organization does, rather than what, if anything, it achieves. Prison regimes are assessed in terms of the number of hours that inmates spend in 'purposeful' activity, not in terms of whether these programmes reduce subsequent offending. Police forces ask to be judged by the number of officers on the beat, the number of emergency calls processed, the speed of response following a call, or other measures of 'economy and efficiency', not by the effect these actions have had upon rates of crime or criminal convictions.

In much the same way, the shift of sentencing policy towards mandatory penalties, sentencing guidelines, and 'just deserts'—whatever other dynamics may have contributed to its development—has the effect of focusing attention firmly upon process and away from outcome. When sentencing becomes merely the application of pre-existing policy tariffs it loses much of its former social purpose. It shifts away from the older framework in which sentencers aimed to bring about a social outcome—the reduction of crime through individualized sentencing—to one where the key objective (fitting the punishment to the offence) is well within the capacity of the courts, and much less likely to 'fail'. The same lowered ambition and retreat from positive social purpose reinforces the new meaning of imprisonment and probation, both of which are increasingly represented as modalities of punishment and incapacitative control, rather than as transformative measures.

Criminal justice organizations have sought over the last two decades to become more self-contained, more inwardly directed, and less committed to externally defined social purposes, and to some extent they succeeded in establishing this more defensive posture. But while the central government has often encouraged and colluded in developing these reduced and more realistic mission statements, part of the price of failure is that these agencies are no longer permitted the professional autonomy and discretion with which they were once entrusted. Agencies like the police, probation and prisons that were once given statutory powers and responsibilities, an annual budget and a degree of freedom to get on with it, are now increasingly subject to state-imposed standards and guidelines, and are closely monitored and inspected to ensure that they comply. The long-term trend towards professional autonomy and the delegation of penal powers has been abruptly reversed, and the state has begun to tighten its grip upon criminal justice agencies and employees.

By these various means, the crime control agencies have begun to represent themselves in ways that suggest a more modest and more self-contained remit. The promise to deliver 'law and order' and security for all citizens is now increasingly replaced by a promise to process complaints or apply punishments in a just, efficient and cost-effective way. There is an emerging distinction between the punishment of criminals which remains the business of the state (and becomes once again a significant symbol of state power) and the control of crime, which is increasingly deemed to be 'beyond the state' in significant respects. And as its control capacity comes to be viewed as limited and contingent, the state's power to punish takes on a renewed political salience and priority.

Concentrate upon consequences

Another emergent pattern of adjustment is the tendency of state agencies to give more priority to dealing with the consequences of crime rather than its causes. In government crime policy and in the priorities of police chiefs, there has emerged a new emphasis on tackling the harmful effects of criminal conduct—by supporting victims, mitigating crime costs, addressing public fear and reducing insecurity—rather than intervening in ways that address crime itself. This is, to some extent, a predictable result of the worsening of crime as a social problem. As its effects become more widespread, so too do the demands for relief from those most affected. But it also represents a strategic shift on the part of criminal justice agencies, whose former claim to be addressing the problem at its roots now appears increasingly empty.

Victims

One can see this very clearly in the emergent field of 'victim policy'. Ever since the nineteenth century there had been repeated calls for government and its agencies to do more to relieve the plight of crime victims. As critics pointed out, the victim's role in criminal justice was routinely reduced to that of complainant and witness, rather than a party to the proceedings, and the injuries victims suffered typically went unacknowledged and uncompensated. While the system, so it was said, lavished care and attention upon individual offenders, seeking to understand their needs and bring about their rehabilitation, it had little to offer to individual victims, who were neither consulted nor informed about the way in which 'their' case was handled. Until recently, the system's standard response to this criticism was that the victim's interests were subsumed within the public interest, and that, in the long run, the state's correctionalist policies would work to the interest of both the public and the offender.

Since the 1970s this response has come to seem aloof and unresponsive, as well as of doubtful credibility. With the forceful encouragement of elected officials, criminal justice agencies have developed an entirely different relationship to individual victims, and also to the organized victims' movement which became a growing presence on the policy scene in the 1980s and 1990s. In stark contrast to previous policy, victims have become a favoured constituency and the aim of serving victims has become part of the redefined mission of all criminal justice agencies.

As we will see, politicians came to develop their own, rather punitive, conception of how to act in the victim's interests, but the approach of the criminal justice agencies has typically focused upon more modest, more responsive goals. Ever since the 1980s police, prosecution, and courts agencies have increasingly made it their policy to ensure that victims are kept informed, treated with more sensitivity, offered access to support, and given compensation for their injuries. New forms of restitutive justice grew up in the form of court-mandated
compensation orders, victim-offender mediation, and treatment programmes for offenders that highlighted the impact of crime upon victims. Victims came to be accorded a series of rights, and a voice in criminal proceedings. These ranged from uncontroversial innovations such as separate waiting rooms in courthouses to much-disputed developments such as ‘victim-impact statements’ and ‘victim opinions’ offered to the judge about sentencing, and to parole boards about release. In these various ways, the criminal justice system strove to reinvent itself as a service organization for individual victims rather than merely a public law enforcement agency.43

Fear of crime

Like victims and their injuries, the fear of crime has always been a concomitant of crime. Until recently it was assumed, without much discussion, that measures to combat crime were also the best means of reducing the fear and insecurity associated with it. No doubt this way of thinking about policy would have continued, had efforts to reduce crime been shown to have any likelihood of success. However, in the late 1970s and early 1980s, when crime-reduction efforts appeared conspicuously unsuccessful, a number of studies suggested that public fear of crime is a measurable phenomenon that is to some degree independent of crime and victimization rates. When a series of police research studies suggested that some measures might fail to reduce actual crime rates but nevertheless succeed in reducing the reported levels of fear and insecurity, the way was opened for a new policy aim. From the 1980s onwards, police departments and government authorities in the USA and the UK began to develop mission-statements and practices that took the reduction of fear as a distinct, self-standing policy goal.44

