

THE CULTURE OF CONTROL

**CRIME AND SOCIAL ORDER
IN CONTEMPORARY SOCIETY**

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The New Culture of Crime Control

My analysis so far has been from the point of view of action, particularly the problem-solving actions of politicians and administrators and the every-day actions of large social groups. I want to shift now to a more structural perspective, and to focus on the crime control field that has emerged as a result of these converging, conflicting actions and decisions. I want to reflect on the character of the field as a whole, to specify how it differs from the penal-welfarism of mid-century, and to comment on the overall impact of the transformations I have described. But before proceeding with that account, I want briefly to address two analytical issues.

The first concerns the problem of complexity and how to tame it. The field being described here is composed of a multiplicity of different agencies, practices and discourses, and is characterized by a variety of policies and practices, some of which are quite contradictory. Its general character is best conveyed by plotting the distribution of elements, the organizing principles that relate them, and the fault lines around which conflicts are ranged, rather than seeking to identify a single essence and having it stand for the field as a whole. Characterizing the field in this way lacks the immediate impact of essentialist analyses with their powerful simplicity, just as it lacks the critical edge that is achieved by depicting the field in terms of its extreme values rather than its central tendencies. But essences and extremes tend to be a poor guide to social reality. Even in its heyday, the penal-welfare field was not typified by highly developed correctional facilities: the modal sanctions were actually fines and probation, and most local jails offered little rehabilitative treatment.¹ In the same way, the contemporary field cannot be accurately portrayed if we focus only upon extremes such as the 'three strikes' laws or crime prevention partnerships and ignore the other practices that make up the field.

The second point concerns the relation of the past to the present. Up until now I have been concerned to describe and explain the new developments that have been emerging in crime control. My analysis has been trained upon those ideas and practices that break with the established penal-welfare arrangements, with a view to characterizing change and identifying its sources. But when considering the field as a whole, we need to bear in mind that these new practices and mentalities co-exist with the residues and continuations of older arrangements. Our focus upon the new and the transformative should not lead us to

neglect these older practices and institutions. History is not the replacement of the old by the new, but the more or less extensive modification of one by the other. The *intertwining* of the established and the emergent is what structures the present, and our analyses should reflect that fact.

How then, ought we to describe the field of crime control and criminal justice that has taken shape over the last thirty years? What are its organizing principles, its strategic rationales, and its recurring contradictions? What are the political values, cultural sensibilities, and criminological conceptions that guide its practices and give them meaning? And how do these crime control arrangements relate to other social developments occurring in America and Britain over the course of the last thirty years, particularly to the 'reformed' welfare state and to the social organization of late modernity?

The crime control apparatus

The historical change that we have been studying is not a transformation at the level of institutional forms. This is not an era in which the old institutions and practices are being abandoned and new ones are being legislated into existence. There has been no process of abolition and reconstruction, such as occurred when the scaffold and gallows were dismantled and penitentiaries were built in their place. Nor has there been an extensive process of institution building that would compare with the creation of the juvenile court, the probation service and the individualization of sentencing that occurred one hundred years ago. The institutional architecture of penal modernity remains firmly in place, as does the state apparatus of criminal justice. It is their deployment, their strategic functioning and their social significance that have been transformed.

There have been changes in size and emphasis of course. Between 1970 and the present, the criminal justice systems in both countries have massively expanded in terms of caseloads, employment, and overall expenditure, and in the last two decades the biggest prison building programme since the Victorian age has occurred.² There has also been a reversal of a long-term tendency for custodial sentences to decline as a proportion of all sentences in favour of fines and community supervision. Since the 1980s, in both the USA and the UK, sentences of imprisonment have increased in length, average time served has increased, custodial sentences have been used in a larger proportion of cases, and the likelihood of being returned to custody from parole has greatly increased.³ There has thus been a shift—more pronounced in the USA than the UK, but present in both countries—towards a much greater and more intensive use of custody. This more punitive trend is echoed in America by the increased frequency of judicial executions, which have recently reached levels not seen since the 1950s. These shifts of penal emphasis have had important effects—on the numbers of people in custody, the size of the prison industry, the racial composition of the prison population, and on the political and cultural significance of punishment. But they have been changes in deployment

rather than more basic alterations in the types of sanctions or institutional forms.

Similarly, in the policing sector, there has been a shift of emphasis away from reactive strategies and '911' policing, towards more proactive community policing efforts, and, more recently, to the more intensive policing of disorder, incivilities, and misdemeanours. Problem-oriented policing, community policing, order-maintenance policing, quality-of-life policing—these new strategies redefine how police forces are deployed and how they interact with the public. Policing has become 'smarter', more targeted, more attuned to local circumstance, more responsive to public pressure, more willing to work with the community and to emphasize prevention. Information technology and new management techniques have been combined to produce tighter control of resources and more directed, problem-solving conduct. Police have begun to move into the post-bureaucratic phase of organization, and to develop flexible links with other partners, seeking to join up strategically rather than to monopolize the effort.⁴ So the stated purposes of police have changed, sometimes quite dramatically, and new tactics increasingly define how they deploy their resources. But studies of police budgets and working practices suggest that the daily practices of most police forces have not changed so drastically as this would suggest.⁵ And, moreover, these new priorities and tactics have not, as yet, led to any basic reorganization of the police as a public agency. As a legal and organizational entity, funded by tax-payers and charged with law enforcement, the public police look much the same today as they did thirty years ago.

The fore-grounding of the figure of the victim has certainly altered the processes of criminal justice in a number of significant respects. The recognition of victims' rights; the introduction of victim impact statements and 'victim opinions' in respect of sentencing and parole; the growth of victim support groups; and the routine referral of victims to such organizations by the police—these have changed not only the routines of criminal justice, but also the relative status and worth of the various parties involved. But with the exception of victim support organizations, these shifts have not entailed the development of new apparatuses, nor led to the emergence of new sanctions. It is true that new arrangements for reparation and mediation have begun to appear, filtering suitable cases out of the regular system, bringing offenders and victims together, and promoting 'restorative' rather than punitive outcomes wherever possible. And in the last few years there has been a remarkable upsurge of interest in this style of doing justice—on the part of academics, reformers, and even government ministers. But at present these restorative justice initiatives play only a tiny role at the shallow end of the system, and are more notable for the reforming enthusiasm that they attract than for the frequency of their use or their impact upon criminal justice.⁶

Most surprisingly perhaps, the correctionalist apparatus associated with penal-welfarism is, for the most part, still in place. Sentencing law has been thoroughly transformed, particularly in the USA, and indeterminate sentences

are now much less common. But most of the distinctive technologies, powers and knowledges developed by the penal-welfare movement are still in daily use. The juvenile court and the probation service continue to expand their range and their activities. Social and psychiatric experts are still employed to prepare social inquiry reports, provide diagnostic services, and to help manage and treat offenders. In fact the 1990s saw a quite significant increase in the numbers of treatment programmes provided to offenders in the community and in prisons.⁷ Individuals are still assessed and classified; treatment prospects and risk factors are still identified; the judicial power to punish continues to be overlaid with a psycho-social framework of diagnosis and remedy. If we inhabit a 'post-rehabilitative' era, as the conventional wisdom assumes, it is not because the structures for assessing individuals and delivering rehabilitation have been dismantled and removed.

The third sector: policing, penalty—and prevention

The most significant development in the crime control field is not the transformation of criminal justice institutions but rather the development, alongside these institutions, of a quite different way of regulating crime and criminals. Alongside policing and penalty there has grown up a third 'governmental' sector—the new apparatus of prevention and security. As we saw in Chapter 5, this small but expanding sector is made up of crime prevention organizations, public-private partnerships, community policing arrangements, and multi-agency working practices that link together the different authorities whose activities bear upon the problems of crime and security. Unlike the other two sectors with their solid buildings, large staffs and sizeable budgets, this sector has a more fragile, virtual existence. It consists mainly of networks and co-ordinating practices—local authority panels, working groups, multi-agency forums, and action committees—whose primary task is to link up the activities of existing actors and agencies and direct their efforts towards crime reduction. This new sector occupies an intermediate, borderline position, poised between the state and civil society, connecting the criminal justice agencies with the activities of citizens, communities and corporations. And while its budgets, staff lists, and organizations are relatively small (particularly compared to overall police or prisons expenditure) the development of this new infrastructure significantly extends the field of 'formal' crime control and its potential for organized action.⁸

A key consequence of this development is that the formal boundaries of the crime control field are no longer marked out by the institutions of the criminal justice state. That field now extends beyond the state, engaging the actors and agencies of civil society, allowing crime control practices to be organized and directed at a distance from the state agencies. Crime control is coming to be the responsibility not just of criminal justice specialists but of a whole series of social and economic actors. Two centuries after Patrick Colquhoun, and at the end of a period during which the crime control function was concentrated within dif-

ferentiated state bureaucracies and increasingly monopolized by state officials, a small but significant movement towards de-differentiation has now begun.

The development of this new sector has begun to alter the overall balance of the field. Its very existence exerts a small but insistent pressure that tends to push policy away from retribution, deterrence, and reform and towards a concern with prevention, harm-reduction, and risk management. Instead of pursuing, prosecuting and punishing individuals, it aims to reduce the supply of criminal events by minimizing criminal opportunities, enhancing situational controls, and channelling conduct away from criminogenic situations. Rather than treating criminal dispositions or punishing guilty individuals, it concentrates on preventing the convergence of factors that precipitate criminal events. Whereas the criminal justice state relies upon the deployment of penal powers, or the threat thereof, this new apparatus seeks to activate the preventive action of the host of actors and agencies that make up civil society. Community safety becomes the chief consideration and law-enforcement becomes merely a means to this end, rather than an end in itself. Fear-reduction, harm and loss-reduction and cost-control become foreground considerations. And insofar as this new prevention sector is linked into the older ones of policing and penalty—particularly through the police and probation agencies—these preventative concerns have come to be felt across the whole field.

Over the last twenty years we have begun to see the appearance of a series of new specialists who staff this still rather inchoate and ill-defined set of arrangements. Crime prevention advisers, co-ordinators, inter-agency workers, systems analysts, crime auditors, risk managers, design experts, and community police officers—still small in numbers but of increasing significance—make up the staff of this sector. Ideas derived from situational crime prevention, routine activity theory and environmental criminology increasingly shape their thinking and inform their actions. Instead of concentrating upon individual offenders, the preventative sector targets criminogenic situations that can be altered in ways that make them less vulnerable to criminal events, less inviting to potential offenders. It analyses flows of people and the distribution of criminal events, identifying 'hot spots', 'hot products', and repeat victimization patterns and making them the focus for action. And while policing and penal solutions are part of its repertoire, the preferred remedy is to put in place situational controls and channel conduct away from temptation, rather than to bring prosecutions and punish offenders. To the extent that 'the government' succeeds in organizing, augmenting, and directing the social control capacities of citizens, corporations, and communities, it simultaneously extends its governmental reach and transforms its mode of exerting control.⁹

The declining autonomy of criminal justice

The field of organized crime control has thus been extended, even if the institutional architecture of the criminal justice state remains largely in place. In the

process, the relationship of criminal justice to its social and political environment has undergone a series of significant shifts.

