the under-implementation of correctionalist or deterrent programmes. Instead there is a developing realization that the modern strategy of crime-control-through-criminal justice has been tried and found wanting. Where high crime or recidivism rates would once have been attributed to *implementation-failure*, and prompted a demand to reinforce the existing system with more resources and greater professional powers, they are now interpreted as evidence of *theory-failure*: as signs that crime control is based upon an institutional model that is singularly inappropriate for its task.

One of the profound consequences of this situation—which I have elsewhere referred to as the 'crisis of penal modernism'³⁷—is that the expertise of the professional groups that staff the system has tended to become discredited, both by others and by members of the groups themselves. Part of the crisis, as experienced by these professionals, is that throughout this period the public has increasingly lost confidence in criminal justice and politicians have become more and more unwilling to entrust decision-making powers to criminological experts or criminal justice personnel. From a political point of view, the criminal justice system has come to be a danger zone—a constant generator of risks and scandals and escalating costs—whose officials can no longer be entrusted with autonomous powers and grants of discretion.

What everyone knows . . .

To list these twelve indices of change is to do no more than present a catalogue of developments that will be familiar to anyone informed about recent criminal and penal policy. But to collect them together like this, and to contrast them with the institutions and practices of the field that existed prior to the 1970s, points up more vividly than usual the surprising nature of the present state of affairs when viewed in a longer term perspective.

Grouping these changes together in this way prompts the observation that these criminological discourses, crime control practices and criminal justice institutions do, in fact, relate to each other as elements in a loosely bounded and differentiated structure that one might properly describe as a 'field'. This 'obser-

vation' (which is actually a theoretical premise) is basic to the investigation that I develop here, and, being a basic presupposition, is not subject to confirmation or disconfirmation by the study itself. However, if it helps elucidate phenomena that are not otherwise explicable, as I think it does, then it will have shown its pragmatic and heuristic value and served its immediate purpose.

In modern societies the field of crime control and criminal justice has its own organizational structure, its own working practices, and its own discourses and culture, all of which give it a certain degree of autonomy in relation to its environment. Of course the different elements of this field—agencies like the police, prisons, or parole; discourses like criminal law, criminology or penology; practices such as sentencing and crime prevention—are complex enough in themselves to warrant individual study, and the vast majority of scholarly analyses choose to focus on a specific topic of this kind. But a series of individual studies may miss some of the overarching principles that structure the relations between these elements, and so the present study looks at the field as a whole in an effort to identify shared trends and characteristics and to understand particular changes in the light of more general developments. The general analysis that I develop it is not a substitute for more detailed case-studies, without which the analysis could not have been written. It is instead a supplement to such studies that seeks to view individual elements in the context of their interaction, to understand the organization of the crime control field as a whole, and to examine that field's changing relation to its social environment.

Of course my description of the indices of change, set out in this way, collapses historical time and institutional space. Represented in the orderly sequence of a single list these different dimensions appear to co-exist on the same plane, in a unified categorical system, as so many aspects of the same thing, whereas, in truth, they summarize observations from many different settings, and stand for phenomena that occupy different levels of a complex, multi-dimensional field. Some of the developments I have described are connected and run in the same direction, forming part of the same causal sequence or institutional cluster. Others are contradictory, or else unconnected, operating on different discursive planes and levels of social action. In the course of my analysis, this complexity will have to be investigated before these relations can be untangled. But however misleading this initial approximation appears, however much it seems to simplify a reality that is always more complex and confusing, it at least gives us a place from which analysis can begin.

There is also the problem of judging significance. Some of the trends I have described may be straws in the wind or short-lived policy experiments, even though they strike today's commentators as the shape of things to come. It is difficult to be sure, and some developments may turn out to be more ephemeral than they currently seem. One must be careful not to exaggerate or extrapolate too readily, or to assume that the policy initiatives that have the highest visibility will also have the greatest empirical impact or practical significance. Nor should we confuse a proposal or initiative with an embedded policy. Any

analysis of recent events and their structural significance must proceed with a degree of caution and bear in mind some basic methodological rules:

Do not mistake short-term movements for structural change. Short-term shifts in policy emphasis that are temporary and reversible must be distinguished from long-term structural transformations. In the same way, changes in rhetorical style and expression should be distinguished from more profound transformations in the underlying assumptions and styles of reasoning that structure criminological discourse and crime control policy.