Early discussions of the problem tried to suggest that much fear was irrational, and could be dispelled by a dose of reliable information. Thus in the mid-1980s, the Home Office embarked on a publicity campaign that used British Crime Survey data to show that public fear was often misplaced or overstated when measured against the actual risk of victimization.45 This debunking approach soon came to be viewed as a mistake, and subsequent efforts were more respectful of the strength and significance of public fears, however great the gap between these fears and the statistical risks involved. So the police reintroduced street patrols and enthusiastically sponsored neighbourhood watch schemes, all the time aware of research showing such measures to be much more effective at reassuring the public than actually reducing crime rates. In the 1990s, ‘quality of life’ policing was widely adopted, not because of a belief in its proven success—that came later—but because it was perceived as being popular with the public and liable to change public perception in a positive direction.

Relocating and redefining responsibilities

Over the course of the 1970s and 1980s, government authorities became increasingly aware that crime control is ‘beyond the state’ in two important and distinct respects. Crime control is ‘beyond the state’ inasmuch as the institutions of the criminal justice state are severely limited in their crime control capacities and cannot by themselves succeed in the maintenance of ‘law and order’.46 But it is also ‘beyond the state’ inasmuch as there are crime control mechanisms operating outside the state’s boundaries, and relatively independently of its policies. The effort to address these limits, first by reforming the state institutions, and subsequently by mobilizing and harnessing non-state mechanisms, has been the basis of the most innovative policies of the recent period.

The community as the solution

A constantly recurring solution to the problem of the limitations of the criminal justice state has been the effort to relocate the work of crime-control ‘in the community’. Since at least the 1960s criminal justice administrators, echoing the calls of academics and reformers, have urged that their tasks could be more effectively undertaken outside of state institutions in what they call ‘community’ settings. Drawing on critiques of total institutions, arguments about the dangers of stigma and exclusion, and a belief in the healing powers of community relations, there has been a whole series of reform initiatives that identify the community as the proper locale for crime control and criminal justice. Since the 1960s we have seen the development of one community programme after another—community corrections, community policing, punishment in the community, community crime prevention, community prosecution, community justice.47 ‘The community’ has become the all-purpose solution to every criminal justice problem.

Many of these developments, for instance, community corrections and ‘punishment in the community’, consisted of state employees, carrying out state policies, under the auspices of state organizations. ‘Community’ in these instances meant merely ‘non-custodial’ or ‘occurring outside of prisons and reformatories’. They might be less costly than institutionalization, less stigmatizing, and less liable to deprive the offender of the supports of family and work, but they were actually state sanctions with little or no involvement of non-state actors. Others measures engaged with ‘community’ in a more innovative and radical manner, seeking to respond to the concerns and enlist the help of neighbourhood residents and organizations. Community policing and community crime prevention in particular sought to enlist the support of voluntary agencies, businesses and residents groups, harnessing the social control efforts of these bodies and aligning them with the efforts of the official crime control agencies.

Community policing initiatives began to develop from the late 1960s onwards, in large part as a corrective to the reactive, remote policing styles that
had been adopted earlier that decade. Often prompted by urban riots or the breakdown of police–public relations in minority neighbourhoods, community policing attempted to improve the police image by working more closely and responsibly with local community organizations and leaders. Beat policing, schools liaison, public consultation, even a degree of local accountability—all of these were seen as important methods of ensuring an adequate level of public co-operation, and avoiding an image of the police as a hostile army of occupation.

By the 1980s community policing had become an all-pervasive rhetoric, and was being used to describe any and every policing practice, however conventional. Beneath this rhetorical gloss, however, there were in fact some significant new developments in contemporary policing. The most important of these was the effort increasingly being made to reach out and enlist the activities of non-state actors, linking up their informal crime-control practices to the more formal activities of the police themselves. This out-reach policy, enhanced and encouraged by community crime prevention schemes using the same principles, gave rise to a self-conscious strategy that has become a prominent aspect of government policy in the 1980s and 1990s in both the UK and the USA.

The responsibilization strategy

The attempt to extend the reach of state agencies by linking them up with the practices of actors in the ‘private sector’ and ‘the community’ might be described as a responsibilization strategy. It involves a way of thinking and a variety of techniques designed to change the manner in which governments act upon crime. Instead of addressing crime in a direct fashion by means of the police, the courts and the prisons, this approach promotes a new kind of indirect action, in which state agencies activate action by non-state organizations and actors. The intended result is an enhanced network of more or less direct, more or less informal crime control, complementing and extending the formal controls of the criminal justice state. Instead of imagining they can monopolize crime control, or exercising their sovereign powers in complete disregard of the powers of other actors, state agencies now adopt a strategic relation to other forces of social control. They seek to build broader alliances, enlisting the ‘governmental’ powers of private actors, and shaping them to the ends of crime control.

This is the essence of the new crime prevention approach that has been developed by the governments of the USA and (especially) the UK over the last two decades. It is also a crucial element in the community policing policies, properly so-called. The key phrases of the new strategy are terms such as ‘partnership’, ‘public/private alliance’, ‘inter-agency co-operation’, ‘the multi-agency approach’, ‘activating communities’, ‘helping the site’, and the ‘co-production of security’. The primary objective is to spread responsibility for crime control onto agencies, organizations and individuals that operate outside the criminal justice state and to persuade them to act appropriately. This ‘responsibilizing’ task is made much more difficult by the prior division of labour in the field, and by the long-established assumption that the state is always and exclusively the authority responsible for crime control. As Engstad and Evans point out, it is difficult to persuade private organizations to take responsibility for what they continue to see as public functions.

