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THE LIMITS OF THE SOVEREIGN STATE

Strategies of Crime Control in Contemporary Society

DAVID GARLAND*

The article offers a descriptive analysis of strategies of crime control in contemporary Britain and elsewhere. It argues that the normality of high crime rates and the limitations of criminal justice agencies have created a new predicament for governments. The response to this predicament has been a recurring ambivalence that helps explain the volatile and contradictory character of recent crime control policy. The article identifies adaptive strategies (responsibilization, defining deviance down, and redefining organizational success) and strategies of denial (the punitive sovereign response), as well as the different criminologies that accompany them.

One insight that Friedrich Nietzsche shares with Emile Durkheim—perhaps the only insight shared by these very different thinkers—is that strong political regimes have no need to rely upon intensely punitive sanctions. Punitiveness may pose as a symbol of strength, but it should be interpreted as a symptom of weak authority and inadequate controls (Nietzsche 1956: 205; Durkheim 1973: 199).

The most visible and striking phenomenon of recent penal policy in Britain and the USA is the punitiveness which has come to characterize prominent aspects of government policy and political rhetoric. In what follows, I will seek to identify the weaknesses and limitations that motivate this display of punitiveness and to point to some of the problems of power and authority that lie behind it.

I also want to describe some quite different strategies of crime control that have been prompted by these same weaknesses, and that are emerging—rather less visibly—alongside the recurring recourse to punitive display. This second set of strategies is quite different in character from the punitive current and bears a complex relation to

* Professor, Centre for Law and Society, University of Edinburgh. An earlier version of this paper was delivered as the 10th Annual Lecture of the Southampton University Institute of Criminal Justice on 1 March 1995. I am grateful to Professor Andrew Rutherford and Dr Penny Green for their comments and hospitality on that occasion. I am also grateful to James B. Jacobs, Richard Sparks, Stanley Cohen, Pat O'Malley, Joanna Shapland, Paul Rock, Chris Himsworth and Peter Young for comments on earlier drafts of this paper.

it. I will characterize these strategies as *adaptations* to the current predicament of crime control, whereas the punitive strategy will be described as a symbolic *denial* of that predicament. I will go on to suggest that this dualistic, ambivalent, and often contradictory pattern of crime control is underpinned by a similarly dualistic and ambivalent pattern of criminological thinking, involving a split between what I term a 'criminology of the self' and a 'criminology of the other'. My argument will be that this is a contradictory dualism expressing a conflict at the heart of contemporary policy, rather than a rationally differentiated response to different kinds of crime.

I take as my point of departure the predicament of crime control in late modern society and the reactions to this predicament on the part of state agencies. I want to focus on the problem of crime control as it is perceived and managed by the agencies and authorities involved, and to trace how these perceptions and administrative strategies have changed over time. That broader social and cultural forces play a part in shaping the 'problem' and its 'perception' is taken for granted—and largely unexplored—in the present paper (on this, see Garland 1990). My analysis will be based upon trends which are discernible in Great Britain, although there is evidence to suggest that similar trends are also present in the USA, Australia and elsewhere (see Feeley and Simon 1992; O'Malley 1992).

High Crime Rates as a Normal Social Fact

In the course of the last 30 years, high crime rates have become a normal social fact in Britain, just as they have in most contemporary western societies. Rates of property crime and violent crime which are historically unprecedented in the modern period have become an acknowledged and commonplace feature of social experience. So too have linked phenomena such as a widespread fear of crime, pervasive media and cultural representations of crime and the politicization of crime control. Despite the fact that crime has an uneven social distribution, and that high risk victimization is very much a pocketed, concentrated phenomenon, crime is widely experienced as a prominent fact of modern life. For most people, crime is no longer an aberration or an unexpected, abnormal event. Instead, the threat of crime has become a routine part of modern consciousness, an everyday risk to be assessed and managed in much the same way that we deal with road traffic—another modern danger which has been routinized and 'normalized' over time. High rates of crime have gradually become a standard, background feature of our lives—a taken for granted element of late modernity. Advertisements for security locks which tell us that 'a car theft occurs every minute' make the point quite well—crime forms part of our daily environment, as constant and unremitting as time itself.

I do not intend to go into the causes of this phenomenon here. I am more interested in the question of how governments and other agencies have responded to this new social fact and to the problems which it entails for them. My claim is that the normality of high crime rates in late modern society has prompted a series of transformations in official perceptions of crime, in criminological discourse, in modes of governmental action, and in the structure of criminal justice organizations. (These changes are, in turn, linked to broader reconfigurations of social and political discourse and policy, though I will not have space to discuss these connections here.) What follows is a thumbnail sketch of these emerging transformations.