Do not mistake talk for action. The rapid and sometimes radical changes that occur in official policy statements must not be mistaken for alterations in actual working practices and professional ideology. Nor should it be assumed that the discrediting of a particular vocabulary (such as 'rehabilitation' or 'welfare') means that the practices that it once described have altogether disappeared. At the same time, the social significance and practical efficacy of political rhetoric and official representations must not be ignored.

Do not assume talk is inconsequential. Political rhetoric and official representations of crime and criminals have a symbolic significance and a practical efficacy that have real social consequences. Sometimes 'talk' is 'action'.

Do not confuse means with ends. The relatively fixed infrastructure of penal institutions, apparatuses and techniques must be analysed separately from the more mobile strategies that determine aims and priorities and dictate how crime control resources are deployed.

Do not conflate separate issues. Developments in the USA and the UK; outlier cases and central tendencies; changes in the crime rate and changes in penal policy; political representations of public opinion and the actual beliefs and attitudes of the public; the penological effects of crime control practices and their political significance—one needs to resist the temptation to run together each term of these matched pairs. Each one involves analytically distinct questions that require quite different methodologies and data if they are to be properly addressed.

Do not lose sight of the long-term. Anyone undertaking a 'history of the present' must resist the temptation to see discontinuities everywhere, or to too readily assume that today is the beginning of an absolutely new era. As Michel Foucault once remarked,

One of the most harmful habits of contemporary thought is the analysis of the present as being precisely, in history, a present of rupture, of high point, of completion, or of a returning dawn . . . the time we live in is not *the* unique or fundamental irruptive point in history where everything is completed and begun again.³⁷

Nevertheless, and bearing in mind these cautionary rules of methodological good sense, *something* seems to be happening, and we do not quite know what it is. And, what is more, even the most cautious account of the present would have to acknowledge that the current reconfiguration of crime control appears to be intimately linked to the restructuring of other dimensions of social and

economic life in late modern societies. This study tries to make sense of the current conjuncture by viewing it historically and sociologically. By tacking back and forth between specific developments and more general social patterns, I hope to increase the intelligibility not just of crime control but also of late modernity's distinctive forms of social ordering and social control.

Theoretical orientations

My aim in this book is to write a history of the present and to present a structural account of how crime control and criminal justice are presently organized. To do so requires a mapping of the social conditions of existence that underlie contemporary crime control, and an identification of the rules of thought and action that shape its policies and practices. One of the difficulties such a project entails is the question of how to discuss change in a complex field of practices, discourses and representations. Talk of 'structure' and 'structural change' is often too totalizing, too all or nothing. So too is the juxtaposition of one 'rationality' to another, as in the claim that a 'New Penology' is displacing the 'Old Penology' or that Modernity is being outmoded by Post-modernity.³⁸ A complex, multi-dimensional field that has undergone a process of transition will show signs of continuity and discontinuity. It will contain multiple structures, strategies, and rationalities, some of which will have changed, some of which will not. One needs a way of discussing change that will be attuned to this complexity and variation and will avoid the pull towards simplified dualisms and the false essentialism they imply.

My claim will be that one can identify at present the emergence of a reconfigured field of crime control and criminal justice. To claim this is not to assert a singular new logic, or a radically new set of institutions or structures. Nor does it suggest an epochal transformation, such as 'the death of the social' or the arrival of post-modernity. Instead I describe the emergence of a new configuration—a reconfigured complex of interlocking structures and strategies that are themselves composed of old and new elements, the old revised and reoriented by a new operational context, the newer elements modified by the continuing influence of working practices and modes of thought dating from the earlier period. My argument is thus couched in the terms of a weak structuralism that claims no more than the obvious truth that the introduction of new rationalities, practices, and purposes into an existing field will have consequences for the operation and meaning of the existing elements within that domain. It is these *structural* or *figurational* qualities of the field—its discursive rules, its logics of action, the systematic constraints upon what can credibly be said and done—that will form my primary object of study.