It is most unlikely that the group or corporate body to whom responsibility is being shifted will immediately acknowledge that their property or operations are generating a substantial strain in police resources, accept that they have a duty, up to their competence, for the control of crime, and take appropriate action. In our view, the failure of many crime control efforts can be attributed to the absence of some means of ensuring that members of the community accept and effectively discharge their responsibilities.

Redistributing the task of crime control, rendering others responsible, multiplying the number of effective authorities, forming alliances, arranging things so that crime control duties follow crime-generating behaviours—these are the new and institutionally radical goals that are now being pursued. The criminal justice state is, in this area at least, shedding its ‘sovereign’ style of governing by top-down command and developing a form of rule close to that described by Michel Foucault as ‘governmentality’—a modality that involves the enlistment of others, the shaping of incentives, and the creation of new forms of cooperative action. How does the state go about this new task of bringing about action on the part of others? How does it succeed in ‘stimulating new forms of behaviour’, ‘stopping established habits’ and arranging ‘the right distribution of things’?

The first step is to identify people or organizations which have the competence to reduce criminal opportunities effectively, and ... to assess both those who have a responsibility to do so and whether this responsibility can be enforced. A number of targets and techniques of persuasion are identified by such analyses. The simplest, but also the most wide-ranging, is the publicity campaign, targeted at the public as a whole. These campaigns, conducted through television advertising and the mass leafletting of households and businesses, aim to raise public consciousness, interrogate the citizen as a potential victim, create a sense of duty, connect the population to crime control agencies, and help change the thinking and practices of those involved. Similar goals are pursued by the police, who offer expert support and encouragement to residents and citizen self-help groups, helping them to form crime-prevention projects such as ‘block watch’ or ‘neighbourhood watch’, raising their awareness of crime, and linking them more closely to the public authorities.

The UK and US governments have established a whole series of quasi-governmental organizations such as the National Crime Prevention Council, Crime Concern UK, and the Safer Cities schemes. Their remit is to set up crime prevention and ‘community safety’ projects, and, more generally, to establish
local structures that will help govern crime problems by means of inter-agency co-operation and the activation of private initiatives. Within the state agencies themselves, organizational changes have been introduced to further these ends, including the promotion of strategic planning, inter-agency co-operation, and shared decision-making between departments that were previously quite separate.

The recurring message of this approach is that the state alone is not, and cannot be, responsible for preventing and controlling crime.98 For the first time since the formation of the modern criminal justice state, governments have begun to acknowledge a basic sociological truth: that the most important processes producing order and conformity are mainstream social processes, located within the institutions of civil society, not the uncertain threat of legal sanctions. The project of establishing a sovereign state monopoly has begun to give way to a clear recognition of the dispersed, pluralistic nature of effective social control. In this new vision, the state's task is to augment and support these multiple actors and informal processes, rather than arrogate the crime control task to a single specialist agency.99

The state's new strategy is not to command and control but rather to persuade and align, to organize, to ensure that other actors play their part. Property owners, residents, retailers, manufacturers, town planners, school authorities, transport managers, employers, parents, individual citizens – the list is endless ... must all be made to recognize that they have a responsibility in this regard. They must be persuaded to exert their informal powers of social control, and if necessary, to modify their usual practices, in order to help reduce criminal opportunities and enhance crime control. Government authorities are, in this field of policy as in several others, operating across and upon the boundaries that used to separate the private from the public realm, seeking to renegotiate the question of what is properly a state function and what is not. In doing so, they are also beginning to challenge the central assumption of penal modernism, which took it for granted that crime control was a specialist task, best concentrated within a differentiated state institution.

Sometimes the desired effects are achieved simply by exhortation, as where automobile manufacturers are persuaded to build in greater security in their products, or insurance companies are encouraged to give discounts wherever Neighbourhood Watch schemes operate. Sometimes persuasion can take the form of an analysis of interests, for instance where retailers and city-centre firms are presented with data on fear of crime and how this affects their trade, in order to encourage them to adopt improved security practices and co-operate in joint initiatives. To this end, every local authority in the UK was required to conduct a 'crime audit' in the late 1990s. Increasingly preventative action takes the form of establishing co-operative, inter-agency structures that bring together public and private organizations in order to initiate local projects, or else works through Business Improvement Districts that see neighbourhood tranquillity and security as a means of advancing commercial interests.101

Sometimes more forceful methods are proposed. It has been repeatedly suggested, for example, that the government should apply the 'polluter pays' principle to criminogenic activities. Thus it might make retail firms do more to reduce shoplifting and retail crime by threatening to shift the costs of theft prosecutions to the retailers themselves. Or it might treat the manufacturers of 'hot products' as being partly responsible for bearing the costs of the crimes to which they regularly give rise.62 These tougher schemes—which aim to spread the costs as well as the responsibility for crime control—would mesh neatly with neo-liberal policies of privatization and public expenditure reduction, but so far they have mostly been suggestions and implied threats rather than enacted policy. There is a real reluctance to penalize the 'suppliers' of crime opportunities that contrasts markedly with the enthusiasm with which their 'consumers' are punished.