Changes in Official Discourse

Official discourse on crime and punishment in Britain has undergone a marked change since the early 1960s. In 1964 a government policy document entitled *The War Against Crime* acknowledged 'the upsurge in crime and delinquency' which had continued unabated since the mid-1950s, but saw no need to question the framework of action which had been gradually assembled over the previous half century—a framework which I have described elsewhere as the 'penal-welfare strategy' (Garland 1985). Like its immediate forerunner, *Penal Practice in a Changing Society* (1959), the White Paper of 1964 confidently asserted that the penal-welfare strategy formed the appropriate framework for action, and that vigorous policing and correctional penal measures, guided by research studies into the causes of crime and the effectiveness of penal treatments, would begin to stem the rising tide of post-war crime. To the extent that these measures seemed to be failing, this was seen as a problem of resources and knowledge, or of methods and implementation, and plans were laid for further research, increased funding and the expansion of child welfare services. There was no doubt about the state's capacity to deal with the problem. On the contrary, the implied promise of the statement was that the state would win the war against crime, just as the warfare state had vanquished its foreign enemies and the welfare state was now attacking the social problems of peacetime.

In the period since the 1960s, official discourse has gradually moved away from the confident position set out in these documents. There is now much less talk of a 'war against crime'. There is also less commitment to the penal-welfare framework. The state's claims in respect of crime control have become more modest and more hesitant, at least in certain contexts and when addressing certain audiences. There is a new sense of the failure of criminal justice agencies, and a more limited sense of the state's powers to regulate conduct and prohibit deviance. Attention is being shifted to dealing with the effects of crime—costs and victims and fearful citizens—rather than its causes. Above all there is an explicit acknowledgement of the need to rethink the problem of crime and the strategies for managing it.¹

The first signs of what I have described elsewhere as 'the crisis of penal modernism' (Garland 1990: 7) took quite specific and localized forms. Official reports from the 1960s onwards began to register doubts about the efficacy of criminal justice institutions. The limitations of prisons, borstals, probation, individualized sentencing, deterrent laws and traditional policing were increasingly exposed—not least by the Home Office's own criminological research—until the whole penal-welfare strategy began to unravel in the face of the scientific monitoring which it had done so much to promote (see Brody 1976; ACPS 1974; Home Office 1978; Croft 1978; Burrows and Tarling 1982; Heal *et al.* 1985).

¹ When the 1964 White Paper called for a 'fundamental review' and the setting up of a Royal Commission on the Penal System, it was not to question the penal-welfare framework, but rather to refine it. 'Are our existing penal methods producing good enough results? ... Are we doing enough to devise and experiment with new methods of treatment? Are we concentrating overmuch on seeking to improve the traditional methods? To these questions there is no simple answer, but in the present upsurge of crime and delinquency they ought to be asked' (Home Office 1964: 13). In the same year, the Kilbrandon Report—perhaps the quintessential penal-welfare document—stated that the object of 'the machinery for the treatment of juvenile delinquency' must be 'to effect, so far as can be achieved by public action, the reduction and ideally the elimination of delinquency' (Scottish Home and Health Department 1964: para. 12).

The 'Nothing Works' slogan, which gained so much attention in the 1970s and early 1980s, might be regarded as a somewhat hysterical and temporary symptom of a more sober and abiding sense of the limits of criminal justice, which has since become a part of criminological common sense. These limitations have become increasingly apparent, and have begun to be openly acknowledged in official discourse. From the mid-1980s onwards, it has become common for British government policy documents, Chief Constables' reports, and even political party manifestos, to emphasize that government agencies cannot, by themselves, succeed in controlling crime (see Home Office 1986; Commissioner of Police for the Metropolis 1987; Conservative Party 1987). Modest improvements at the margin, the better management of risks and resources, reduction of the fear of crime, reduction of criminal justice expenditure and greater support for crime's victims, have become the less than heroic policy objectives which increasingly replace the idea of winning a 'war against crime'.