Criminal justice is now less autonomous than it was three decades ago, and more forcefully directed from the outside. Criminal justice actors and agencies are now less capable of directing their own fate and shaping their own policies and decisions. This is partly a result of the need to work with other 'providers', and the concern to be more responsive to the public and to other 'customers'. But the primary reason for this loss is that the field's relations to the public and to the political process have changed. A new relationship between politicians, the public and penal experts has emerged in which politicians are more directive, penal experts are less influential, and public opinion becomes a key reference point for evaluating options. Criminal justice is now more vulnerable to shifts of public mood and political reaction. New laws and policies are rapidly instituted without prior consultation with the criminal justice professionals, and expert control of the policy agenda has been considerably reduced by a populist style of policy making.

The populist current in contemporary crime policy is, to some extent, a political posture or tactic, adopted for short-term electoral advantage.¹⁰ As such, it can quickly be reversed if 'popular' initiatives cease to coincide with calculations of political gain. But we should be aware that this populist moment has been accompanied by a retooling of the mechanisms of political action in this field—a change that will have continuing consequences for how policy is made and for the capacity of politicians to shape the practices of criminal justice. With the coming of mandatory minimum sentencing and other tools for micro-managing penal decision-making—such as sentencing guidelines, truth in sentencing requirements, national standards for probation and community service, performance indicators in prisons, etc.—legislatures and government ministers have acquired more direct and unimpeded means of shaping practical outcomes. In the area of sentencing, the legal and administrative arrangements now in place significantly reduce the scope for professional decision-making and for the discretionary review of offender's sentences. There is, as Nils Christie might put it, a more streamlined system of pain-delivery, with fewer intervening obstacles between the political process and the allocation of individual punishments. Public demands for greater punishments are now more easily and instantly translated into increased sentences and longer jail terms.

A similarly streamlined dynamic increasingly characterizes the process of legislation as well. The current rules of political engagement ensure that governments and legislatures are highly attuned to public concerns, particularly to the sentiment that offenders are being insufficiently punished or dangerous individuals inadequately controlled, and there is a great pressure to enact measures that express and relieve these concerns. Governments today are on a war footing in respect to drug abuse, sex offending, and violent crime, and they are expected to produce an instant response whenever this is called for. In the 1990s the pattern was for high visibility crime cases to become the focus of a great deal of media

attention and public outrage, issuing in urgent demands that something be done. These cases typically involve a predatory individual, an innocent victim (often a child), and a prior failure of the criminal justice system to impose effective controls—their regularity reflecting the structure of middle-class fears and mass media news values rather than the statistical frequency of such events.¹¹ Almost inevitably, the demand is for more effective penal control. Megan's law, Three Strikes, the Violent Sexual Predator laws, the reintroduction of children's prisons in the wake of James Bulger's murder, the Home Office clamp-down on prison conditions and bail restrictions following highly publicized breaches of security—these are only the best known examples of the rapid response system that now characterizes policymaking in this field.¹² What this amounts to is a kind of retaliatory law-making, acting out the punitive urges and controlling anxieties of expressive justice. Its chief aims are to assuage popular outrage, reassure the public, and restore the 'credibility' of the system, all of which are political rather than penological concerns. It is hardly surprising that these measures often fly in the face of expert penological advice.

The extent and nature of structural change

These then, are what one might describe as the structural or morphological changes that have occurred in the field of crime control over the last quarter century. The field has not been transformed from end to end, nor has the criminal justice state been completely made over. What has happened is that criminal justice institutions have altered their emphases and the field of crime control has expanded in new directions, as state agencies and civil society have adapted to the growth of crime and insecurity that accompanied the coming of late modernity. The result is that the criminal justice state is larger than before, but it occupies a relatively smaller place in the overall field because of the growth of private security and the organized activities of communities and commercial organizations.

The political culture of crime control now takes it for granted that the state will have a huge presence, while simultaneously claiming this presence is never enough. The paradoxical outcome is that the state strengthens its punitive forces and increasingly acknowledges the inadequate nature of this sovereign strategy. Alongside an increasingly punitive sentencing structure, one also sees the development of new modes of exercising power by which the state seeks to 'govern at a distance' by forming alliances and activating the governmental powers of non-state agencies.¹³ In this context, the criminal justice state no longer claims a monopoly position in respect of crime control, and no longer holds itself out as the sole or even the main provider of security. The state now operates in a mixed economy of security provision and crime control, and its agencies have to accommodate the private security arrangements that have grown up over the last thirty years.¹⁴

The modern institutions of criminal justice have shown themselves to be quite resilient in the face of change. They have exerted an inertia of their own, an

ability to withstand shocks and to defuse the impact of externally imposed change. As a consequence, they have changed more slowly and more subtly than most penological commentary would suggest.¹⁵ At the structural level, change has been a matter of *assimilating new elements* (the victim, crime prevention, restorative justice); *altering balances and relations* (between punishment and welfare, state provision, and commercial provision, instrumental means and expressive ends, the rights of offenders and the protection of the public); and *changing the field's relation to its environment* (above all its relation to the political process, to public opinion, and to the crime-control activities of civil society).

The institutional and cultural changes that have occurred in the crime control field are analogous to those that have occurred in the welfare state more generally. Talk of the 'end of welfare' and the 'death of the social'—like talk of the demise of rehabilitation—should be understood as a kind of counter-rhetoric, not as empirical description. The infrastructures of the welfare state have not been abolished or utterly transformed. They have been overlaid by a different political culture, and directed by a new style of public management.¹⁶ In the process they have become more restrictive and means-tested, more concerned to control the conduct of claimants, more concerned to transmit the right incentives and discourage 'dependency'. Like the criminal justice reforms of the last twenty years, current social policies are shaped by the perceived dysfunctions and pathologies of the institutions of welfarism.¹⁷ The solution has become the problem. Penal-welfarism shares the fate of the welfarist social arrangements that brought it into existence. Its destiny is not to be dismantled, but to become the problematic institutional terrain upon which new strategies and objectives are continually built.

The changes that have occurred in the crime control field have mainly been a matter of redeploying and redirecting the practices of existing institutions. It has been a process not of inventing new institutions or instituting new practices but of redefining those that already exist, giving them a different force and significance, and putting them to different uses. The frameworks that direct crime control and penal practices have been altered, giving rise to new aims and objectives, new forms of calculation, and new priorities. New forms of knowledge and styles of reasoning have grown up that subtly alter how we think about crime and criminals, how we understand the problems that they present, and how we act upon these problems and entities. An altered structure of legal rules and managerial reasoning has changed the day-to-day decision making of crime control professionals. And a new set of symbols, images and representations has formed up around these practices, evoking cultural meanings that are very different from those that used to prevail.

The new culture of crime control

One might sum up this complex process by saying that although the structures of control have been transformed in important respects, the most significant

change is at the level of the *culture* that enlivens these structures, orders their use, and shapes their meaning. A reworked pattern of cognitive assumptions, normative commitments, and emotional sensibilities is now inscribed in the field, motivating the actions of crime control agencies, giving new purpose and meaning to their practices, and altering the practical effects and symbolic significance of their conduct. Without a pre-formed design or explicit articulation, the cultural co-ordinates of crime control have gradually been changed, altering the way that penal agents think and act, giving new meaning to what they say and do. Together with the revised legal provisions that now regulate police and penal practice, it is this new culture that has done most to change how we think and act in relation to crime and insecurity. This new culture of crime control has formed around three central elements: (i) a re-coded penal-welfarism; (ii) a criminology of control; (iii) an economic style of reasoning.

The transformation of penal-welfarism

In the day to day practices of criminal justice, there has been a marked shift of emphasis from the welfare to the penal modality. As we have seen, sentencing law and practice give greater priority to retributive, incapacitative, and deterrent aims. Probation represents itself as a punishment in the community, not as a social work alternative to conviction. Juvenile courts in the USA routinely waive young offenders up to the adult courts for harsher sentencing, while they and their equivalents in England increasingly stress guilt and individual responsibility, and give greater weight to public safety.¹⁸ Custodial institutions for children and young people stress security rather than education or rehabilitation, and become increasingly indistinguishable from adult prisons. Parole agencies downplay their traditional re-integrative functions, prioritize the close monitoring of released offenders, link up more closely with the police, and more frequently return offenders to custody.

In the course of these developments, both 'penal' and 'welfare' modalities have changed their meaning. The penal mode, as well as becoming more prominent, has become more punitive, more expressive, more security-minded. Distinctively *penal* concerns such as less eligibility, the certainty and fixity of punishment, the condemnation and hard treatment of offenders,¹⁹ and the protection of the public have been prioritized. The welfare mode, as well as becoming more muted, has become more conditional, more offence-centred, more risk conscious. The offenders dealt with by probation, parole, and the juvenile court are now less likely to be represented in official discourse as socially deprived citizens in need of support. They are depicted instead as culpable, undeserving and somewhat dangerous individuals who must be carefully controlled for the protection of the public and the prevention of further offending. Rather than clients in need of support they are seen as risks who must be managed. Instead of emphasizing rehabilitative methods that meet the offender's needs, the system emphasises effective controls that minimize costs and maximize security.

Rehabilitation redefined

Where rehabilitative interventions are undertaken today their character is rather different than before. They focus more upon issues of crime control than upon individual welfare, and are more 'offence centred' than 'client-centred'. The offence is no longer taken to be a superficial presenting symptom; it is instead the thing itself, the central problem to be addressed. Where once the individual's personality or social relations formed the object of transformative efforts, that object is now offence behaviour and the habits most closely associated with it. The immediate point is no longer to improve the offender's self-esteem, develop insight, or deliver client centred services, but instead to impose restrictions, reduce crime, and protect the public. These shifts in practice, together with the recent revival of less-eligibility concerns, prompt treatment programmes to hold themselves out as being for the benefit of future victims rather than for the benefit of the offender. It is future victims who are now 'rescued' by rehabilitative work, rather than the offenders themselves.²⁰

The practice of rehabilitation is increasingly inscribed in a framework of risk rather than a framework of welfare. Offenders can only be 'treated' (in drug-abuse programmes, anger-management groups, offence-reduction programmes, etc.) to the extent that such treatment is deemed to be capable of protecting the public, reducing risk, and being more cost-effective than simple, unadorned punishment. Rehabilitation is thus represented as a targeted intervention inculcating self-controls, reducing danger, enhancing the security of the public. In the new framework rehabilitation is viewed as a means of managing risk, not a welfarist end in itself.²¹ If the treatment programme does not work, one can revert to other, more effective means, such as close supervision or prison custody. The contemporary emphasis upon rigorous 'breach' procedures (that return probationers and parolees to court if they violate their licences) serves precisely this function.