The motivation behind these 'responsibilizing' developments is not merely the off-loading of troublesome state functions, though the sharing of responsibility is clearly an attractive strategy for criminal justice executives hoping to avoid being blamed for the shortcomings of their organizations. Nor is it simply the 'hiving off' or the 'privatization' of crime control, although the desire to reduce state costs is certainly a factor, and one of the effects of the strategy has been to further stimulate the already growing market for private security. Rather, it is a new conception of how to exercise power in the crime control field, a new form of 'governing-at-a-distance' that introduces principles and techniques of government that are by now quite well established in other areas of social and economic policy.63

The new criminologies of everyday life

One of the most significant developments of the last two decades has been the emergence of a new style of criminological thinking that has succeeded in attracting the interest of government officials. With the fading of correctionalist rationales for criminal justice, and in the face of the crime-control predication, officials have increasingly discovered an elective affinity between their own practical concerns and this new genre of criminological discourse. This new genre—which might be termed the new criminologies of everyday life—has barely impinged upon public attention, but it has functioned as a crucial support for much recent policy. One can trace its influence not just in the responsibilization strategy and in the new crime prevention apparatus, but also in recent policies of penal deterrence and incapacitation. This new way of thinking has, quite rapidly, become one of the key strands of official criminology, shaping government policies and organizational practice in both the USA and the UK. Despite its thoroughly practical and atheoretical character, this new way of thinking expresses very well some of the key ways in which the crime control field is currently being reconfigured.

The new criminologies of everyday life are a set of cognate theoretical frameworks that includes routine activity theory, crime as opportunity, lifestyle
analysis, situational crime prevention, and some versions of rational choice theory. The striking thing about these various criminologies is that they each begin from the premise that crime is a normal, commonplace, aspect of modern society. Crime is regarded as a generalized form of behaviour, routinely produced by the normal patterns of social and economic life in contemporary society. To commit an offence thus requires no special motivation or disposition, no abnormality or pathology. In contrast to earlier criminologies, which began from the premise that crime was a deviation from normal civilized conduct and was explicable in terms of individual pathology or faulty socialization, the new criminologies see crime as continuous with normal social interaction and explicable by reference to standard motivational patterns. Crime comes to be viewed as a routine risk to be calculated or an accident to be avoided, rather than a moral aberration that needs to be specially explained.

In the past, official criminology has usually viewed crime retrospectively and individually, in order to incriminate individual wrongdoing and allocate punishment or treatment. The new criminologies tend to view crime prospectively and in aggregate terms, for the purpose of calculating risks and shaping preventative measures. This shift of perspectives is significant in its intellectual and practical consequences, since it opens up a whole series of new ways of understanding and acting upon crime. But it is also significant in institutional terms, as a sign of a changing field, because it entails a view of the crime problem that is no longer that of the criminal justice state. Up until this point, and in spite of intellectual arguments to the contrary, official criminology (and much academic criminology) viewed the problem of crime from the perspective of the criminal justice system, insisted on seeing crime as a problem of individual offenders, and tended to see offenders as typified by those in captivity. The new criminologies reject this institutional point of view, seeing crime in a social and economic perspective that owes nothing to process of law enforcement. The official endorsement of the new criminologies of everyday life thus represents a significant shift of perspective on the part of criminal justice administrators, and suggests the diminishing power of the institutional epistemology that previously shaped thinking and action in this field.

This new criminological approach emerges in a context where high crime rates are taken as a given, and where the data of self-report and victim studies testify to the normality of crime. Its emergence is testimony to the declining credibility of the criminal justice state, or at least of the myth of its sovereign capacity to control crime by itself. Many of the practical prescriptions that flow from these theories are addressed not to state agencies such as the police, the courts and the prisons, but beyond the state apparatus, to the organizations, institutions, and individuals of civil society. The theories simply take it for granted that the criminal justice state has a limited capacity, and they look to the everyday life world as the appropriate focus for action.

As well as empowering different agencies, these new theories identify different targets and new means of addressing them. Their programmes of action are directed not towards any and every individual offender, but instead towards the conduct of potential victims, to criminogenic situations, and to those routines of everyday life that create criminal opportunities as an unintended by-product. Where an older criminology concerned itself with disciplining delinquent individuals or punishing legal subjects, the new approach identifies recurring criminal opportunities and seeks to govern them by developing situational controls that will make them less tempting or less vulnerable. Criminogenic situations, "hot spots", "hot spots"—these are the new objects of control. The assumption is that "opportunity creates the thief" rather than the other way around. Such an approach promises to maximize the return for effort, since it focuses upon those elements of the criminal encounter that are most identifiable, fixed and predictable. As Nigel Walker puts it, "potential offenders are numerous and by no means always recognisable. By contrast, we do at least know what property to protect, and where it is".

This is, in effect, 'supply side criminology', shifting risks, redistributing costs, and creating disincentives. It aims to embed controls in the fabric of normal interaction, rather than suspend them above it in the form of a sovereign command. Rather than rely upon the uncertain threat of deterrent sentences, or the dubious ability of the police to catch villains, it sets in place a more mundane set of reforms, designed not to change people but to redesign things and reshape situations. A thousand small adjustments are required. Replace cash with credit cards, build locks into the steering columns of automobiles, employ attendants in parking lots and use close circuit TV cameras to monitor city centre streets. Co-ordinate the closing times of rival clubs and discos. Lay on late night buses and special routes to and from football games. Advise retailers about security. Encourage local authorities to co-ordinate the various agencies that deal with crime. Remind citizens of the need to safeguard their property and supervise their neighbourhoods.

In contrast to correctionalist criminology, this approach no longer takes the state and its agencies to be the primary or proximate actors in the business of crime control. And to the extent that it depicts a criminal subject, this figure is no longer the poorly socialized misfit in need of assistance, but instead the opportunistic consumer, whose attitudes cannot be changed but whose access to social goods could be barred. This criminal figure—sometimes described as 'situational man'—lacks a strong moral compass or any effective internal controls, aside from a capacity for rational calculation and a healthy will to pleasure. In the hands of other writers, this might be intended as a form of cultural critique or a commentary on contemporary consumerist mores. But there is no hint of irony in the flat, deadpan prose of the new criminological texts.