The Myth of Sovereign Crime Control

This state of affairs is quite new, and has led to some significant developments. In particular, the perceived normality of high crime rates, together with the widely acknowledged limitations of criminal justice agencies, have begun to erode one of the foundational myths of modern societies: namely, the myth that the sovereign state is capable of providing security, law and order, and crime control within its territorial boundaries. This challenge to the state's law and order mythology is all the more effective, and all the more undeniable, because it occurs at a time when the wider notion of 'state sovereignty' is already under attack on a number of fronts (see Hirst 1994, Lash and Urry 1987). Sovereignty is of course, like all historically developed political concepts, a complex and much contested notion. Strictly defined, it refers in British constitutional law to the competence of the Queen in Parliament to make or unmake laws without challenge by other law-making authorities. But the term has a wider meaning which relates to the sovereign's claimed capacity to rule a territory in the face of competition and resistance from external and internal enemies. Over time, the control of crime and the protection of citizens from criminal depredations have come to form a part of the promise which the state holds out to its citizen-subjects.²

The nation-states which emerged in early modern Europe laid claim to a monopoly of legitimate, organized violence within their borders, and over time most of them achieved levels of pacification and authority which gave substance to this claim (see Elias 1982). Many of these states also inherited the myth of sovereign power from the royal autocracies which preceded them—a ruling self-conception which claimed the right, and the ability, to exercise a plenitude of power over every subject and circumstance within a definite territory (see Hirst 1994: 28; Hinsley 1966). The notion that a single sovereign power could govern all social life was enhanced in the mid-nineteenth century by the creation of a strong state apparatus, and in particular, by the development of a public police force which came to be regarded, however inaccurately, as having a professional monopoly over the function of crime control. For a time,

² 'A primary responsibility of any government at home is to take action to protect people from crime . . . *the guarantee of law and order* (original emphases) is essential to the British way of life.' Speech by the Prime Minister, 9 September 1994 (see Major 1994).

particularly in the last decades of the nineteenth century, the new state forces—together with the institutions of civil society, such as families, neighbourhoods, churches, trade unions and voluntary associations—succeeded in reducing crime and maintaining a high degree of order, a success which helped entrench the image of an effective sovereign state (see Gatrell 1992 and Clarke 1987). The state's claim in this regard was later fortified by the development of a reformatory penal-welfare apparatus, which augmented sovereign power with an extensive apparatus of social regulation and engineering. By the mid-twentieth century, the state was promising not just to punish legal violations, and quell internal unrest, but actually to govern in ways which would curb or cure the social problem of crime.³

For all its importance in guiding state formation and strategies of rule, this notion of state sovereignty proved unsustainable (see Hirst 1994), and the limitations of the state's ability to govern social life in all its details have become ever more apparent in recent times. So having taken over control functions and responsibilities which once belonged to the institutions of civil society, the state is now faced with its own inability to deliver the expected levels of control over criminal conduct. Moreover, it now operates in a context where the social control functions of 'private' agencies and organizations have been much reduced over a long term, partly through the disorganizing processes associated with late modernity, partly through the monopolizing tendencies of the state apparatus.⁴

The Predicament of Crime Control

The predicament for governments today, then, is that they (i.e. ministers, officials, agency executives etc.) see the need to withdraw or at least qualify their claim to be the primary and effective provider of security and crime control, but they also see, just as clearly, that the political costs of such a move are likely to be disastrous. The consequence is that in recent years we have witnessed a remarkably volatile and ambivalent pattern of policy development (see Reiner and Cross 1991; Ashworth and Gibson 1994; Faulkner 1993; Windlesham 1993).

On the one hand, there has been an attempt to face up to the problem and develop pragmatic new strategies that are adapted to it (see below). But alongside these difficult adaptations to the reality principle, there has also been a recurring tendency towards a kind of hysterical denial, and the emphatic reassertion of the old myth of the sovereign state. The last decade has seen the emergence of a series of carefully planned policy initiatives (most notably the Criminal Justice Act of 1991 and the prison reform programme that followed the Woolf Report) which have been suddenly undercut by shifts of political mood. It has seen the coexistence of quite contradictory discourses and strategies in respect of 'the crime problem'. And concerted attempts to reduce the costs of crime control expenditure have suddenly been undercut by punitive pro-

³ The state never succeeded in gaining control of *all* crime complaints. Other forms of (private) crime control remained in existence, some of them ancient, some of them modern (see Robert 1989 and Shearing and Stenning 1983, 1987; Johnson 1992). But for the mass of the population, the state—usually in the form of the public police—came to be viewed as responsible for crime control, and the state's own ideology sustained this situation. It is precisely because the punishment of offenders is under effective state control that it was, for so long, presented as the most effective means of controlling crime.

⁴ On the disorganizing processes of late modernity, particularly as they relate to crime control, see Bottoms and Wiles (1994).

nouncements on the part of government ministers that throw the whole process into reverse. Like all myths, the myth of the penal sovereign and its 'law and order' powers is too deeply inscribed, and too politically potent, to be easily dismantled by rational critique and administrative reform, and we will continue to observe its invocation. What has changed is that it no longer frames all aspects of policy and practice in this area.