Rehabilitation no longer claims to be the overriding purpose of the whole system, or even of traditionally welfarist agencies such as probation and parole. It is now one aim among others, delivered as a specialist provision, and no longer accompanied by any great amount of idealism or expectation. The rehabilitation of offenders is no longer viewed as a general all-purpose prescription, but instead as a specific intervention targeted towards those individuals most likely to make cost-effective use of this expensive service. It is treated as an investment rather than a standard entitlement, and like all investments, is closely monitored and evaluated to ensure that it produces returns. In that respect, the 'What Works' movement currently influencing penal policy in the UK bears the marks of the post-Martinson scepticism and reflexivity: it is not a return to rehabilitative optimism. Whether the offender is being punished or being treated, the key concerns are now to protect the public, reduce the risk of further victimization and to do so with a minimum of resources. If the official aim of penal-welfare was the promotion of social welfare the overriding concern today is, quite unashamedly, the efficient enhancement of social control.

Probation repositioned

For much of the twentieth century, probation was a core institution of criminal justice. Extensively used, in the vanguard of penal progress, it was often regarded as the exemplary instance of the penal-welfare approach to crime control. In today's criminal justice world, probation occupies a position that is much more conflicted and much less secure. Over the last thirty years, probation has had to struggle to maintain its credibility, as the ideals upon which it was based have been discredited and displaced. Under pressure from government it has tightened its procedures, highlighted its supervisory capacities, downplayed its social work affiliations, intensified its controls, and represented itself as a community punishment. 'Intensive probation orders' have been developed, involving heavier restrictions and reporting requirements, and probation supervision has increasingly been 'blended' with more explicitly penal measures, such as curfews, partial custody, and fines. As one English Chief Probation Officer put it, 'The Probation Service has absorbed the politics of punishment, entered the market place, mirrored the private sector [and] taken its managers through a grand renaming ceremony.'²² Despite all this upheaval, the courts and the public remain unconvinced that probation is a 'real' punishment and a credible means of control.²³

Probation has moved away from its original mission, sometimes described as being to 'assist, advise and befriend' 'deserving offenders, and settled upon priorities that reflect the new penological climate: changing offenders' behaviour; reducing crime; achieving safer communities; protecting the public; supporting victims.'²⁴ Revised training courses, operations manuals and performance indicators continue to push further in this direction, as do the legal changes that have deemed probation a compulsory court punishment rather than a voluntary measure in lieu of conviction. Probation practice increasingly embraces new forms of close monitoring, including tagging, tracking, curfews, and drug testing. And where once probation officers would offer supervision to anyone who seemed capable of benefiting from it, probation resources are now much more carefully dispensed. 'Match input to risk' is the new gate-keeping rule. 'Offer intensive supervision only to those offenders who score high on the scale of risk and on the scale of responsibility.'²⁵ The management of risks and resources has displaced rehabilitation as the organization's central aim.

The reinvented prison

In the penal-welfare system, the prison functioned as the deep end of the correctional sector, dealing with those offenders who failed to respond to the reformatory measures of other institutions. In theory if not in practice, it represented itself as the last-resort terminus on a continuum of treatment. Today it is conceived much more explicitly as a mechanism of exclusion and control.²⁶ Treatment modalities still operate within its walls, and lip service is still paid to

the ideal of the rehabilitative prison. But the walls themselves are now seen as the institution's most important and valuable element. The old penal-welfare ideal of the permeable prison, of the open prison that lowers the barrier between custody and the community, of reintegrating prisoners and their families by means of furloughs and home leaves and paroles—these ideals are now much less in evidence. Instead the walls have been fortified, literally and figuratively. Perimeter security has been enhanced, and early release is more restrictive, more strictly controlled, more closely supervised.²⁷

The prison is used today as a kind of reservation, a quarantine zone in which purportedly dangerous individuals are segregated in the name of public safety. In the USA, the system that is taking form resembles nothing so much as the Soviet gulag—a string of work camps and prisons strung across a vast country, housing two million people most of whom are drawn from classes and racial groups that have become politically and economically problematic.²⁸ The prison-community border is heavily patrolled and carefully monitored to prevent risks leaking out from one to the other. Those offenders who are released 'into the community' are subject to much tighter control than previously, and frequently find themselves returned to custody for failure to comply with the conditions that continue to restrict their freedom. For many of these parolees and ex-convicts, the 'community' into which they are released is actually a closely monitored terrain, a supervised space, lacking much of the liberty that one associates with 'normal life'.²⁹

This transformation of the prison-community relationship is closely related to the transformation of work. The disappearance of entry-level jobs for young 'underclass' males, together with the depleted social capital of impoverished families and crime-prone neighbourhoods, has meant that the prison and parole now lack the social supports upon which their rehabilitative efforts had previously relied. Work, social welfare, and family support used to be the means whereby ex-prisoners were reintegrated into mainstream society. With the decline of these resources, imprisonment has become a longer-term assignment from which individuals have little prospect of returning to an unsupervised freedom.²⁹

Like the pre-modern sanctions of transportation or banishment, the prison now functions as a form of exile, its use shaped less by a rehabilitative ideal and more by what Rutherford calls an 'eliminative' one.³⁰ Like the Soviet gulag or the American urban ghetto this internal exile has social and economic effects as well as penological ones.³¹ In the USA today the prison system contains a massive population of working-age adults whose structural exclusion from the workforce is routinely forgotten in economic analyses and unemployment statistics.³² Large-scale incarceration functions as a mode of economic and social placement, a zoning mechanism that segregates those populations rejected by the depleted institutions of family, work, and welfare and places them behind the scenes of social life. In the same way, though for shorter terms, prisons and jails are increasingly being used as a *faute de mieux* repository for the mentally

ill, drug addicts, and poor, sick people for whom the depleted social services no longer provide adequate accommodation.³³ Most recently, 'zero tolerance' and 'quality of life' policing have begun to extend this coercive zoning, using aggressive arrest practices to exclude 'disorderly' individuals from public spaces wherever they are seen as interfering with commercial interests or the 'quality of life' demanded by more affluent residents.³⁴ Private security forces have long done the same thing for private or commercial space.

The new individualization and 'punishment-at-a-distance'

In the penal-welfare framework, the offending individual was centre-stage: the primary focus of criminological concern. Sentencing was to be individualized to meet the offender's particular needs and potential for reform. Biographical accounts were assembled. Social and psychological reports were prepared. The individual characteristics of the offender were, in theory if not always in practice, to be the key determinant of all penal action. In vivid contrast, the individual victim featured hardly at all. For the most part, he or she remained a silent abstraction: a background figure whose individuality hardly registered, whose personal wishes and concerns had no place in the process.

In contemporary penalty this situation is reversed. The processes of individualization now increasingly centre upon the victim. Individual victims are to be kept informed, to be offered the support that they need, to be consulted prior to decision-making, to be involved in the judicial process from complaint through to conviction and beyond. Victim impact statements are introduced to court in order to individualize the impact of the crime, to show how the offence affected this particular victim, in all her particularity, in all her human specificity. Several American states now permit individual victims to make recommendations to the judge prior to sentencing, and to put their views to the parole board prior to the release of 'their' offender.³⁵

Meanwhile in the perspective of the new sentencing laws, the offender is rendered more and more abstract, more and more stereotypical, more and more a projected image rather than an individuated person. 'Just deserts' sentencing begins to have this effect, particularly where standard sentences are mechanically imposed. Sentencing guidelines take the process further. Mandatory minimum sentences go all the way, completely undoing any element of individualization at the point of sentencing.³⁶ These methods of fixing sentences well in advance of the instant case extend the distance between the effective sentencer (in reality, the legislature, or the sentencing commission) and the person upon whom the sentence is imposed. The individualization of sentencing gives way to a kind of 'punishment-at-a-distance' where penalty levels are set, often irrevocably, by political actors operating in political contexts far removed from the circumstances of the case. The greater this distance, the less likely it is that the peculiar facts of the case and the individual characteristics of the offender will shape the outcome.³⁷ The treatment of offenders thus becomes increasingly less

individuated at precisely the moment when the victim is brought into full human focus and given an individual voice. Michel Foucault described how the coming of disciplinary institutions shifted the 'axis of individualization' away from the great personages and brought it to bear upon the lowly deviant.³⁸ Today that axis is shifting once again, this time from the delinquent in the dock to the victim in the witness box.

The society—offender relation

The penal-welfare approach proceeded as if the interests of society and the interests of the offender could be made to coincide. Rehabilitating offenders, reforming prisons, dealing with the roots of crime—these were in the interests of everyone. Money spent on treating the offender and improving social conditions would be repaid by falling rates of crime and a better-integrated citizenry. The treatment of offenders was a positive sum game. Today the interests of convicted offenders, insofar as they are considered at all, are viewed as fundamentally opposed to those of the public. If the choice is between subjecting offenders to greater restriction or else exposing the public to increased risk, today's common sense recommends the safe choice every time.³⁹ In consequence, and without much discussion, the interests of the offender and even his or her legal rights, are routinely disregarded.⁴⁰

The same lack of balance and mutuality shapes the relationship between offender and victim that penal policy projects. The interests of victim and offender are assumed to be diametrically opposed: the rights of one competing with those of the other in the form of a zero sum game. Expressions of concern for the offender and his needs signal a disregard for the victim and her suffering.⁴¹ The standard response to those who campaign for prisoners' rights or better treatment for offenders, is that they should direct their compassion and concern towards the innocent victim, not the guilty offender.

This declining respect for the rights of offenders and the absolute priority given to public safety concerns can be seen quite clearly in the growing practice of disclosure and notification. In today's information society, criminal justice agencies come under increasing pressure to share their information with members of the public, particularly where this concerns security risks and potential dangers. Community notification laws and paedophile registers are prominent instances of the new willingness to disclose information that would once have been confidential.⁴² So too is the practice of correctional agencies (such as the Florida Department of Corrections) that now post internet websites giving personal details of all the prisoners who are released from their custody. This new practice is in sharp contrast to the thinking embodied in the Rehabilitation of Offenders Acts and 'expungement laws' that were passed in the 1960s and 1970s, which made it illegal to disclose information about an ex-offender's criminal record after a certain time had elapsed.⁴³ The assumption today is that there is no such thing as an 'ex-offender'—only offenders who have been caught

before and will strike again. 'Criminal' individuals have few privacy rights that could ever trump the public's uninterrupted right to know.