If the main effect of these criminologies has been to encourage new forms of action that go 'beyond the state', they have also helped revive some more traditional modes of action. Criminological discourses are always polyvalent in their relation to practical action, so it should not surprise us that the new criminologies of everyday life have influenced policy in more than one direction. As well
as being put to use in strategies of prevention attuned to the new conditions of late modernity, these discourses have also played a part in the revival of older strategies that tend to ignore these conditions and rely upon the traditional penal powers of the sovereign state. The stripped down, skeletonized depiction of human motivation developed by rational choice theory has helped advocates of situational crime prevention to shift the focus of crime control away from individual disposition towards situational opportunity. But this rational choice conception also carries implications about the efficacy of penal threats that have made it useful in a quite different and much less innovative strategy: the renewed use of harsh penal sentences as a means to deter criminal conduct.69

Rational choice theories revive a simple utilitarian account of criminal conduct that has long since been displaced by positivist and sociological theories. Where correctional criminology took criminal conduct to be a product of social influences and psychological conflicts, and regarded the criminal as a deep subject, not altogether in control of his or her behaviour, the rational choice model regards criminal acts as calculated, utility-maximizing conduct, resulting from a straightforward process of individual choice. This model represents the problem of crime as a matter of supply and demand, with punishment operating as a price mechanism.68 It sees offenders as rational opportunists or career criminals whose conduct is variously deterred or dis-inhibited by the manipulation of incentives—an approach that makes deterrent penalties a self-evident means for reducing offending. Where correctional criminology treated crime as a problem with social, temporal and psychological dimensions, the rational choice model treats it as a function of price.

The penological corollary of this is that the concern with ‘root causes’, ‘social problems’ and ‘individual needs’ is displaced by a more singular focus upon ‘pricing’, and the effort to ensure that the penal consequences of criminal offending are sufficiently swift, certain, and severe to operate as an effective disincentive. After more than a century of social scientific research that complicated and refined the understanding of criminal offending; after a mass of evidence has been accumulated to show that criminal acts are typically embedded in, and produced by, definite social and psychological relations; rational choice analyses have, abruptly and without ceremony, swept aside all such complexity and empirical findings. With the certainty of armchair philosophers and economic modellers they insist that crime is, after all, simply a matter of individual choice—or anyway can be treated as if it were.69 It would be wrong to say that the rational choice criminology had caused the shift towards harsher sentencing laws and a greater use of deterrent threats. But it is certainly plausible to argue that this kind of reasoning has functioned to legitimate these tougher policies and give them a gloss of respectability. Penal policy, like welfare assistance to the poor, has rediscovered market discipline and purity of coercive disincentives.

In the reactionary political context of the 1980s and 1990s, with its scepticism about welfare programmes and its emphasis upon individual responsibility, the simplicity of an account that blames the offender, silences excuses, ignores root causes, and sees the punishment of wrongdoers as the proper response, has a popular and a political appeal that runs well beyond its criminological merit. It is as if bestowing so much criminological attention upon the offender, and developing such exquisite analyses of criminal aetiology were suddenly deemed to be morally degenerate, as well as politically unacceptable. This cultural backlash against what Ronald Reagan called ‘soft social theories’ and ‘pseudo-intellectual apologies for crime’ is memorably encapsulated in James Q. Wilson’s casual, reactionary insistence that ‘Wicked people exist. Nothing avails except to set them apart from innocent people’—a claim that simultaneously re-asserts the most simplistic common sense, gives up on social and rehabilitative programmes, and dismisses the whole project of a social scientific criminology.70 That such a position could be asserted by a prominent Harvard-based policy analyst, and repeatedly taken up as if it were an insight of great merit, attests to the political and cultural climate that formed around crime control policy in the 1980s.

Non-adaptive responses: denial and acting out

These deterrent policies and the utilitarian theories that rationalized them were part of a second line of policy development, this time a more politicized, populist, regressive one. Up until this point I have been describing a series of adaptive responses to what I termed the ‘new predicament’ of crime control in late modern society. Whatever one thinks of them, and however many problems they raise, these strategies are characterized by a high level of administrative rationality and creativity. The agencies involved have, over time, recognized the predicament they face (or at least a version of it), and responded to its challenges by revising their practices, renegotiating their external relationships, and building new institutions. But these developments form only one aspect of a deeply contradictory response. As the administrative machine of the state has gone about its business of devising strategies, adapting to its limitations and coming to terms with its changing environment, the state’s political machine has repeatedly indulged in a form of evasion and denial that is almost hysterical in the clinical sense of that term.71

This political reaction has become more pronounced as the conditions of political speech have changed over time. In the course of the 1980s and 1990s, policy-making in this area became more intensely politicized, more fraught with political danger, and more subject to press and public scrutiny. As crime and punishment came to be highly charged election issues, government and opposition parties competed to establish their credentials as being tough on crime, concerned for public safety, and capable of restoring morality, order and discipline in the face of the corrosive social changes of late modernity. And while the neo-liberal agenda of privatization, market competition and spending restraints shaped much of the administrative reform that government imposed on
criminal justice agencies behind the scenes, it was the very different neo-conservative agenda that dictated the public face of penal policy. Instead of acknowledging the limits of the sovereign state and adapting to them, the political agenda governing high profile policies was to 'restore public confidence' in criminal justice while asserting the values of moral discipline, individual responsibility, and respect for authority. In penal policy as in welfare policy, the imperative was the re-imposition of control, usually by punitive means. In both cases the population singled out as being most in need of control was composed of the welfare poor, urban blacks, and marginalized working-class youth.