Adaptations

In describing the penal state's responses to this predicament, I will focus upon a number of developments which I take to be fairly novel.⁵ It should, however, be emphasized at the outset that these are by no means the most prominent or most numerically significant aspects of present-day penality. Writers such as Mathiesen (1990) and Christie (1993) are right to direct our attention to the massive expansion of incarceration which is currently taking place throughout most of the developed world, since in political and sociological terms, this is of prime importance. But alongside the growth of imprisonment there are developments occurring which tend in a different direction and operate according to a different kind of rationality. These new developments might best be described as new modes of governing crime. They each entail new kinds of objectives, new criminological discourses and forms of practical knowledge, and new techniques and apparatuses for their implementation. As yet, most are at an early stage of their development, existing as reform programmes and proposals rather than fully established strategies. However, these new modes are already changing the ways in which crime is administered, and are liable to become more important in the future as governments seek to reconfigure their strategies and adapt them to the conditions of late modernity.

The new criminologies of everyday life

The most explicit expression and theorization of this new state of affairs is to be found in a new genre of criminological discourse which has become increasingly influential in UK government circles since the mid-1970s. This genre is composed of a set of cognate theoretical frameworks, including rational choice theory, routine activity theory, crime as opportunity and situational crime prevention theory—a set which might be collectively described as '*the new criminologies of everyday life*' (see Clarke and Cornish 1986; Felson 1994; Heal and Laycock 1986; Clarke and Mayhew 1980). The striking thing about these criminologies is that they each begin from the premise that crime is a normal, commonplace, aspect of modern society. It is an event—or rather a mass of events—which requires no special motivation or disposition, no pathology or abnormality, and which is written into the routines of contemporary social and economic life. In contrast to 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 else faulty socialization, the new criminologies of everyday life see crime as continuous with normal social interaction and explicable by reference to standard

⁵ The work of the following scholars has informed my understanding of the developments examined here: O'Malley (1992, 1994, nd), Feeley and Simon (1992, 1994), Simon (1993), Stenson (1993, 1995), Shearing (1994), Bottoms (1990), Bottoms and Wiles (1994) and Peters (1986).

motivational patterns.⁶ Crime becomes a risk to be calculated (both by the offender and by the potential victim) or an accident to be avoided (Poyner 1986), rather than a moral aberration which needs to be specially explained.⁷

It is clear that this 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. These perspectives are not incompatible with older criminologies which focus upon the pathological disposition of the individual, and they explicitly acknowledge the need for such theories in a small minority of cases. But what is interesting is the extent to which the new criminologies of everyday life have been taken up by policy makers to reorient government action and to create new techniques for acting upon the problem of crime. In particular, it is significant that many of the programmes of practical action which 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 take it for granted that the state has a limited capacity, and they look to the everyday life world to bring about change.

If these projects are different in the agents they intend to empower, they are also different in the targets that they address. The new programmes of action are directed not towards individual offenders, but towards the conduct of potential victims, to vulnerable situations, and to those routines of everyday life which create criminal opportunities as an unintended byproduct.⁸ This is, in effect, 'supply side criminology', aiming to modify the everyday routines of social and economic life by limiting the supply of opportunities, 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 (cf. Shearing and Stenning 1984). Instead of relying upon the threat of deterrent sentences, or the dubious ability of the police to catch villains, it sets about replacing cash with credit cards, building locks into the steering columns of cars, employing parking lot supervisors and city centre close circuit TV cameras, co-ordinating the closing times of rival discos, laying on late night buses and special routes to and from football games, advising retailers about security, encouraging local authorities to co-ordinate the various agencies that deal with crime and, of course, encouraging citizens to set up Neighbourhood Watch schemes.

In contrast to traditional 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 an illicit, opportunistic consumer, whose access to social goods must be barred. This criminal figure—sometimes described as 'situational man' (Cornish and Clark 1986a: 4)—lacks a strong moral compass or any

⁶ Until recently, official discourse about crime—and most academic criminology—viewed the problem of crime from the point of view of the criminal justice system, seeing crime as a problem of individual criminals, and criminals as typified by those in captivity. The official endorsement of the new criminologies of everyday life represents a shift in perspective of major significance. Explaining how and why that shift came about is an important topic for research.

⁷ 'Crime may be seen as a risk to be managed' (Home Office 1993: 2). The (forward-looking) perspective of *prevention* tends to view offending as an aggregate risk, while the (backward-looking) perspective of punishment views offending as an individual wrongdoing. Shifting from one perspective to the other therefore has significant moral consequences. cf. Feeley and Simon 1992 and 1994.