Finally, one sees this shifting balance in the way that 'stigma' has taken on a renewed value in the punishment of offenders. In the penal-welfare framework, stigma was viewed as a harmful and unnecessary aspect of criminal justice. Stigmatizing an offender was liable to be counterproductive insofar as it lessened the offender's self-esteem and prospects of reintegration. Correctional institutions such as juvenile justice, children's hearings, probation and reformatories were carefully designed to avoid stigmatizing effects and even prison regimes came to abandon the use of demeaning symbols such as the convict haircut or the broad stripe uniform. Today stigma has become useful again. Doubly useful in fact, since a public stigma can simultaneously punish the offender for his crime and alert the community to his danger. Community notification schemes, paedophile registers, prisoners and community service workers dressed in distinctive uniforms, chain gangs in the southern states of the USA, and 'scarlet letter' penalties requiring offenders to proclaim their criminality with signs and pictures—all of these involve the public marking of the offender. Whether for punitive effect or public protection, or both, the deliberate stigmatizing of offenders is once again a part of the official penal repertoire.⁴⁴

As the offender's perceived worth tends towards zero, victims' interests expand to fill the gap. One sees this in the changed attitude towards minor offences and what used to be called 'crimes without victims'. Today there is no such thing as victimless crime. If no one in particular is harmed by the conduct in question, this does not prevent the invocation of a collective victim—'the community' and its 'quality of life'—that is deemed to suffer the ill-effects that must always flow from prohibited behaviour, however trivial. Public drinking, soft drug use, graffiti, loitering, vagrancy, begging, sleeping rough, being 'uncivil': these cease to be tolerable nuisances or pricks to the middle-class conscience and become the disorderly stuff upon which serious crime feeds. In science and become the disorderly stuff upon which serious crime feeds. In the current police thinking, in the new city ordinances that are being passed in the UK and USA, and of course in the world of commercialized private security, of victimless crime is a thing of the past.⁴⁵ Every minor offence, every act of disorderly conduct—particularly if committed by poor people in public spaces—is now regarded as detrimental to the quality of life. In the high crime society, tiny crimes are viewed cumulatively and 'the community' is the collective, all-purpose victim. The public's fears and insecurities, its heightened awareness of the problem, its scepticism about liberal policies, its lack of concern for the offenders themselves—all of these have prompted us to find victims where there were once only violations.

How could this be? How could offenders have been so thoroughly deprived of their citizenship status and the rights that typically accompany it? How could an overweening concern for 'the victim' block out all consideration of the wrongdoer, as if the two categories were mutually exclusive? Perhaps because we have become convinced that certain offenders, once they offend, are no

longer 'members of the public' and cease to be deserving of the kinds of consideration we typically afford to each other. Perhaps because we already assume a social and cultural divide between 'us', the innocent, long-suffering middle-class victims, and 'them', the dangerous undeserving poor. By engaging in violence, or drug abuse, or recidivism, they reveal themselves for what they are: 'the dangerous other', the underclass. 'Our' security depends upon 'their' control. With this equation, we allow ourselves to forget what penal-welfarism took for granted: namely, that offenders are citizens too and their liberty interests are our liberty interests. The growth of a social and cultural divide between 'us' and 'them', together with new levels of fear and insecurity, has made many complain about the emergence of a more repressive state power.⁴⁶ In the 1960s, critics accused penal-welfare institutions of being authoritarian when they wielded their correctional powers in a sometimes arbitrary manner. Today's criminal justice state is characterized by a more unvarnished authoritarianism with none of the benign pretensions.

The criminology of control

Over the last twenty years there has been a marked diversification of criminological thought. In particular, two new currents have emerged that contrast sharply with one another and with the older social welfare criminology that once dominated official thinking. The older ideas—which view criminality as the dispositional outcome of social deprivation—still circulate and command respect. They have no more been abolished than have the institutions of penal-welfarism. In more or less revised form, they still form the core viewpoint of many academics and practitioners. But increasingly these welfarist ideas find themselves in competition with two quite different criminologies, both of which developed in critical reaction to the perceived failure of penal modernism, both of which are attractive to political actors and policymakers.

One reaction to the problems of penal modernism—the new criminologies of everyday life—might be described as *late modern* in character and orientation. Frameworks such as situational crime prevention, routine activity theory and the rest continue the modernist themes of correctionalist criminology insofar as they stress instrumentally rational, morally neutral, knowledge-based, pragmatic solutions. But they develop these modernist themes in new ways, stressing the modification of situations and opportunity structures rather than the reform of deviant individuals; prescribing situational engineering in place of social engineering. This is a less idealistic, less utopian modernism, more attuned to the way we live now, more aware of the limits of governmental schemes, more modest in its ambitions for human improvement.

If we reflect upon the social implications of this way of thinking, there is an interesting contrast with the logic of penal-welfare practice that can best be brought out by using the sociological distinction between social integration and system integration.⁴⁷ Penal-welfare practices and the criminologies that

informed them aimed to enhance social order by doing the work of *social* integration. They aimed to change the values and attitudes of offenders in ways that brought them into line with the prevailing normative codes. They envisioned social order as a problem of value consensus and they aimed to bring deviants back into that order by means of moral education and reformative practices that changed beliefs and behaviour.

In contrast, the criminologies of everyday life approach social order as a problem of *system* integration. It isn't people who most need to be integrated, but the social processes and arrangements that they inhabit. Instead of addressing human beings and their moral attitudes or psychological dispositions, the new criminologies address the component parts of social systems and situations. They consider how different situations might be redesigned so as to give rise to fewer opportunities for crime, how interacting systems (transport systems, schools, shops, leisure areas, housing . . .) might be made to converge in ways that create fewer security weaknesses or criminological hot spots. For these frameworks, social order is a matter of aligning and integrating the diverse social routines and institutions that compose modern society. It is a problem of ensuring co-ordination—getting the trains to run on time—not of building normative consensus.

The criminologies of everyday life thus offer an approach to social order that is, for the most part, amoral and technological.⁴⁸ They bypass the realm of values and concentrate on the routine ways in which people are brought together in time and space. Their conception of social order is a matter not of shared values but of smart arrangements that minimize the opportunities for disruption and deviance. This is a very self-conscious, very sophisticated approach to social order in a complex, differentiated society. It flies in the face of traditionalist ideas that see order as emerging out of moral discipline and obedience to authority. But it also subverts the old welfare state belief, that for society to work, solidarity must extend to all of its members who must be made part of an all-encompassing civic union.

Such an approach sits easily with social and economic policies that exclude whole groups of people, so long as segregation of this kind makes the social system work more smoothly. It also has obvious affinities with 'zero tolerance' policing policies that tend to be associated with low-level repression, discriminatory use of police powers, and the violation of the civil liberties of the poor and minorities. On the other hand, it is not impossible to imagine a socialized version of situational crime prevention in which the poorest, most vulnerable groups are provided with crime prevention resources and improved levels of community safety, though such a scheme would require that this criminology be uncoupled from the commercial imperatives and market settings with which it is often associated.

In terms of its self-representation, this framework cultivates a neutral, apolitical, demagogic, seeking only to *repair* the social and economic relations that give rise to criminogenic outcomes, never to *reject* them as socially unjust or

unacceptable. In the present political climate, this criminology's very practical emphasis upon control, and its silence on the question of how offenders should be sanctioned, mean that it offers one of the few routes to a non-punitive policy that is not vulnerable to the charge of being 'soft on crime'.

Today's other emergent criminology—the criminology of the other—might properly be described as *anti-modern* in character. It reacts to the failures of penal modernism and to the social arrangements of late modern society by questioning that society's normative codes and seeking to transform the values upon which they are built. This is the criminology of the dangerous other, a criminological echo of the culture wars and neo-conservative politics. If the criminology of everyday life de-dramatizes crime, treating it as a routine part of the normal scheme of things, this other criminology re-dramatizes it—depicting it in melodramatic terms, viewing it as a catastrophe, framing it in the language of warfare and social defence.⁴⁹ According to proponents of this criminology the problem with penal modernism, and with the modern society that spawned it, is that they have suffered a failure of moral nerve. They are unwilling to judge, reluctant to condemn, overly sensitive about matters of punishment and discipline.⁵⁰ They have distrusted the 'natural' sentiments of retributive justice and the common sense of ordinary people and have replaced them instead with the professional nostrums of liberal elites and sociological ideologies. In consequence, they have failed to uphold law and order or maintain respect for authority, and have unleashed the flood of crime, disorder and social problems that have characterized the late modern period.

This criminology is decidedly anti-modern in its central themes: the upholding of order and authority, the assertion of absolute moral standards, the affirmation of tradition and common sense. It is also deeply illiberal in its assumption that certain criminals are 'simply wicked' and in this respect intrinsically different from the rest of us. This view of the criminal has both ontological and epistemological implications. Being intrinsically evil or wicked, some offenders are not like us. They are dangerous others who threaten our safety and have no calls on our fellow feeling. The appropriate reaction for society is one of social defence: we should defend ourselves against these dangerous enemies rather than concern ourselves with their welfare and prospects for rehabilitation. As the title of a John Dilulio article once put it, we should simply 'Let 'em rot'.⁵¹ Their intrinsic otherness has implications for our understanding also. Intrinsic evil defies all attempts at rational comprehension or criminological explanation. There can be no mutual intelligibility, no bridge of understanding, no real communication between 'us' and 'them'. To treat them as understandable—as criminology has traditionally done—is to bring criminals into our domain, to humanize them, to see ourselves in them and them in ourselves. The criminology of the other encourages us, in the words of a British Prime Minister, to be prepared 'to condemn more and to understand less'.⁵² It prompts us to treat them as 'opaquely monstrous creatures beyond or beneath our knowing'—which helps still the conscience of anyone who might have qualms about

incapacitating millions of people, and even killing a few, all in the name of public safety.⁵³

Criminology's usual concern has been to shift discussion away from moral questions of responsibility towards scientific questions of causation and prevention; to replace the urge to punish with the will to understand. The criminology of the other does the opposite. Aware, perhaps, that the death penalty and mass imprisonment depend upon our refusal to comprehend the human beings we so completely condemn, it reinstates an older, metaphysical conception that depicts the offender as evil-doer, and the criminal act as unconditional evil choice.⁵⁴ Whether the offender's character is the result of bad genes or of being reared in an anti-social culture, the outcome is the same—a person who is beyond the pale, beyond reform, outside the civil community. In this anti-modern perspective, social order necessitates social consensus, but it is consensus of a pre-modern, mechanical kind—based upon a shared set of values not a pluralism of tolerated differences. Those who do not or cannot fit in must be excommunicated and forcibly expelled.⁵⁵

Such a criminology is, of course, quite opposed to the criminology of everyday life. But we should note that its vision of the offender is also completely at odds with the politics of solidarity that underpinned the welfare state and the sociological criminology that dominated at mid-century. The popularity today of this kind of criminological reasoning, in the USA and to a lesser extent in the UK, is a measure of how far we have moved from that earlier inclusive vision.

The characteristics of these the two new criminologies are different in most respects, as are their constituencies and sources of social support. But they share a focus upon *control*, an acknowledgement that *crime has become a normal social fact*, and a *reaction against* the criminological ideas and penal policies associated with *penal-welfarism*. The one is late-modern, taking the amoral social science approach even further than correctionalism did, viewing crime as the predictable outcome of normal social routines rather than of skewed dispositions. The other is anti-modern and anti-social science, adopting an absolutist, moralizing approach to crime, and insisting that criminal actions are voluntary, the bad choices of wicked individuals.