The changes described above have attracted much in the way of commentary and analysis. Everyone agrees that the field is changing, and in fundamental ways. There is, however, surprisingly little agreement about the precise character of this transformation, or about the causes that are bringing it about.

Scholars have drawn our attention to particular developments (the drift to a law and order society, the decline of rehabilitation, the shift to community corrections, the new penology, the bifurcation of penal policy, managerialism, and punitive populism) and offer theoretical resources for their analysis (economic and social crisis; postmodernism; governmentality; risk society; late modernity).³⁹ Each of them throws light on certain dimensions of the process, and their insights have done much to shape the analysis that I develop here. But none of these theories offers an analysis of the overall reconfiguration of the field, nor, in my view, do they provide a really compelling and comprehensive account of the social and historical forces that have brought it into existence.

The field of crime control and criminal justice is a relatively differentiated domain with its own dynamics and its own norms and expectations to which penal agents orient their conduct. The social and economic determinants of 'the outside world' certainly affect the conduct of penal agents (police officers, judges, prison officials, etc.), but they do so indirectly, through the gradual reshaping of the rules of thought and action within a field that has what sociologists call a 'relative autonomy'. Social trends—such as rising rates of crime and feelings of insecurity, economic crises, political shifts from welfarism to neo-liberalism, changing class, race or gender relations, and so on—have to be translated into the folkways of the field before they have an effect there. To assume that social and penal trends work closely in tandem, or that there is some kind of homological causation that always links one directly to the other, ignores a great deal of factual evidence that tends to undermine, or at least qualify, any such notion. It also neglects the need to specify the mechanisms whereby social forces in one domain come to be translated into outcomes in another.

Structures, and above all structural changes, are emergent properties that result from the recurring, re-iterative actions of the actors who occupy the social space in question. The consciousness of these actors—the categories and styles of reasoning with which they think and the values and sensibilities that guide their choices—is therefore a key element in the production of change and the reproduction of routine, and must be a major focus of a study of this kind. The actors and agencies who occupy the field of criminal justice—with their particular experience, training, ideologies, and interests—are the human subjects through whom and by whom historical processes are brought about. These actors' understanding of their own practice and of the system in which they work is crucial in shaping the operation of the institutions and the social meaning that they take on.⁴⁰ Discursive statements and rhetorics—and the knowledge-based or value-based rationales that they involve—will thus be as important as action and decisions in providing evidence about the character of the field. A new configuration does not finally and fully emerge until it is formed in the minds and habits of those who work the system. Until these personnel have formed a settled *habitus* appropriate to the field, enabling them to cope with its demands and reproduce it 'as a matter of course', the process of change remains partial and incomplete. So long as practitioners and policy-makers lack

a focused sense of the system, the field will continue to display a high degree of volatility and its future direction will remain uncertain. For better or worse, a field in transition is a field that is more open than usual to external forces and political pressures. It is a historical moment that invites transformative action precisely because it has a greater than usual probability of having an impact.

This attention to actors' statements and their presuppositions is also important in respect of political actors and policy-makers, whose rhetorical statements and announced rationales are not merely a gloss on their actions but are actually a form of action in themselves. A major topic of this inquiry concerns the ways in which government officials and private actors experience and make sense of changing social circumstances and new predicaments, and the intellectual and technical means that they develop for dealing with them. It needs to be remembered that the emergence of structural phenomena such as rationalities, mentalities, and strategies is, in the first place, the outcome of problem-solving activity on the part of situated actors and agencies. There is no magical, automatic process of functional adjustment and system adaptation that exists apart from this. Analyses that rely upon such notions omit the real human stuff of disposition, choice and action—the stuff of which society and history are actually made.