⁸ As Nigel Walker puts it: 'The potential offenders are numerous and by no means always recognisable. By contrast, we do at least know what property we want to protect, and where it is' (Walker 1986: p. v).

effective internal controls, aside from a capacity for rational calculation and a 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. No such significance is conveyed by the criminological texts.⁹

The responsabilization strategy

These new criminologies are far from being fully translated into government policy, but already one can trace the emergence of new strategies and techniques which flow from this framework. In particular, there has developed a new mode of governing crime which I would characterize as a *responsibilization strategy*.¹⁰ This involves the central government seeking to act upon crime not in a direct fashion through state agencies (police, courts, prisons, social work, etc.) but instead by acting indirectly, seeking to activate action on the part of non-state agencies and organizations. This is the essence of the new crime prevention approach developed by the UK government in the last 10 years.¹¹ Its key phrases are terms such as 'partnership', 'inter-agency co-operation', 'the multi-agency approach', 'activating communities', creating 'active citizens', 'help for self-help'. Its primary concern is to devolve responsibility for crime prevention on to agencies, organizations and individuals which are quite outside the state and to persuade them to act appropriately.¹²

The responsabilization strategy involves a number of new techniques and methods whereby the state seeks to bring about action on the part of 'private' agencies and individuals—either by 'stimulating new forms of behaviour' or by 'stopping established habits' (Riley and Mayhew 1980: 15). The first step is 'to identify people or organizations which have the competence to reduce criminal opportunities effectively, and ... to assess both whether those have a responsibility to do so and whether this responsibility can be enforced.' (Hough *et al.* 1980: 16). A number of targets and techniques of persuasion are identified by such analyses. The simplest of these, but also the most wide-ranging, is the publicity campaign, targeted at the public as a whole or else specific groups of potential victims or offenders. These campaigns, which involve extensive mass media advertising or else the mass leafleting of households, aim to raise consciousness, create a sense of duty, and thus change practices. Similarly, expert support and encouragement has been offered to citizen self-help groups (such as 'Neigh-

⁹ Cornish and Clarke (1986: 15) do, however, pose the following question: 'If criminal behaviour is portrayed as rational, normal and commonplace, what will be the effect upon everyday thinking and moralizing about crime?'

¹⁰ See Pat O'Malley, unpublished paper on 'Post-Keynesian Policing' which describes how contemporary police policies seek to shift the responsibility for crime prevention on to the individual and the market. See also O'Malley 1992 and 1994 which locates this, and the rise of situational crime prevention discourses, within a broader 'neo-liberal' political formation. As O'Malley points out, similar shifts of responsibility from the state to the private sector are occurring in areas such as pensions, welfare and healthcare.

¹¹ Crime prevention is not, of course, a new concern of government. But when the government and party political reports of the 1960s (Labour Party 1964; Home Office 1964; Conservative Party 1966) mentioned crime prevention, they called for comprehensive state action, and for the co-ordination of the various state agencies involved—not for the activation of private organizations and individuals. And their crime control programmes were targeted upon criminal offenders, not upon criminal events and the victims of crime.

¹² cf. Engstad and Evans (1980): '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 involved accepted and effectively discharged their responsibilities' (pp. 6-7).

bourhood Watch'), which have become a central plank of government crime prevention policy, and serve as a model for more ambitious and more effective forms of co-operation between the public and the private realms.¹³ The government has also established a series of organizations and projects such as Crime Concern UK and the Safer Cities schemes, the remit of which is to set up crime prevention projects and to establish local non-state or semi-state structures which will help govern crime problems by means of inter-agency co-operation and the activation of local initiatives. Within the state agencies themselves, organizational change has been introduced to further these ends, with the promotion of strategic planning, inter-agency co-operation, and shared decision making between departments which were previously quite separate. The most prominent of these is the Ministerial Group on Crime Prevention, established in 1986 to promote high level co-operation between departments, but the strategy of moving beyond the traditional crime control demarcations is now being replicated at all levels of government.

The recurring message of this approach is that the state alone is not, and cannot effectively be, responsible for preventing and controlling crime.¹⁴ Property owners, residents, retailers, manufacturers, town planners, school authorities, transport managers, employers, parents, and individual citizens—all of these must be made to recognize that they too have a responsibility in this regard, and must be persuaded to change their practices in order to reduce criminal opportunities and increase informal controls. In effect, central government is, in this field of policy as in several others, operating upon the established boundaries which separate the private from the public realm, seeking to renegotiate the question of what is properly a state function and what is not.