These new criminologies also signal how far we have moved from the project of integration through individual correction and social reform—a project that was the hallmark of criminal justice in the welfare state. One criminology takes late modern society as it finds it and suggests how we might adapt. The other is appalled by contemporary culture and the new social arrangements and calls for them to be dismantled. One argues that social and economic arrangements routinely generate criminal events and suggests ways of modifying how these arrangements are put together. The other asserts that an immoral underclass is the source of the problem and suggests ways of excluding and policing it. Despite these profound differences, however, both of the new criminologies share a fundamental feature: they each respond to, and further entrench, the culture of control that has increasingly taken hold in public discourse about social and criminal issues.

In contrast to the correctionalist criminology, with its concern for prevention through reform, these new currents have a quite different conception of their task. Both afford priority to control and to public protection, though each has a very different method of instituting these aims. The first proposes the piecemeal development of a network of unobtrusive situational controls, retrofitted to modify existing routines. It wants to inscribe controls into the warp and weft of social life, aiming to channel conduct in orderly ways without disturbing the flow of social events. The other exerts an excess of control and cares little for the social costs and penal consequences. It imposes control from the outside in the form of legal threats and moral exhortations, and condemns and excludes all those who fail to take heed. Deter, punish, incapacitate—and hang the expense.

These two criminologies are reactions against the culture of welfarism and the related criminology of correctionalism. They are twinned reactions that diverge from that earlier orthodoxy in opposite ways. The emergence of these reactions at this time is neither accidental nor arbitrary, and their appeal to politicians and administrators is not in the least surprising. For these opposing ways of thinking and acting upon crime are precisely aligned with the two poles of the cultural ambivalence that has grown up around crime. One position says, 'crime is normal, get used to it'. 'Be realistic, adapt, protect, survive.' The other sees crime's pervasiveness is a catastrophe for which someone must be blamed, a plague that afflicts a degenerate society and acts as a sign that we should return to more traditional and perhaps more God-fearing way of life.⁵⁶ These new Foucault showed decades ago, our social sciences are destined to 'discover' precisely those cultural themes that gave rise to these forms of knowledge and to the objects that they study.

The shifting emphases of criminology and crime control

What are the practical effects of these new criminologies? And how do they differ from the social criminologies that preceded them? As we saw in Chapter 2, a particular pattern of emphases and silences. These discursive characteristics fitted well with the structure and culture of penal-welfarism, and echoed the institutional arrangements and political commitments of that period. The most striking feature of recent criminological discourse is the way that it has highlighted the silences and blindspots that characterized the older criminological scheme.

The social criminologies that dominated prior to the 1970s had no programme of policing, no substantive interest in crime events, and no theory of the social and economic routines that generate criminal opportunities and criminogenic situations. Nor were they interested in primary or secondary crime prevention, since preventive effects were presumed to flow from general social reforms rather than specific criminological interventions. Questions of motiva-

tion took precedence over questions of control, for the simple reason that criminal acts were taken as signs of an underlying pathology rather than merely a lack of effective controls.

The social criminologies also downplayed the idea of deterrence, despite the fact that this notion had formed the crucial link between traditional punishment and crime control. Criminologists before the 1970s were highly sceptical about the effectiveness of legal threats, and tended to regard deterrent policies as little more than a cover for more basic retributive concerns. This attitude had its roots in epistemological as well as ideological commitments. Since it was typically conservatives who stressed the need for tough, deterrent penalties, the liberal bias of most welfare state criminologists made them wary of this approach. But more fundamentally, it was the distinctive mind-set of welfarist criminology that led most experts and practitioners to be sceptical about the utility of deterrent punishments. If crime was a symptom of underlying pathologies, if it was shaped by long-term, at-a-distance processes of causation, then it made little sense to focus upon the immediacies of the situation and the impact of threats and disincentives. The basic premises of penal-welfare criminology tended to undercut the idea of deterrence, not as an empirical matter but in a more fundamental, *a-priori* fashion.

In contrast, recent criminologies have revived interest in the whole question of deterrents and disincentives, and have encouraged policy-makers to adopt deterrent measures, ranging from mandatory minima for drug dealing and organized crime to aggressive stop and search measures to reduce the frequency of casual gun carrying. As a consequence, the practical distinction between the normal and the pathological has been revised. In penal-welfare criminology, the pathological offender was the focus for analysis and for correctional intervention: it was a criminological category that was widely defined and constantly expanding. In contrast, normal, rational offenders formed a theoretically more marginal category, of little professional interest. Today, there has been a shift of attention and priority. The mundane, opportunist offender now stands much closer to centre-stage in criminological study and crime control practice and the needy, pathological offender is much less prominent.

These new criminologies also give much greater prominence to the crime-reducing potential of the police and to policing activity in general. In the new criminology of control, the police play a much more central role, and social or psychological interventions recede into the background. The police are deemed capable of crime reduction in a variety of ways—by deterrence, by prevention, by building partnerships, by aggressive policing. Indeed the most talked about developments of contemporary policing—the 'broken windows' and the 'zero-tolerance' approaches—imply a complete inversion of the old criminological assumptions. In today's criminology, minor offending matters, situational controls shape conduct, and deterrent penalties are a central resource for crime control. This much is common ground for the criminologies of everyday life and the more punitive criminology of the other.

From a 'social' to an 'economic' style of reasoning

In any institutional setting there are basic recipes that shape thinking and guide decision-making. These recipes are not articulated theories or legal guidelines but instead habits of thought and routine styles of reasoning that are embedded in the precedents and practices of the institution. New recruits learn these ways of thinking 'on the job'. They become the common sense of the actors, prompted by the structures and culture of the organization. These recipes become ingrained in institutions and individuals and tend not to change rapidly: once learned they are hard to unlearn. But they can be changed over time, and in the last thirty years a new way of thinking has been gradually inscribed in the habits of crime control actors.

For much of the twentieth century, most crime policy and criminal justice decisions were underpinned by a *social style* of reasoning. Crime problems had a social cause and a social solution. The particular problems that emerged were to be placed in their social context, traced to their social roots, and dealt with by the most appropriate social means, such as social counselling and case-work, social provision, or social reform. Recently, however, a different way of approaching problems has emerged, a style that might be described as 'economic' rather than social. This way of thinking has shaped how criminal justice practitioners make decisions, how they allocate resources and how they deploy their powers. It has changed how institutions control their staffs and how they manage their internal actions. It has even affected how criminal justice authorities regard the conduct of offenders, probationers and prisoners. In short, it has become a shaping force in criminological thought and action, both inside and outside the criminal justice agencies.⁵⁷

Of course, justice has always depended upon resources, and crime control has always had its costs. There has never been a time when police and penal administrators did not complain that their budgets were inadequate, or when politicians did not accuse them of wasting taxpayers' money. But issues of costs and effectiveness are foregrounded in policy decisions today to an extent never seen before, and the police, the court and the various penal agencies are costed and audited more thoroughly today than at any time in their history. Over the last twenty years, the pressure to attain 'value-for-money', together with the effects of specific mechanisms of fiscal restraint and managerial discipline, have given rise to a framework of economic thinking that has become increasingly pervasive and powerful.

Today, the practitioners of crime control and criminal justice are required to talk the economic language of 'cost-benefit', 'best value' and 'fiscal responsibility'. Managerialism—with its portable, multi-purpose techniques for accountability and evaluation and its 'can-do' private sector values—has flowed into the vacuum created when the more substantive, more positive content of the old social approach lost credibility. The crime control field—from crime prevention work and policing to the prison regimes and the practice of parole—has become

saturated with technologies of audit, fiscal control, measured performance, and cost-benefit evaluation. The old language of social causation has been displaced by a new lexicon (of 'risk factors', 'incentive structures', 'supply and demand', 'stocks and flows', 'crime costing' and 'penalty pricing') that translates economic forms of calculation into the criminological field. The costs of crime are now routinely calculated, but so too are the costs of prevention, policing, prosecution, and punishment, and the comparative figures that are produced help shape policy choices and operational priorities.⁵⁸ The chief virtue of new policies such as private prison contracting or 'punishment in the community' is their claim to be economically rational alternatives to previous arrangements. And priority setting by criminal justice agencies is increasingly a matter of 'targeting' or 'gatekeeping', or 'smart sentencing' in ways that use least resources to achieve maximum effect.

Despite its formalistic character, this way of thinking has substantive consequences. As the critics of managerialism point out, it can limit experimentation, favour 'outputs' over 'outcomes', skew practice to fit performance indicators, limit the discretion of field staff, and diminish an agency's real effectiveness in order to maximize the practices that are most easily measurable. But this increasingly influential rationality has also helped to change how the system thinks about crime and criminals—encouraging a more costed, conception of social harm and a conception of the offender that emphasizes rational choice and calculation. The institutionalization of this style of reasoning in criminal justice institutions has increased the resonance and appeal of some criminological conceptions as opposed to others. For example, this economic framework has clear affinities with criminological analyses that view crime as an external-ly of normal social transactions or which conceive crime as the outcome of reasoned, opportunistic choices. The same might be said of the new image of the victim as a supplier of criminal opportunities, and the idealized figure of *homo prudens* projected by official crime prevention literature.⁵⁹

Each of these new (or revived) conceptions contrasts markedly with the social criminologies that previously shaped our thinking. They strip away the sociological and psychological layers in which twentieth century criminology had clothed its conception of the criminal offender, and seem at first to be a puzzling return to the naive criminology of Jeremy Bentham and his utilitarian followers. This revision appears less puzzling in the light of the institutional forces that now pull in that direction. Of course the revival of the 'rational criminal' in official criminology, and the concern to govern this figure by manipulating incentives and risks, would certainly have been encouraged by the general culture of choice and consumerism that characterizes late modernity. But the close affinity of these criminological ideas with the managerial and auditing processes of the criminal justice institutions have greatly increased their appeal. Criminal justice staffs increasingly seek to control offenders using the same techniques they use to control themselves.

The utilization of economic ideas to think about crime probably occurred first in the private sector—in the practices of insurance companies, private

security firms, and commercial enterprises seeking to reduce those costs of crime that fall on them. Their preferred way of approaching the problem was to focus on reducing or displacing the costs of crime, upon prevention rather than punishment, and upon minimizing risk rather than ensuring justice. The willingness of firms to weigh the costs of crime against the costs of its prevention—and their elaboration of a ‘managerial’ approach to crime that was rather different from that employed by governments.