Disregarding evidence that crime does not readily respond to severe sentences, or new police powers, or a greater use of imprisonment, legislatures have repeatedly adopted a punitive 'law and order' stance. In doing so, they routinely deny limitations that are acknowledged by their own administrations. Far from adapting to the limits of state power in this domain, they seek to expand and reassert these powers by force of sovereign command. Of the many examples of this pattern, the most clear-cut is British Home Secretary Michael Howard's volte face of 1993, which introduced new mandatory sentence laws with the declaration that 'prison works!'—only months after his own government had publicly declared that 'imprisonment is an expensive way of making bad people worse'. The result of this official endorsement of the power to punish and denial of its limitations has been a sharp and sustained rise in the UK prison population from 1993 to the present day. But this example pales in comparison with the massive denial involved in the American government's 'War on Drugs' which has utterly transformed law enforcement in the USA, as well as filling a hugely expanded prison system with disproportionate numbers of poor blacks. This massively expensive and largely futile attempt to change a widespread and deeply entrenched pattern of behaviour by means of criminal punishments has all the hallmarks of a sovereign state dealing with its limitations by denying they exist. Motivated by the politically urgent need to 'do something' decisive about crime, in a context where the federal government mostly lacks jurisdiction (other areas of crime control being the prerogative of the states and local authorities) the war on drugs was the American state's attempt to 'just say no'. Disregarding evidence that the levels of drug use were already in decline, that drug use is not responsive to criminal penalties, that criminalization brings its own pathologies (notably street violence and disrespect for the authorities), and that declaring a war against drugs is, in effect, to declare a war against minorities, the US government proceeded to declare such a war and to persist in pursuing it, despite every indication of its failure. Why? Because the groups most adversely affected lack political power and are widely regarded as dangerous and undeserving; because the groups least affected could be assured that something is being done and lawlessness is not tolerated; and because few politicians are willing to oppose a policy when there is so little political advantage to be gained by doing so.

Other legislative measures might be described as a form of acting out—which is to say that they engage in a form of impulsive and unreflective action, avoiding realistic recognition of underlying problems, the very fact of acting providing its own form of relief and gratification. Many of the laws passed in the 1990s—Megan's law, Three Strikes, sexual predator statutes, the reintroduction of children's prisons, paedophile registers, and mandatory sentences—take this form and might best be understood in these terms. Such measures are designed to be expressive, cathartic actions, undertaken to denounce the crime and reassure the public. Their capacity to control future crime, though always loudly asserted, is often doubtful and in any case is less important than their immediate ability to enact public sentiment, to provide an instant response to, function as a retaliatory measure that can stand as an achievement in itself. Typically these measures are passed amidst great public outrage in the wake of sensational crimes of violence, often involving a disturbingly archetypal confrontation between a poorly controlled dangerous criminal and an innocent, defenceless middle-class victim. And because legislatures—particularly in the USA—are on now a 'war footing' with respect to crime, and exercise direct control over sentencing levels, the system is set up to produce an instant response.

From the point of view of the political actors, the finer points of penological realism become secondary considerations easily subordinated to political ends. Their pressing concern is to do something decisive, to respond with immediate effect to public outrage, to demonstrate that the state is in control and is willing to use its powers to uphold 'law and order' and to protect the law-abiding public. Some of these laws—such as the reintroduction of the chain gang, boot camps, shaming punishments, and attempts to revive corporal punishment—have a 'made for television' quality that betrays their main purpose. Some—such as mandatory sentences, 'truth in sentencing' laws and the expedited death penalty—have an absolutist quality designed to reassure a distrustful public that the system will not betray them once the case goes out of view. Others—such as community notification, sexual predator laws, supermax prisons, electronic monitoring and the recriminalization of juvenile justice—involve public safety considerations of doubtful efficacy and a barely sublimated punitiveness that suggests a complete disregard for the rights or humanity of those being sanctioned. Such policies become particularly salient where a more general insecurity—deriving from the precariousness of social and economic relations in late modern society—is widely experienced and where the state is deemed to have failed in its efforts to deliver physical and economic security to key social groups. The politics of crime control provide these emotions with a ready-made, deeply unpopular, target population against whom they could be directed.

Michel Foucault, in his description of the execution of Robert Damiens in 1572 showed in graphic detail how harsh punishments have long been used to reaffirm the force of law and to reactivate the myth of sovereign power. And though today's democratic regimes do not much resemble that of Louis XV, whenever state authorities 'wage war on crime', flourishing penal powers to send law-breakers to their death, or to impose life-cancelling terms of imprisonment, they are deliberately employing the same archaic tactics. Whether one
views this as a cynical manipulation of collective emotions for political gain, or as a good faith attempt to give democratic expression to public feeling, the outcome is the same. Policy making becomes a form of acting out that foregrounds the complexities and long-term character of effective crime control in favour of the immediate gratifications of a more expressive alternative. Law making becomes a matter of retaliatory gestures intended to reassure a worried public and to accord with common sense, however poorly these gestures are adapted to dealing with the underlying problem. A show of punitive force against individuals is used to repress any acknowledgement of the state's inability to control crime to acceptable levels. A willingness to deliver harsh punishments to convicted offenders magically compensates a failure to deliver security to the population at large.

It will come as no surprise to observe that administrators and criminal justice professionals are often implacably opposed to legislation of this kind, and tend to dilute its effects in the process of implementation. 'Populist', 'punitive' measures (such as 'Three Strikes' laws with their mandatory sentences) that aim to abolish all administrative discretion and are passed with little expert support are particularly unpopular and have prompted a variety of subterfuges and evasive procedures that allow prosecutors and judges to circumvent the statute. But of course the conflict between political and administrative actors works in both directions, and elected officials often have a very difficult relation to the 'adaptive' administrative measures I described above. During the 1980s and 1990s, governments have frequently been embarrassed by incidents or press reports that reveal under-enforcement by the police, lenient sentences or bail decisions by the courts, lax security in prisons, or the release of convicted offenders who subsequently re-offend—the Willie Horton case being the paradigm instance. Strategies such as 'defining deviance down' or 'redefining offenders', however reasonable they appear to professionals, can strike the press and the public as scandalous, and it is usually elected officials rather than administrators who are held responsible. Some of the key developments of the 1980s and 1990s—such as 'truth in sentencing', 'prison works' and 'zero tolerance'—have been political attempts to recover public confidence following the discrediting of adaptive strategies that became a source of political embarrassment. And many of the 'get tough' measures of the 1990s have been concerned to reverse adaptive cost-cutting policies that had been quietly adopted in earlier decades.