Sometimes outcomes are achieved merely through governmental exhortation, as where car manufacturers are persuaded to build in greater security in their products, or insurance companies are encouraged to give discounts in areas where Neighbourhood Watch schemes operate. Sometimes persuasion takes the form of the analysis of interests, for example where retailers and city-centre firms are shown data on the 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. Increasingly preventive action takes the form of establishing co-operative, inter-agency structures which bring together public and private organizations in order to initiate local projects. Occasionally too, more forceful methods are proposed. It has been suggested, for example, that the government might make retail firms do more to reduce shoplifting and retail crime by threatening to shift the costs of retail theft prosecutions on to the retailers themselves (see Hough *et al.* 1980: 14). This idea of reverting to a system of private prosecution shows how the responsabilization strategy merges neatly into strategies of privatization and public expenditure reduction which commanded such support from conservative governments in the 1980s and 1990s.¹⁵

¹³ The importance of Neighbourhood Watch and related surveillance schemes—such as 'cab watch' and 'hospital watch'—as exemplars of the government's project for devolved crime control is demonstrated by the fact that political commitment to these schemes far outruns their level of success in preventing crime (see Jones *et al.* 1994).

¹⁴ One might say that government policy has begun to acknowledge what sociologists have always known to be true—namely, that the processes which produce order and conformity are the mainstream social processes, not the background threat of legal sanctions. For instance, see Croft (1980: p. v).

¹⁵ For a vivid example of how these strategies can be combined, see Osborne and Gaebler (1993).

It should be emphasized that the responsabilization strategy does not entail the simple off-loading of state functions. Nor is it simply the 'hiving off' or the 'privatization' of crime control, although one of its major effects has certainly been to stimulate the market for private security (see Johnson 1992). Rather it is a new form of governance-at-a-distance, which represents, in this field at least, a new mode of exercising power. It is a new mode of governing crime, with its own forms of knowledge, its own objectives, its own techniques and apparatuses.¹⁶ The state does not diminish or become merely a nightwatchman. On the contrary, it retains all its traditional functions—the state agencies have actually increased their size and output during the same period—and, in addition, takes on a new set of co-ordinating and activating roles, which, in time, develop into new structures of support, funding, information exchange or co-operation. Where it works—and one should not underestimate the difficulties involved in making it work—the responsabilization strategy leaves the centralized state machine more powerful than before, with an extended capacity for action and influence. At the same time, however, this strategy serves to erode the notion of the state as the public's representative and primary protector. It marks what may be the beginning of an important re-configuration of the 'criminal justice state' and its relation to the citizen. Other developments—such as the rise of the victims' movement (see Rock 1990) and the enhanced role now accorded to victims in the criminal and sentencing process, or the development of reparation and mediation schemes on the fringes of the system (see Wright and Galaway 1989)—reinforce the view that such a reconfiguration may be in the process of occurring.¹⁷

The idea of a responsabilization strategy implies that the state is taking on an ambitious new role, not merely 'passing the buck', 'getting off the hook' or 'taking a back seat'. It is experimenting with ways of acting at a distance, of activating the governmental powers of 'private' agencies, of co-ordinating interests and setting up chains of co-operative action, all of which present many more difficulties than the traditional method of issuing commands to state agencies and their functionaries. It is seeking to implement 'social' and 'situational' forms of crime prevention which involve the re-ordering of the conduct of everyday life right across the social field. And although many of these projects are modest, low-key and localized in their goals, the programme is, in principle, much more wide-ranging and ambitious than was the penal-welfare project of reforming offenders. Where the state once targeted the deviant for intensive transformative action, it now aims to bring about marginal but effective changes in the norms, the routines, and the consciousness of everyone. As a recent government document puts it, crime prevention should become 'part of the routine day to day practice and culture of all agencies and individuals' (Home Office 1993: 16).

The practical problems involved in this new role are now the subject of dozens of government research publications which detail the obstacles to multi-agency working, the resistance it is liable to encounter, and the best means of manipulating diverse

¹⁶ On government at a distance, see Rose and Miller (1992). On the cultural and social conditions which make possible this new form of governing, and give it wide extension at every level of authority, from central government to family and workplace relations, see A. de Swaan (1990). de Swaan elaborates a contrast between management by command and management by negotiation, and describes the recent cultural shift towards the latter in all spheres.