An engagement with actors' categories and what they do with them is an engagement with ideas and with discourse, in this case primarily criminal law, criminology, and social policy discourse. Part of my concern therefore will be to trace and reconstruct the categories through which criminals and crime are apprehended and acted upon. This is not quite the same as a history of criminological ideas however, since many criminological theories and conceptions have had very little influence in practice, however much they are worth as intellectual achievements. My focus is upon 'official criminology' and upon the criminological conceptions that have shaped criminal law and crime control practice in its various forms. It is a study of working social categories and how these have changed over time—a matter of cultural and institutional history, rather than the history of ideas.⁴¹ The criminological categories that interest me here are the ones that are sanctioned by social authorities and backed up by institutional power. Such categories actually constitute their criminal objects in the very act of comprehending them. They are regarded here not as 'true' or 'valid' or 'scientific' knowledge but rather as effective, truth-producing categories that provide the discursive conditions for real social practices. These categories are themselves a product (and a functioning aspect) of the same cultures and social structures that produce the criminal behaviours and individuals to which they refer.

My present account of penal and social change builds upon the theory I set out in *Punishment and Welfare*—a book that described the early twentieth-century formation of the penal-welfare field. In response to the erosion or breakdown of a previously established institutional configuration, all sorts of programmes and adaptations quickly appear to fill the vacuum. This proliferation of new proposals, this deluge of new ideas, is eclectic, diverse, and emerges from all sorts of places in the social field. There is no unified response, no

developmental necessity, no progression from old to new. There is, however, a shared set of prior conditions, variously understood, and a history of prior failures and problems that form the background against which many of the new programmes are created. There is also, contiguous to the penal domain, a structured societal field (with its social, economic, and political domains) out of which fresh problems and initiatives constantly flow.

To the extent that these new developments become organized and coherent (and the configurations that emerge are only ever *loosely* organized and *relatively* coherent) this is produced by means of a process of political and cultural selection. There is, in effect, an evolutionary process of variation, environmental selection and adaptation, though of course the 'selection' mechanism is not at all 'natural'. It is, on the contrary, social and political and therefore a locus of calculation, contestation, and struggle. Moreover, the choices that cumulatively compose the selection process are made, more often than not, in a fashion that is blind to some of its consequences, and driven by value commitments rather than informed, instrumental calculation. Socially situated, imperfectly knowledgeable actors stumble upon ways of doing things that seem to work, and seem to fit with their other concerns. Authorities patch together workable solutions to problems that they see and can get to grips with. Agencies struggle to cope with their workload, please their political masters, and do the best job they can in the circumstances. There is no omnipotent strategist, no abstract system, no all-seeing actor with perfect knowledge and unlimited powers. Every 'solution' is based upon a situated perception of the problem it addresses, of the interests that are at stake and of the values that ought to guide action and distribute consequences.

The programmes and ideas that are thus selected are those that fit with field's dominant structures and the specific cultures that they support. They are the ones that mesh with the most powerful institutions, allocate blame in popular ways, and empower groups that currently command authority, esteem and resources. Crime control strategies and criminological ideas are not adopted because they are known to solve problems. The evidence runs out well before their effects can be known with any certainty. They are adopted and they succeed because they characterize problems and identify solutions in ways that fit with the dominant culture and the power structure upon which it rests.

This book is an account of change in a number of different social fields and on a number of different historical registers. In the foreground of the study is the problem of describing how our responses to crime and our sense of criminal justice came to be so dramatically reconfigured at the end of the twentieth century. But underlying this inquiry is a broader theoretical concern to understand our contemporary practices of crime and punishment in their relation to the structures of welfare and (in)security and in relation to the changing class, race, and gender relations that underpin these arrangements. In studying the problem of crime and crime control we can glimpse the more general problems of governing late modern society and of creating social order in a rapidly changing social world.

Appendix

The four figures that follow are intended to provide a simple, 'at-a-glance' summary of crime and imprisonment trends over time in the USA and in England and Wales. The US and the UK data are not, however, strictly comparable. The US 'index offenses' include murder, robbery, rape, aggravated assault, burglary, motor vehicle theft, larceny, and arson. The English category of 'notifiable offenses' is much more comprehensive, including all of those offence categories and other, less serious ones, such as simple assault and criminal damage. Similarly, the US prison population data includes only Federal and State prison inmates and thus excludes the inmates of local jails serving sentences of one year or less. The prison population data for England and Wales includes all imprisoned offenders.