The emergence of this rationality is, like the disciplinary prison, a conjuncture that was not pre-planned. The old social language ‘didn’t work’ and became discredited both as a practical matter and as a political proposition. In contrast, economic modes of reasoning were available, transferable, and appeared to work, or at least to satisfy funding authorities who increasingly demanded that the activities they financed be monitored and assessed in this way. The political parties in power during the 1980s and 1990s emphatically favoured ‘market solutions’, ‘private sector’ values, and managerial solutions, and encouraged state agencies to adopt this way of thinking. The declining credibility of social service professionals and the unwillingness of politicians to devolve penal power encouraged the use of techniques to control decision-making from the outside.⁶⁰ Trust and grants of discretionary power were increasingly replaced by the detailed specification of performance and close evaluation. Over time, criminal justice agencies were drawn into ‘the audit society’ and came to share the ‘new public management’ working practices that had already become standard elsewhere in the public sector.⁶¹

The economic style of reasoning, like the social one that preceded it, has a thematic and cultural coherence—the success of an exemplar, everywhere applied—rather than a strict logic or tight conceptual structure. It is, in effect, a ragbag of techniques, models, analogies, and recipes for action that are loosely bound up together by their appeal to economic rationality. As writers such as Gary Becker or Richard Posner have shown, this kind of reasoning can be applied in all kinds of domains, though its poor fit with the substantive rationality of ‘doing justice’ has meant that it has provoked greater resistance in this field than in some others. The economic rationality is, above all, a language for doing and representing. It has been superimposed upon practices that sometimes seem quite limited in their rationality and quite removed from economic considerations (such as the conduct of offenders, the choices of prisoners, the behaviour of victims, etc.) and upon practitioners who are hostile to it (probation officers, social workers, judges). That it has taken root in this setting is not a reflection of the economic character of crime and justice, or even of the intrinsic power of economic models. It is the effect of a particular politico-cultural environment operating through the institutions through which we construct ‘crime’ and ‘justice’ as social entities.

The political limits of economic reasoning

Economic habits of thought may have become the default style of decision making in crime control, but they are displaced at certain points by a very different way of thinking which presses the imperatives of punishing criminals and protecting the public, ‘whatever the cost’. This alternative modality contrasts sharply with the economic framework. It is ‘value rational’ rather than purpose-rational, expressive rather than calculating, and absolutist rather than strategic in its approach. Where the economic mode of reasoning is managerial, relativistic, cost-conscious, and oriented to the bottom-line, the expressive mode is more overtly moralistic, uncompromising, and concerned to assert the force of sovereign power.⁶² The penal measures associated with this expressive, sovereign approach tend to be fuelled by collective outrage and a concern for symbolic statement rather than by careful calculations of cost and effect.

It hardly needs to be said that this way of responding to crime confounds the cost-effectiveness considerations of the economic framework. The War on Drugs is a prominent example of this. So too are the mandatory sentences of the California Three Strikes laws, the recent ‘prison works’ policy of the UK government, and zero tolerance policing policies, all of which are very costly and, in crime control terms, of doubtful effectiveness. The adoption of a war mentality altogether defeats economic reasoning.

The process of switching between these contradictory rationalities, of moving from one discursive register to another, is very much a *political* process. It is governed not by any criminological logic but instead by the conflicting interests of political actors and by the exigencies, political calculations and short-term interests that provide their motivations. In its detailed configuration, with all its incoherence and contradictions, the field is thus a product of the decidedly aleatory history of political manoeuvres and calculations.

The clash between the institutional logic of cost-effectiveness and the sovereign stare gestures of the ‘war against crime’ is thus a clash of irreconcilable principles. Hence the barely concealed frustration of cost-conscious administrators and agency chiefs when confronted with the absolutism of the War on Drugs or the demand that violent predators be locked up indefinitely to protect the public. It is true, of course, that penal measures are frequently presented in terms that appear to function on both registers—as economic *and* expressive measures. For example mandatory minimum sentences are represented by their proponents as being liable to save money in the long run by incapacitating large numbers of offenders and hence reducing crime. But in this instance and in others, the supposed economic rationale is bogus, and is backed up by little in the way of statistical cost estimates, offender profiling or actuarial data. Punitive policies such as the War on Drugs, ‘prison works’, and the death penalty, may claim to be cost-effective forms of risk management but the calculations involved are far from actuarial. Rather, they are motivated by an unstated but well-understood sentiment that views the offenders targeted by such acts

(recidivists, career criminals, 'sexually violent predators', drug dealers, paedophiles) as wicked individuals who have lost all legal rights and all moral claims upon us. The motivating mind-set here is not actuarial prediction or careful risk-management. It is a hard, self-righteous intolerance produced by stereotypical images of danger and negative evaluations of moral worth.

The prevailing attitude is that it is better to keep a known criminal locked up for ever than to risk the life or property of another innocent victim. Perhaps if offenders had more political importance or social status they might command the actuarial attention required by programmes of selective incapacitation or bifurcated sentencing. As it is, politicians often speak the language of risk only to bowdlerize its terms and confound its logic. If it relates to the release of a convicted offender, then any level of risk is unacceptable. Their calculations are simple—the liberty interests of the prisoner are set at zero if his or her release might expose the public to avoidable danger, or require the responsible official to run any substantial political risk. In today's political climate, a record of prior offending affects the individual's perceived moral status rather more than it changes their actuarial risk.

Crime Control and Social Order

The crime control landscape that has emerged in America and Britain at the end of the twentieth century has surprised experts and defied historical predictions. I have argued that one can best understand these developments—in policing, sentencing, punishment, penal philosophy, penal politics, private security, crime prevention, criminological theory, the treatment of victims, and so on—by regarding them as interrelated aspects of a social field that is itself being restructured. I have tried to show how the field of crime control and criminal justice has been affected by changes in the social organization of the societies in which it functions, by the distinctive problems of social order characteristic of that form of social organization, and by the political, cultural, and criminological adaptations that have emerged in response to these distinctive problems. By way of a conclusion, I want to show how my explanation bears upon some specific issues that still need to be addressed, and to indicate some of the consequences that follow if my interpretation is correct.

Today's world of crime control and criminal justice was not brought into being by rising crime rates or by a loss of faith in penal-welfarism, or at least not by these alone. These were proximate causes rather than the fundamental processes at work. It was created instead by a series of adaptive responses to the cultural and criminological conditions of late modernity—conditions which included new problems of crime and insecurity, and new attitudes towards the welfare state. But these responses did not occur outside of the political process, or in a political and cultural vacuum. On the contrary. They were deeply marked by the cultural formation that I have described as the 'crime complex'; by the reactionary politics that have dominated Britain and America during the last twenty years; and by the new social relations that have grown up around the changing structures of work, welfare and market exchange in these two late modern societies.

During the 1980s and the 1990s the political culture that articulated these social relations was quite different from that which had prevailed in the heyday of the welfare state. In its emphases if not in every respect, this culture was more exclusionary than solidaristic, more committed to social control than to social provision, and more attuned to the private freedoms of the market than the public freedoms of universal citizenship. The institutions of crime control and criminal justice have shifted in this same general direction. They have adjusted their

policies, practices and representations in order to pursue the social objectives and invoke the cultural themes that now dominate in the political domain.

The specific policies and practices that have emerged are adaptations to the world in which crime control now operates and to the practical predicaments that this world creates. As we have seen, these new practices typically emerge as local solutions to the immediate problems encountered by individuals and organizations as they go about their daily routines. But what they add up to is a process of institutional adaptation in which the whole field of crime control gradually adjusts its orientation and functioning. In terms of that bigger picture, the adjustments that have occurred are structural, and concern the relationship between crime control and social order. Over time, our practices of controlling crime and doing justice have had to adapt to an increasingly insecure economy that marginalizes substantial sections of the population; to a hedonistic consumer culture that combines extensive personal freedoms with relaxed social controls; to a pluralistic moral order that struggles to create trust relations between strangers who have little in common; to a 'sovereign' state that is increasingly incapable of regulating a society of individuated citizens and differentiated social groups; and to chronically high crime rates that co-exist with low levels of family cohesion and community solidarity. The risky, insecure character of today's social and economic relations is the social surface that gives rise to our newly emphatic, overreaching concern with control and to the urgency with which we segregate, fortify, and exclude. It is the background circumstance that prompts our obsessive attempts to monitor risky individuals, to isolate dangerous populations, and to impose situational controls on otherwise open and fluid settings. It is the source of the deep-seated anxieties that find expression in today's crime-conscious culture, in the commodification of security, and in a built environment designed to manage space and to separate people.

I have described how the new crime control developments have 'adapted' and 'responded' to the late modern world, and to its political and cultural values. But these developments also, in their turn, play a role in *creating* that world, helping to constitute the meaning of late modernity. Crime control today does more than simply manage problems of crime and insecurity. It also institutionalizes a set of responses to these problems that are themselves consequential in their social impact. In America and Britain today, 'late modernity' is lived—not just by offenders but by all of us—in a mode that is more than ever defined by institutions of policing, penalty, and prevention.¹

This desire for security, orderliness, and control, for the management of risk and the taming of chance is, to be sure, an underlying theme in any culture. But in Britain and America in recent decades that theme has become a more dominant one, with immediate consequences for those caught up in its repressive demands, and more diffuse, corrosive effects for the rest of us.² Spatial controls, situational controls, managerial controls, system controls, social controls, self-controls—in one social realm after another, we now find the imposition of more

intensive regimes of regulation, inspection and control and, in the process, our civic culture becomes increasingly less tolerant and inclusive, increasingly less capable of trust.³ After a long-term process of expanding individual freedom and relaxing social and cultural restraints, control is now being re-emphasized in every area of social life—with the singular and startling exception of the economy, from whose deregulated domain most of today's major risks routinely emerge.

The rise to dominance of this cultural theme has the character of a reaction, a backlash, an attempted undoing of accumulated historical change. The 1950s, 1960s, and 1970s were decades of rapid social and economic change during which families and communities were severely dislocated, even as individuals and social groups enjoyed new freedoms, more varied lifestyles, and an enhanced range of consumer choices. That earlier phase subsequently gave way to a wave of anxiety about the breakdown of family, the relaxation of institutional disciplines, and the collapse of informal norms of restraint. In the closing decades of the twentieth century the pursuit of freedom has come to be overshadowed by a new sense of disorder and of dangerously inadequate controls. As we have seen, a reactionary politics has used this underlying disquiet to create a powerful narrative of moral decline in which *crime* has come to feature—together with teenage pregnancies, single parent families, welfare dependency, and drug abuse—as the chief symptom of the supposed malaise. This call for a return to order has led to the imposition of extensive new disciplines and controls, though it has been a feature of these developments that they have been targeted against particular social groups rather than universally imposed. The 1980s and 1990s have seen a return to restraint, a retrofitting of controls, an attempt to put the lid back on a newly disordered world. But despite these efforts, the clocks have not been turned back. There has been no return to a world in which all individuals are more hemmed in by the communal controls of local belonging, steady work, and tight-knit family. What has happened is that the individual freedoms granted by late modern morals and markets have been shored up by a new structure of controls and exclusions, directed against those groups most adversely affected by the dynamics of economic and social change—the urban poor, welfare claimants, and minority communities.

Convinced of the need to re-impose order, but unwilling to restrict consumer choice or give up personal freedoms; determined to enhance their own security, but unwilling to pay more taxes or finance the security of others; appalled by unregulated egoism and anti-social attitudes but committed to a market system which reproduces that very culture, the anxious middle classes today seek resolution for their ambivalence in zealously controlling the poor and excluding the marginal.⁴ Above all, they impose controls upon 'dangerous' offenders and 'undeserving' claimants whose conduct leads some to suppose that they are incapable of discharging the responsibilities of the late modern freedom. The most vehement punishments are reserved for those guilty of child abuse, illegal drug use, or sexual violence—precisely the areas in which mainstream social

and cultural norms have undergone greatest change and where middle-class ambivalence and guilt are at their most intense.