¹⁷ On similar developments in other areas of government-social interaction, see Kooiman (1993). See also *Economy and Society* (1993). Nikolas Rose (1993) and others use the term 'advanced liberalism' to discuss similar patterns of governance in contemporary states. See also O'Malley (1994). For a discussion of nineteenth century examples of action at a distance in respect of child welfare, see Donzelot (1980).

interests into crime control alliances (see Engstad and Evans 1980; Gladstone 1980; Hope 1985; Heal and Laycock 1986a; Liddle and Gelsthope 1994a, b). A need for new experts in 'co-ordination' and 'inter-agency working' has been discovered, heralding the development of a strange new 'specialism' which will be defined by its interstitial role and its interdisciplinary skills (Hope 1985: 42; Heal and Laycock 1986a: 132). At the same time, a new form of knowledge is being assembled which will support and extend this strategy in the same way that positivist criminology once supported strategies of rehabilitation and individual correction. And, like that earlier knowledge of the criminal individual, which grew up quietly in the routines of institutional practice, this new knowledge is developing in out of the way reports and research studies which receive little public attention or scrutiny.

Adapting to failure

For the state agencies of criminal justice—that is to say, for the police, the courts, the prisons, probation, and so on—the normality of high rates of crime in contemporary society presents new problems of legitimacy and new problems of overload. The failure of crime control is experienced as a failure, above all, of the police, the courts and the prisons, and has led to a reformulation of objectives and priorities in these organizations. The increases in recorded crime have also had the practical effect of massively increasing the 'throughput' of the criminal justice process, with steep increases in crimes reported to the police, prosecutions brought, cases tried and offenders punished. One consequence is that the organizations have had to expand and transform their practices in order to keep pace with their new workload.

One response to the problem of overload has been to develop new strategies of system integration and system monitoring, which seek to implement a level of process and information management which was previously lacking (see Morgan 1985; Moxon 1985; Lygo 1991). This systematization of criminal justice—which has been largely sponsored by the Home Office—has permitted a greater level of co-ordination and planning to take place, and has been used to bring about particular policy objectives, such as the reduction in the use of custodial penalties for juvenile offenders (see Cavadino and Dignan 1992: 211–20).

A related development is the widespread movement towards a more managerialist, business-like ethos which emphasizes economy, efficiency and effectiveness in the use of criminal justice resources. Central government initiatives such as the Financial Management Initiative have been applied to all public services, including (belatedly) the police, the courts, the prisons and community measures, and have led to the development of clearly specified 'performance indicators' against which the organization's activities can be measured, as well as an emphasis upon strategic planning, line management, devolved budgets and financial responsibility within the agencies (see Raine and Willson 1993; Humphrey 1991).

The most publicized aspects of this have been the various measures of privatization which have taken place, transferring specific criminal justice functions to commercial concerns in a new form of contract provision (Young 1987; Home Affairs Committee 1987b). Also important however, is the transformation of state departments (such as the prison service) into semi-autonomous agencies which are allocated a budget and a policy brief, but are supposedly given independent control of internal issues of man-

agement and policy implementation (Jordan 1992). The introduction of larger numbers of volunteer groups (e.g. special constables, volunteer probation officers, etc.) and the 'civilianization' of many tasks that were previously undertaken by trained police or prison officers have also helped reduce expenditure (Jones *et al.* 1994: ch. 4).

This new ethos also entails a concern with what might be called 'customer relations'. State agencies increasingly redefine their mission in terms of serving particular 'consumers' (such as victims and their families, or even inmates) and being responsive to their expressed needs, rather than serving the more abstract, top-down notion of the public good. Hence the practice of conducting surveys of the views of consumers and the development of objectives and priorities which seek to respond to these (See Wozniak 1994; Scottish Prison Service 1992; Commissioner of Metropolitan Police 1987).

Defining deviance down

Perhaps the major system adaptation to high crime rates and high case loads has been the tendency of the criminal justice agencies to limit the level of demand placed upon them by resort to a variety of devices which effectively 'define deviance down' (Moynihan 1992), either by filtering it out of the system altogether, or else lowering the degree to which certain behaviours are criminalized and penalized. This process occurs at the 'shallow' and hence less visible end of criminal justice and can, therefore, develop largely unannounced by way of discretionary decisions taken by police and prosecutors well away from the gaze of the media and political actors. (The lack of scrutiny that facilitates the 'defining down' strategy also facilitates its pathologies, such as the dilution of due process and the production of 'conviction records' which are not subject to legal proof (see Cohen 1985)). This strategy has been made possible by a cultural context in which the criminalization of minor violations is often viewed as counterproductive, and by a bureaucratic context in which such criminalization is viewed as unnecessarily expensive.¹⁸

The 'defining down' process has a number of aspects. It includes the widespread use of cautioning and diversion from prosecution, and the development of fixed penalties and summary hearings for offences that were previously prosecuted at more serious levels (Ditchfield 1976; Home Office 1985; Dahrendorf 1985). It includes the use of community and monetary penalties for crimes that would once have attracted custodial sentences, and the decriminalization of behaviours that were once routinely prosecuted (Bottoms 1983). It also includes decisions by the police that they will no longer use investigative resources on certain offences which have a low likelihood of detection and a low priority for the public, in order to conserve resources for those crimes which can be targeted and investigated effectively. This tendency has been developing since the 1970s, but it has recently become more visible, and hence more controversial. The development has been endorsed by the Audit Commission (1993), but it has also met criticism from victims of the many offences which now fall below the threshold of police interest.