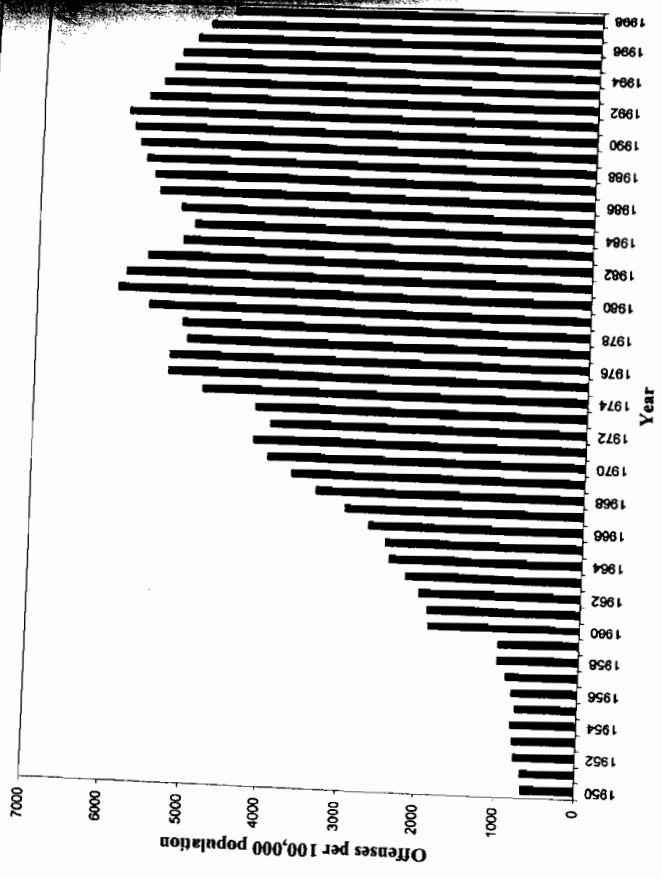


FIG. 1: Index offenses known to police per 100,000 population United States, 1950-1998

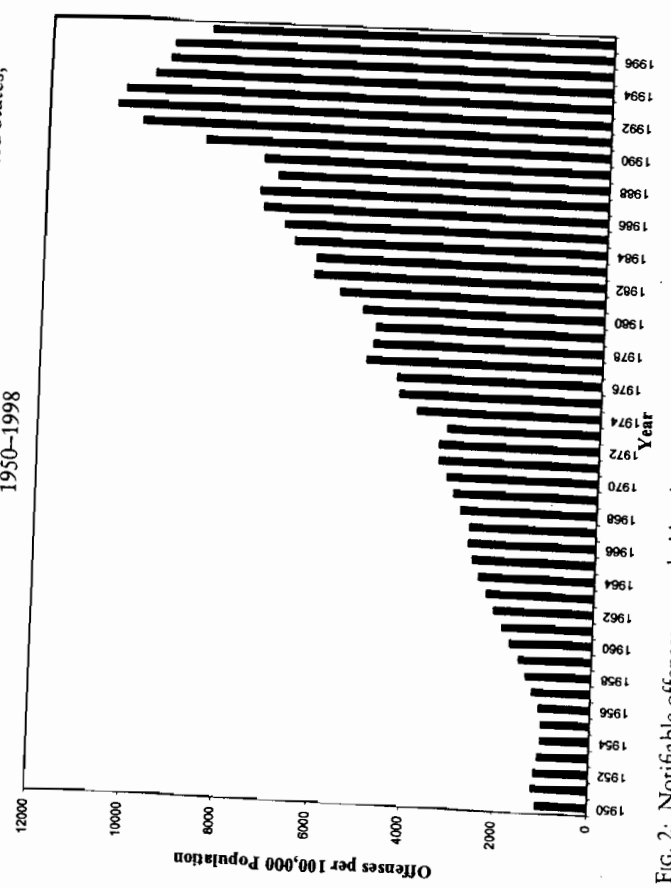


FIG. 2: Notifiable offenses recorded by the police per 100,000 population England and Wales, 1950-1997