Punishment and welfare in late modernity

This study has focused on the effects of the new social relations and political culture in the field of crime control. But the same kinds of effects can also be seen in other areas of social and economic policy, above all, in the treatment of the poor. In political discourse and government policy the poor are once again viewed as undeserving and treated accordingly. Their poverty is attributed to their supposed lack of effort, their feckless choices, their distinctive culture, and chosen conduct.⁵ In the increasingly prosperous world of the 1990s and since, these persistently poor populations are easily viewed as 'different' and not merely 'disadvantaged'. Like persistent offenders and 'career criminals', they are conveniently regarded as an alien culture, a class apart, a residuum left behind by the fast-paced, high-tech processes of the globalized economy and the information society.⁶ The themes that dominate crime policy—rational choice and the structures of control, deterrents, and disincentives, the normality of crime, the responsabilization of individuals, the threatening underclass, the failing, overly lenient system—have come to organize the politics of poverty as well. The same premises and purposes that transformed criminal justice are evident in the programmes of 'welfare reform' that have been adopted by governments (and opposition parties) on both sides of the Atlantic and in the restructured social policy to which these have given rise.

Beginning in the 1980s benefits levels have been steadily reduced, even in periods when the numbers of out-of-work claimants greatly increased.⁷ The provision of welfare has been skirted round with work conditions and disciplinary restrictions. 'Choice' and 'responsibility' have been emphasized, 'dependency' anathematized, and 'the market' has come to be viewed as a providential force of nature rather than a set of social relations that requires careful regulation and moral restraint. The termination of benefits is increasingly used as a means to force claimants off the rolls—usually into low-paid work but no doubt also into the alternative economy of drugs and crime. Unemployed workers have had to demonstrate that they are 'active jobseekers' before they can claim benefits. A recognition that social and economic processes can create undeserved hardship has given way to a more moralistic account of labour market success and failure, in much the way that determinist criminologies have been displaced by the moralism of rational choice. Solidarity with the victims of social and economic dislocation has given way to a more condemnatory view of claimants, many of whom are now viewed as members of a culturally distinct and socially threatening 'underclass', in which all of the pathologies of late modern life are concentrated. At the same time, chronic unemployment for certain social groups has come to be seen as a normal fact of economic life, quite beyond the reach of government policy or regulatory control. In the new economic

order, only entrepreneurial conduct and prudent risk-management can offset the threat of insecurity: the state no longer acts as the insurer of last resort; citizenship no longer guarantees security. Like the system of criminal justice, the benefits structure of the welfare state has come to be viewed as a generator of problems and pathologies rather than a cure for them. Reform efforts focus upon reducing costs, strengthening disincentives, surrounding benefit payments with controls and restrictions, and 'getting people off welfare'. Less effort is directed to addressing the structural sources of unemployment, poverty, and ill-health. The parallels with the new field of crime control are impossible to miss.

During the last twenty years, the combined effect of 'neo-liberal' and 'neo-conservative' policies—of market discipline and moral discipline—has been to create a situation in which more and more controls are imposed on the poor, while fewer and fewer controls affect the market freedoms of the rest. Tax cuts for upper income groups, housing and pensions subsidies for the middle classes, the deregulation of the finance and credit industries, the privatization of major industries, and a prolonged stock market boom—these have ensured that those in well-paid work have enjoyed increased living standards, enhanced consumer freedom, and ever-fewer state controls on their economic conduct. The widening gap between rich and poor that these policies have created, together with the meanness of state benefits, have prompted those who can afford it to look to private, market-based provision of goods when it comes to housing, health, education, and pensions. A thriving market in commodified services has grown up parallel to the welfare state, in precisely the same way that the new market in private policing and security has appeared alongside the criminal justice system. The predictable consequence has been that the middle classes have become less inclined to view state welfare as a system that works to their benefit. Instead, it comes to be seen as a costly and inefficient government bureaucracy redistributing the hard-earned income of people in employment to an undeserving mass of idle and feckless recipients. With welfare, as with crime, large sections of the middle and working classes see themselves as victimized by the poor and by a system that reproduces the problem it is supposed to solve.⁸ The more punitive, more demanding welfare-to-work structures that have put in place in recent years are the direct expression of this new sentiment. What Galbraith called a culture of contentment has increasingly given way to an anti-welfare politics in which the market freedoms and economic interests of the middle and upper classes dictate a more restrictive and less generous policy towards the poor.⁹ In the prosperous 1990s these policies succeeded in reducing welfare rolls and limiting the growth of social spending. It remains to be seen how they will function once the economy falters and unemployment levels once more begin to rise.

The dialectic of freedom and control

Historians have pointed to a recurring pattern of social development in which the upheaval and disruption characteristic of periods of social change

subsequently give way to efforts at consolidation and the re-imposition of order and control.¹⁰ This dialectic between freedom and control could be said to have characterized the last thirty years. In certain respects, the social liberation of the 1960s and the market freedoms of the 1980s are now being paid for in the coin of social control and penal repression. Where the liberating dynamic of late modernity emphasized freedom, openness, mobility, and tolerance, the reactionary culture of the end of the century stresses control, closure, confinement, and condemnation. The continued enjoyment of market-based personal freedoms has come to depend upon the close control of excluded groups who cannot be trusted to enjoy these freedoms. So long as offenders and claimants appear as 'other', and as the chief source of their own misfortune, they offer occasions for the dominant classes to impose strict controls without giving up freedoms of their own. In contrast to a solidaristic social control, in which everyone gives up some personal freedom in order to promote collective welfare, market individualism is the freedom of some premised upon the exclusion and close control of others.

When we impose control upon offenders today, we take pains to affirm their supposed freedom, their moral responsibility, and their capacity to have acted otherwise. The criminologies and sentencing assumptions that have become influential in the 1980s and 1990s—criminologies of choice and control—are precisely those that echo today's cultural norms and socio-political imperatives. We live in a social world built upon the imperatives of individual choice and personal freedom. Criminological accounts that slight free choice and stress social determinants now lack the kind of resonance and ideological appeal that they exerted in the heyday of the welfare state. Those accounts that highlight rational choice and the responsiveness of offenders to rewards and disincentives chime with today's common sense and with the individualistic rationality of our consumer culture. Offenders must be deemed to be free, to be selves. 'Crime is a decision not a disease' is the new conventional wisdom.¹¹ More precisely put, crime is taken to be a freely chosen act, a rational decision, except in these cases where it is actually the determined outcome of a constitutional pathology. If individuals are to be deemed irresponsible, if impersonal forces are to account for their actions, then these must be forces that do not act upon the rest of us—causes with their roots in biological, psychological, and cultural difference. If we are to see ourselves as the uncaused causes of our own actions and choices, as the moral individualism of market society teaches us to do, then those not fully in control of their own conduct must appear different in some extra-social sense. Their otherness is a condition of their exclusion. What is missing today, what is actively suppressed by our cultural commitments, is the excluded middle that lies between complete freedom and irresistible compulsion—the old welfarist notion that individual decisions and choices are themselves socially structured, as are the capacities and opportunities for realizing them.

In the middle decades of the last century, the criminal justice system formed part of a broader solidarity project. Its programmatic response to crime was part of the welfare state's programmatic response to poverty and destitution. Criminal justice was shaped by the politics of social democracy, and its ideals were the re-integrative ideals of an inclusive welfare state society. And if its actual practices fell far short of these ideals, as they typically did, they could at least be criticized by reference to these ideals, and reformed in ways that lessened the gap. Today, welfare state institutions still play a supporting role in economic and social life, just as penal-welfare institutions still underpin criminal justice. But that solidarity project no longer dominates the rhetoric of policy or the logic of decision-making. The high ideals of solidarity have been eclipsed by the more basic imperatives of security, economy, and control. Crime control and criminal justice have come to be disconnected from the broader themes of social justice and social reconstruction. Their social function is now the more reactionary, less ambitious one of re-imposing control on those who fall outside the world of consumerist freedom. If penal-welfare conveyed the hubris and idealism of twentieth-century modernism, today's crime policies express a darker and less tolerant message.

The social roots of crime control

The explanation for some of the more puzzling facts of contemporary crime control can be found if we trace their connections to the kinds of social organization and political culture that dominate in Britain and America today.

Why has the prison moved from being a discredited institution destined for abolition, to become an expanded and seemingly indispensable pillar of late modern social life? Not because it was the centrepiece of any penal programme that argued the need for mass imprisonment. There was no such programme. Imprisonment has emerged in its revived, reinvented form because it is able to serve a newly necessary function in the workings of late modern, neo-liberal societies: the need for a 'civilized' and 'constitutional' means of segregating the problem populations created by today's economic and social arrangements. The prison is located precisely at the junction point of two of the most important social and penal dynamics of our time: risk and retribution.¹² With the absolutist logic of a penal sanction, it punishes and protects, condemns and controls. Imprisonment simultaneously serves as an expressive satisfaction of retributive sentiments and an instrumental mechanism for the management of risk and the confinement of danger. The sectors of the population effectively excluded from the worlds of work, welfare and family—typically young urban minority males—increasingly find themselves in prison or in jail, their social and economic exclusion effectively disguised by their criminal status. Today's reinvented prison is a ready-made penal solution to a new problem of social and economic exclusion.

Why do governments so quickly turn to penal solutions to deal with the behaviour of marginal populations rather than attempt to address the social

and economic sources of their marginalization? Because penal solutions are immediate, easy to implement, and can claim to 'work' as a punitive end in themselves even when they fail in all other respects. Because they have few political opponents, comparatively low costs, and they accord with common sense ideas about the sources of social disorder and the proper allocation of blame. Because they rely upon existing systems of regulation, and leave the fundamental social and economic arrangements untouched. Above all, because they allow controls and condemnation to be focused on low-status outcast groups, leaving the behaviour of markets, corporations and the more affluent social classes relatively free of regulation and censure.

Why have we made such massive new investments in private security and created such thriving markets in commodified control? Because the old fashioned sovereign state can deliver punishment but not security, and this has become apparent to economic actors who have a real stake in the process. Because affluent sectors of the population have become accustomed to insuring themselves and their property and are increasingly willing to spend money on the pursuit of personal safety. Because these same groups are acutely aware of the social and racial divisions that characterize today's society and resort to defensive space and fortified property as ways of warding off threatening outsiders. And because in high crime societies, the problems of personal security, crime prevention and penal provision have created commercial opportunities that have been vigorously exploited by the private interests and market forces that neo-liberalism has so effectively liberated.

Why is the emphasis now shifting to situational crime prevention and away from the social reform programmes that used to dominate the field? Because unlike earlier efforts to build social prevention programmes, job creation schemes, and community regeneration, the new situational methods do not appear to benefit the underserving poor, to imply a social critique, or to disturb market freedoms. Their implementation can proceed outside of a politics of solidarity and collective sacrifice, and in the absence of support for redistributive welfare programmes. Their growing appeal rests on the fact that they can be distributed through the market as customized commodities, rather than delivered by state agencies. Like private policing and commercial security, these methods mesh with the dynamics of market society, adapting themselves to individualized demand, slotting into the circuits of profitable supply and private consumption.