It is here that we see most clearly the myth of the sovereign state and its resilience in the face of contrary evidence. For political actors, faced with the immediate pressures of public outrage, media criticism and electoral challenges over the subject of crime, it is extremely difficult to shrug off full responsibility for crime control and point to the state's limits. Few governments have done this publicly, or for a sustained period. Faced with these pressures, the essential and abiding attractiveness of the sovereign response to crime (at least above all of retaliatory laws that create longer prison sentences) is that it can be represented as an immediate, authoritative intervention. Such action gives the impression that something is being done—here, now, swiftly and decisively. Like the decision to wage war, the decision to inflict harsh punishment or extend police powers exemplifies the sovereign mode of state action. No need for co-operation, no negotiation, no question of whether or not it might work. Such measures are sovereign acts that can expect to command widespread popular support and to excite little in the way of organized political opposition. The cumulative outcome of such sovereign acts in Britain in the 1990s has been an unprecedented rise in sentencing levels and rates of imprisonment. In the USA it has been the emergence of mass incarceration on a scale never before witnessed in a modern democracy and the revival of a 'killing state' committed to the speeded-up execution of an increasing number of offenders.

Criminology and the collective unconscious

Accompanying these more politicized policies is a criminological discourse that looks quite different from the criminologies of everyday life that we encountered earlier. Whereas the latter 'normalize' offenders, depicting them as rational opportunists, little different from their victims, the criminology invoked by the sovereign state strategy is instead one of essentialized difference. Frequently appearing in the wake of sensational high-profile crimes (which is to say, highly unusual cases that are made to appear 'all-too typical') this is a criminology that trades in images, archetypes, and anxieties, rather than in careful analyses and research findings. In its deliberate echoing of public concerns and media biases, and its focus on the most worrisome threats, it is, in effect, a politicized discourse of the collective unconscious, though it claims to be altogether realist and 'common-sensical' in contrast to 'academic theories'. In its standard tropes and rhetorical invocations, this political discourse relies upon an archaic criminology of the criminal type, the alien other. Sometimes explicitly, more often in coded references, the problem is traced to the wanton, amoral behaviour of dangerous offenders, who typically belong to racial and cultural groups bearing little resemblance to 'us'.

With these ideas in the background, crime-control policies can invoke images of 'the criminal' that depict him (less often her) as profoundly anti-social. Individual offenders come to be seen as 'career criminals', 'drug-addicts', 'thugs' or 'yobs' with few redeeming features and little social value. Some—particularly 'paedophiles', 'sexual predators', or juvenile 'superpredators'—are evoked in ways that are barely human, their conduct being essentialized as 'evil' or 'wicked' and beyond all human understanding. Whole communities are anathematized by talk of an undeserving 'underclass', locked into a culture and mode of life that is both alien and threatening.

These are not real people or even criminological categories. They are imaginary figures that operate as tokens in a political process that exploits what Mary Douglas calls the 'political uses of danger'. The risks they are perceived as posing, the anxieties they call forth, the sense of powerlessness that they engender,
all work to reinforce the felt need for the imposition of order and the importance of a strong state response. Nor are these figures representative of the real dangers that crime undoubtedly involves, since its inventory of risks focuses almost exclusively on street crime and forgets the serious harms caused by criminal corporations, white-collar criminals or even drunk drivers. Each figure is, instead, selected for its usefulness as a ‘suitable enemy’—usefulness not just for the criminal justice state in its sovereign mode but also for a conservative social politics that stresses the need for authority, family values, and the resurrection of traditional morality.87

In this inflammatory rhetoric, and in the real policies that flow from it, offenders are treated as a different species of threatening, violent individuals for whom we can have no sympathy and for whom there is no effective help. Biological and genetic explanations of crime and violence have always been part of the criminological repertoire, even at the height of penal-welfarism, but in the 1980s and 1990s these became more prominent in public discourse and in sectors of the academy—Wilson and Herrnstein’s best-selling Crime and Human Nature being the most prominent example. These reductionist accounts certainly provided support for a criminology of the other, and also fuelled public debates about the supposed links between race and crime. But more important were what one might term ‘culturalist’ accounts of the alien other—accounts that assumed offenders had been born into the ‘dependency culture’ of the ‘underclass’, that they lacked all work skills and moral values, and that they were tied into habits of drug abuse, crime, and welfare fraud.88

In these accounts, the reality and humanity of individual offenders is replaced by an imagery that comes from horror films, as when President Reagan invoked the ‘stark, staring face—a face that belongs to a frightening reality of our time: the face of a human predator ... nothing in nature is more cruel or more dangerous.’89 The public knows, without having to be told, that these ‘supercriminals’ and high-rate offenders are young minority males, caught up in the underclass world of crime, drugs, broken families, and welfare dependency. The only practical and rational response to such types, as soon as they offend if not before, is to have them ‘taken out of circulation’ for the protection of the public. Many of the most politicized policies of recent years—mandatory sentences, incapacitation, the revived death penalty—are designed to do precisely this and little else.