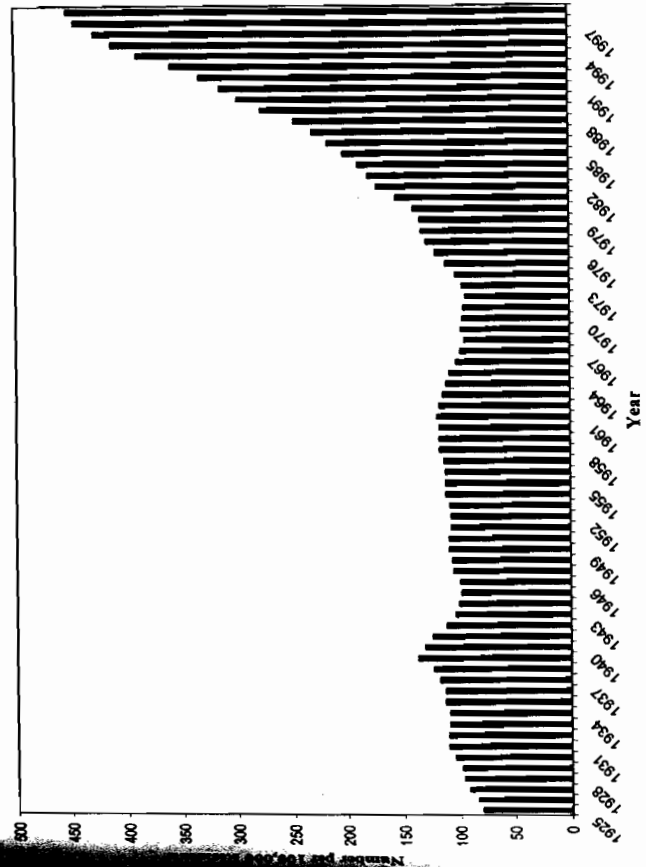


FIG. 3: Prison population per 100,000 residents United States, 1925-1998

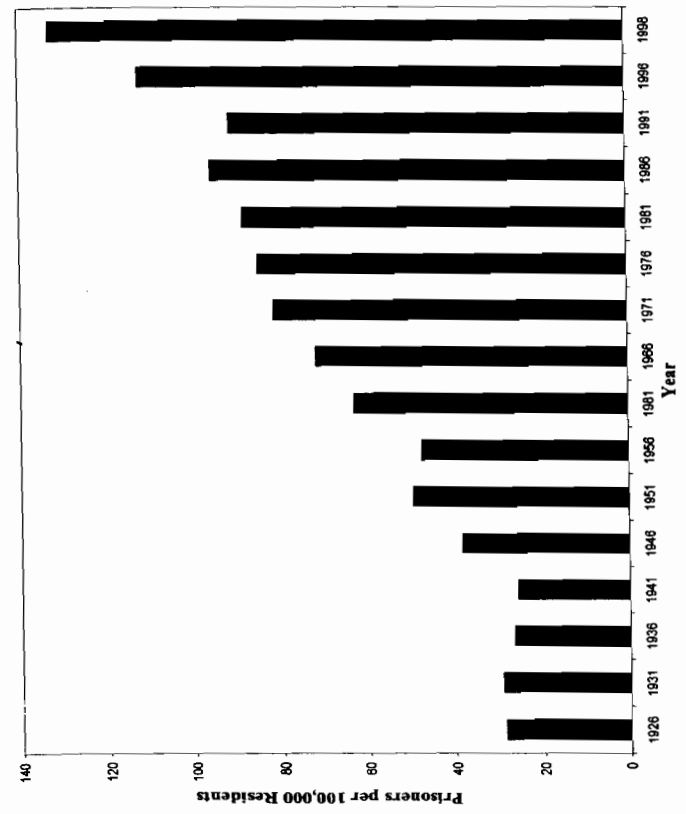


FIG. 4: Prison population per 100,000 residents England and Wales, 1926-1998