Why is the image of the suffering victim now so central to the crime issue and our responses to it? Because in the new morality of market individualism, public institutions lack compelling force and the state's law lacks independent authority. Whatever mutuality and solidarity exists is achieved through the direct identification of individuals with one another, not with the polity or the public institutions to which they each belong. In a world in which moral sentiments are increasingly privatized along with everything else, collective moral outrage more easily proceeds from an individualized basis than from a public one. A declining faith in public institutions now means that only the sight of

suffering 'individuals like us' can be relied upon to provoke the impassioned responses needed to supply the emotional energy for punitive policies and a war upon crime. In the individualistic culture of consumer capitalism, the law more and more relies upon identifications of an individual kind. Justice, like the other public goods of the post-welfare society, is increasingly rendered in the currency of consumer society, increasingly adapted to individualized demand. The new importance attributed to the figure of the 'victim' is created not by the reality of victimhood—there has always been plenty of that—but by the new significance of visceral identification in a context where few sources of mutuality exist.¹³

Finally, why do contemporary crime policies so closely resemble the anti-welfare policies that have grown up over the precisely the same period? Because they share the same assumptions, harbour the same anxieties, deploy the same stereotypes, and utilize the same recipes for the identification of risk and the allocation of blame. Like social policy and the system of welfare benefits, crime control functions as an element in a broader system of regulation and ideology that attempts to forge a new social order in the conditions of late modernity.

That future is not inevitable

I have argued that today's crime control strategies have a certain congruence, a certain 'fit' with the structures of late modern society. They represent a particular kind of response, a particular adaptation, to the specific problems of social order produced by late modern social organization.¹⁴ But such policies are not inevitable. The social surface upon which crime control institutions are built poses certain problems, but does not dictate how these will be perceived and addressed by social actors and authorities. These responses are shaped by political institutions and cultural commitments. They are the products of a certain style of politics, a certain conjuncture of class forces, a particular historical trajectory. They are the outcome (partly planned, partly unintended) of political and cultural and policy choices—choices that could have been different and that can still be rethought and reversed.¹⁵

The general explanation that I have set out here necessarily involves two kinds of accounts: a *structural* account that points to the general characteristics of a certain kind of social organization, and a *conjunctural* account that identifies the choices and contingencies that shaped how particular social groups adapted to these structures and mediated their social consequences. In narrating these historical developments I have tried to distinguish these different levels of analysis, and to differentiate structural characteristics from political or cultural adaptations. I have tried to argue that the reconfigured field of crime control is structurally related to the conditions of late modernity, while emphasizing that 'structurally related' is not the same as 'strictly determined'. But in the real world there is no clear separation between 'social structure' and 'political response': the two come bundled together. Only comparative analyses allow us to show how the same structural co-ordinates can support quite different

political and cultural arrangements. This study has chosen to consider the UK and the USA together, in an effort to point up the structural similarities that mark their social, political and penological trajectories. But Britain is not America. Its penal regime is not so repressive, its social and racial divisions are not so deep, its recent history has not been so explosive. Nor are the competing political parties the same in every respect—Clinton is not Bush and Blair is not Thatcher, and the differences that distinguish their governments' policies have had real consequences for people's lives. My claim is not that there are no differences that matter. My claim is that there are now important structural similarities in the patterns of thought and organizational strategies that shape practice in these two late modern societies, no matter which party is currently in power. A more extensive work of international comparison could have shown how other societies, such as Canada, Norway, the Netherlands, or Japan, have experienced the social and economic disruptions of late modernity without resorting to these same strategies and levels of control.¹⁶

But even if the present study cannot show this conclusively, its analyses do suggest points at which different choices might have been made, different policies pursued, and different outcomes made more likely.¹⁷ As we have seen, political actors in Britain and America have repeatedly chosen to respond to widespread public concern about crime and security by formulating policies that punish and exclude. They have assumed the posture of a sovereign state deploying its monopoly of force to impose order and punish law-breakers. As I have argued, this attempt to create social order through penal means is deeply problematic, particularly in late modern democracies. Instead of working to build the complex institutions of governance and integration needed to regulate and unify today's social and economic order, these penal policies have set up a division between those groups who can be allowed to live in deregulated freedom, and those who must be heavily controlled. Instead of reversing the processes of economic marginalization and social exclusion that are endemic in today's globalized economy, the new emphasis upon punishment and policing has overlaid and reinforced these very processes. Instead of addressing the difficult problem of social solidarity in a diverse, individuated world, our political leaders have preferred to rely upon the certainties of a simpler, more coercive, Hobbesian solution.

But other possibilities exist for the control of crime and the shaping of orderly conduct, as we saw when we considered the adaptive responses developed by administrative agencies. Efforts to share responsibility for crime control, to embed social control into the fabric of everyday life, to reduce the criminogenic effects of economic transactions, to protect repeat victims—these are possibilities that already exist and could be given much more prominence in government policy. As compared to penal solutions, these other possibilities are better adapted to the social arrangements of the late modern world, more realistic about the limits of the sovereign state and its criminal justice mechanisms, and less liable to reinforce existing social divisions.

We have seen that the American and British publics today are highly attuned to the crime issue, and that political actors feel compelled to respond directly to these concerns. To be out of touch with public sentiment on this issue is to invite negative headlines and political disaster. But the emotional involvement that many people now have with this issue need not always result in the expression of punitive sentiments. The public demands that something should be done about crime, that their property and persons should be protected, that offenders should be adequately punished and controlled, and that the system should operate reliably and efficiently. But these recurring concerns are capable of being met in a variety of ways. Public attitudes about crime and control are deeply ambivalent.¹⁸ They leave room for other resolutions. Politicians have tended to take the easy route here, to opt for segregation and punishment rather than try to embed social controls, regulate economic life, and develop policies that will enhance social inclusion and integration. If late modern societies are to uphold the ideals of democracy, equal rights for all, and a minimum of economic security for the whole population, they will need to ensure that moral regulation and social control are extended to the mainstream processes of economic decision-making and market allocation—not confined to the world of offenders and claimants.

Nor is it just our politicians who will need to revise their attitudes. As we have seen, the cumulative choices of individuals and households make a difference too, and form the basis upon which social structures emerge. Today's enormous market in private security and defensive space is a consequence of these choices. So too, is the widening gap between those who can afford to protect themselves and those who cannot. Precisely because choices that seem rational from an individual viewpoint can produce irrational outcomes when repeated on a massive scale, the market in security is one that also needs to be subjected to collective regulation and moral restraint. Today's governmental authorities may be obliged to operate alongside this private sector, and in conjunction with it, but they are not obliged to stand back and allow its unregulated consequences to fall where they may.

The new iron cage

At the beginning of the twenty-first century, the USA is experiencing an unprecedented economic boom, with low unemployment levels, rising standards of living, a federal surplus and healthy state budgets. The UK is also enjoying an extended economic recovery. Crime rates fell steadily in both places during the 1990s, with the USA recording declines in every year between 1992 and the present, and England and Wales experiencing five consecutive years of decrease until the reported increase of the year ending 1999.¹⁹ Yet despite these positive trends, there is every sign that the shift towards punitive justice and a security build-up is continuing unabated.²⁰ As the market in private security expands, the delivery of penal legislation speeds up, and the crime complex reproduces

itself, we face the real possibility of being locked into new 'iron cage'. Max Weber long ago described how the capitalist rationality outlived the spiritual control that originally gave it impetus and meaning. The new culture of crime continue long after its originating conditions have ceased to exist. After all, such arrangements spawn institutional investments and produce definite benefits, particularly for the social groups who are at the greatest distance from them. They entail a way of allocating the costs of crime—unjust, unequal, but feasible none the less. Penal solutions may be expensive, but the last twenty-five years have shown that their financial costs can be borne even where taxpayers are notoriously reluctant to meet the costs of other public expenditure.

The new crime-control arrangements do however involve certain social costs that are, over the long term, less easily accommodated. The hardening of social and racial divisions, the reinforcement of criminogenic processes; the alienation of large social groups; the discrediting of legal authority; a reduction of civic tolerance; a tendency towards authoritarianism—these are the kinds of outcomes that are liable to flow from a reliance upon penal mechanisms to maintain social order.²¹ Mass imprisonment and private fortification may be feasible solutions to the problem of social order, but they are deeply unattractive ones. A large population of marginalized, criminalized poor may lack political power and command little public sympathy, but in aggregate terms they would have the negative capacity to make life unpleasant for everyone else. It is no accident that the dystopian images of the 1980s movie 'Blade Runner' have had such powerful cultural resonance.²² Gated communities and the purchase of private security may be options for the rich, but they cannot offer a general social solution to the problems of crime and violence—not least because full private protection is beyond the means of most middle-class households who will continue to rely on the public police and state provision.²³ Mass imprisonment may continue to be affordable for 'law and order' states, a provider of much-needed jobs for rural communities, and a source of profit for commercial corrections companies. But over the long term it is probable that its conflict with the ideals of liberal democracy will become increasingly apparent, particularly where penal exclusion (and the disenfranchisement it entails) is so heavily focused upon racial minorities. A government that routinely sustains social order by means of mass exclusion begins to look like an apartheid state.

These social and political costs make it less likely that such policies will continue indefinitely. The recent reduction in crime rates has made the issue of crime control slightly less urgent, slightly less prominent in political discourse. The costs of mass imprisonment are beginning to be apparent. In the USA, there is currently a public debate prompted by evidence of faulty convictions in a high percentage of death penalty cases, and at least one governor has called a moratorium on executions pending the results of further inquiries. Some of the most conservative figures in crime policy are beginning to back away from the prospect of continued mass incarceration.²⁴ The policy is beginning to be the

problem, not the solution. If these shifts continue, there is a prospect that current trends will be tempered and perhaps eventually reversed.

But the most fundamental lesson of the twentieth century is not a political one but a structural one. The problem of crime control in late modernity has vividly demonstrated the limits of the sovereign state. The denials and expressive gestures that have marked recent penal policy cannot disguise the fact that the state is seriously limited in its capacity to provide security for its citizens and deliver adequate levels of social control. The lesson of the late twentieth-century experience is that the nation state cannot any longer hope to govern by means of sovereign commands issued to obedient subjects, and this is true whether the concern is to deliver welfare, to secure economic prosperity, or to maintain 'law and order'. In the complex, differentiated world of late modernity, effective, legitimate government must devolve power and share the work of social control with local organizations and communities. It can no longer rely upon 'state knowledge', on unresponsive bureaucratic agencies, and upon universal solutions imposed from above. Social and political theorists have long argued that effective government in complex societies cannot rely upon centralized command and coercion.²⁵ Instead it must harness the governmental capacities of the organizations and associations of civil society, together with the local powers and knowledge that they contain. We are discovering—and not before time—that this is true of crime control as well.