This criminology’s characterization of the ‘paedophile’ or child sex offender is revealing in a different way. In Britain and America today, these offenders are now an obsessive focus of media and political discussion, quite out of proportion to the frequency of such offending, or to the amount of harm it does when compared to more structural forms of injury and neglect, such as child poverty, poor health care, or parental child abuse. The paedophile is typically represented as dangerous, driven, unreachable—an unformidable creature who poses a grave risk to our most innocent, vulnerable victims: our children. Like most of the modern world’s dangers, the paedophile lurks unseen in our daily environ-

ment, his ‘otherness’ concealed beneath his apparent normality. Once identified, he has to be marked out, and either set apart or else continuously monitored. Forget that such heavily stigmatized marking contributes to the problem, or that predictions of future dangerousness are notoriously unreliable: these are the hesitations of a more innocent time. Given our cultural commitments—our heightened sensitivity to criminal risks, our obsessive urge to manage them, our diminishing concern for the liberties of anyone deemed dangerous—the concealed nature of the criminal’s other-ness makes us all the more determined to act on whatever evidence we have. The chimeral obscurity of criminal difference, together with the assumption that such people are, indeed, different, is what drives the concern to mark those who have ‘revealed themselves’. It is what makes people and lawmakers all too ready to take up any signs that might be of service—whether it be a criminal record, a style of deportment and demeanour, or merely the colour of a person’s skin.

The contradictions of official criminology

If one considers the whole range of government discourse on crime—not just the statements of elected officials but also those of the administrative agencies—it becomes apparent that official discourse is structured by a barely suppressed set of conflicts and tensions. Increasingly in the 1980s and 1990s, governments have relied upon criminological assumptions that are, taken as a whole, quite schizoid in character. At the level of individual agencies and government departments these contradictions are experienced as struggles between different acts, different levels of the organization, and different ways of framing problems. But at the level of the state as a whole, and its impact upon the crime-control field, the result is a set of policies that are increasingly dualistic, increasingly polarized, and increasingly schizophrenic.

Behind these contradictory policies and practices stand criminological frameworks that are diametrically opposed in crucial respects. There is a criminology of the self, that characterizes offenders as normal, rational consumers, just like us; and there is a criminology of the other, of the threatening outcast, the fearsome stranger, the excluded and the embittered. One is invited to routinize crime, to allay disproportionate fears and to promote preventative action. The other functions to demonize the criminal, to act out popular fears and resentments, and to promote support for state punishment. The excluded middle ground between these two poles is, precisely, the once-dominant welfarist criminology that depicted the offender as disadvantaged or poorly socialized and made it the state’s responsibility, in social as well as penal policy, to take positive steps of a remedial kind. This older social democratic criminology has not disappeared or been scientifically discredited. But it has become increasingly irrelevant to policy-makers as they struggle to come to terms with the new predication of crime control, and the politics of reaction that followed in the wake of the welfare state.
Over the last two decades, populist, punitive, state-centered policies have accompanied and contradicted the strategies of normalizing crime, responsibilizing others, and defining deviance down. While agency administrators, government departments, and local authorities have been busy de-escalating the criminal justice response to crime, or building a new infrastructure of ‘preventative partnerships’, elected officials and legislatures have been escalating the penal response and promoting what amounts to a strategy of punitive segregation. Within one set of government calculations, influenced by neo-liberalism, high rates of imprisonment represent an ineffective waste of scarce resources. Within another, shaped by a neo-conservative agenda, they represent a positive symbol of the state’s willingness to use force against its enemies, to express popular sentiment, and to protect the public by whatever means necessary. State sovereignty over crime is simultaneously denied and symbolically reasserted. The limits of police and punishment are recognized in one policy only to be ignored in another. One strategy seeks to build institutions better suited to the conditions of late modernity, another cranks up the old powers of the state in an attempt to overcome these same conditions. And although this contradiction is sometimes rationalized as a policy of ‘bifurcation’, its real roots lie in the political ambivalence that results from a complex state machine confronted by its own limitations.

Adaptation, denial and acting out. If these ambivalent responses to the crime control predicament have produced policies that, however incoherent in their own terms, fit remarkably well into the broader framework of contemporary social and economic policy, it is not by some miracle of system alignment. It is because neo-liberalism and neo-conservatism shaped the ideological environment in which criminal justice decisions were made, and because these wider political currents are characterized by the same deep ambivalence in their relation to the realities and predicaments of the late modern world.

6

Crime Complex: The Culture of High Crime Societies

The previous chapter set out an argument that sought to explain recent developments in crime control from the point of view of the governmental agencies and political actors directly responsible for policy formation. Here I develop that argument by describing the ways in which certain shifts in social structure and cultural sensibilities have made policies of this kind more likely. The claim I will make is that the policies that have emerged over the last few decades have their roots in a new collective experience of crime and insecurity, an experience that is itself structured by the distinctive social, economic and cultural arrangements of late modernity.

The perceptual and emotional strands of this collective experience have been taken up, reworked, and inflected towards particular outcomes by politicians, policy-makers and opinion-formers; the political process is, in that sense, determinative. But it would be a mistake to focus all of our attention upon these processes of political transformation and representation. The newly emerging policies of crime control also depend for their possibility and their popular resonance upon the pre-existence of certain widespread social routines and cultural sensibilities. These routines and sensibilities are the extra-political conditions that now make policies of this kind possible (in the technical sense) and desirable (to key sectors of the electorate) in the UK and the USA. 1

Since it is in the political realm that crime-control strategies are developed, argued for, and legislated, it is not surprising that most commentary has focused upon this political process and the interests and ideologies involved. I will argue, however, that the new politics of crime-control are socially and culturally conditioned; and that the content, timing, and popular appeal of these policies cannot be understood except by reference to shifts in social practice and cultural sensibility. This is not, I repeat, to imply that political decisions and policies are determined, or made inevitable, by events and circumstances occurring elsewhere. Politics and policy always involve choice and decision-making and the possibility of acting otherwise. My argument is that policies of the kind discussed here have certain conditions of possibility and that the presence of these background conditions substantially increases the probability that these policies will occur.