The impact of 'defining down' is, in effect, the opposite of the 'net-widening' tendency that is frequently attributed to contemporary crime control practices. Its concern is to let minor offences and offenders fall below the threshold of official notice—to

¹⁸ I would argue that this strategy of 'defining deviance down' is indeed a 'strategy' which is patterned, systematic and resource-driven. The developments described here are not simply the effects of historically changing cultural views about offence seriousness, though of course attitudes and practices tend to reinforce each other over time.

allow them to slip a 'net' that is in danger of bursting at the seams. In this development the radical force at work is not the critical criminology of writers like Stan Cohen and Nils Christie, who argue that criminalization is often an evil in itself, but instead the Audit Commission and the government's Financial Management Initiatives, whose concern is to find ways of reducing public expenditure and improving government performance. Thus in a recent Report (1989), the Audit Commission warned that the Probation Service should guard against 'net-widening', as it called it, not because it pulls more people into the system and increases the net of penal control, but simply because it is deemed to be financially wasteful.

In the light of these developments—and in view of the tendency to think of the state as forever seeking to extend the tentacles of control—we should remind ourselves that Cohen's theory of net-widening (see Cohen 1985: ch. 2) is originally a story not about expansionism, but rather about a failed reductionism. Net-widening is generally the unplanned corollary of attempts to scale down or informalize penalty structures. Where it occurs, it is usually understood as the covert achievement of the various professional groups who have a stake in the social control business (Cohen 1985: ch. 5). What is too easily forgotten is that there are also other interests at work—such as the interests of the Treasury and local authority budget holders—that are opposed to the unplanned extension of control measures on the grounds of cost (not to mention those criminal justice professionals, who are opposed on principle to the overcriminalization of their clients) and which can be effective in averting such outcomes by the careful monitoring of policy implementation. If there is a tendency to 'net-widening' in the British penal system, it seems probable that this is a marginal and contradictory aspect—though one which is important for those involved—of a more fundamental tendency towards the relaxation of penal controls in respect of minor violations of the criminal law.¹⁹

Despite these well-documented tendencies to define deviance down, the numbers processed through the state system have continued to expand, in part because of the growing levels of crime, in part because the tendencies described so far have been offset by a punitive counter-tendency which I will describe in a moment.²⁰ We are thus experiencing a situation rather more complex than 'net-widening'—one in which the state agencies of criminal justice have been steadily increasing in size, in 'productivity', and in the numbers of cases processed, at the same time as they have been reducing the extent to which they process and penalize minor offence behaviour.

¹⁹ As far as I am aware there has been no research which compares over time the size of the criminal justice 'net' in the UK in a way which is sensitive to the changing rates of criminal cases. (And of course, the fact that many offences do not now result in official action makes such comparisons highly problematic). The time periods chosen would, of course, be crucial to the analysis—for example, the 'net' of penal-welfare control over juveniles in England and Wales seems to have expanded during the 1970s, before contracting again in the 1980s (see Gelsthorpe and Morris 1994). For some discussion of the methodology required for empirical studies of 'net-widening' see MacMahon (1992).

²⁰ The 'War against Drugs' and the escalation of penalization that this has involved in the UK and the USA are a central element in this punitive counter-tendency. Here deviance has certainly been defined up (though possession of soft drugs has been *de facto* decriminalized in some regions), as it has been in respect of some sexual and some violent offences where the thresholds of tolerance have undergone change (see Krauthammer 1993). Feeley and Simon (1992) and Simon (1993) have outlined key aspects of changing policy and organizational adaptations as they have occurred in the USA. See also O'Malley (1992).

Redefining success and failure

A major way in which state agencies have reacted to criticism is by scaling down expectations, redefining their aims, and seeking to change the criteria by which failure and success are judged. To some extent, this accords with the responsabilization strategy described earlier, so that nowadays police and prison authorities are quick to point to the limitations of their contribution to the control of crime.

The police still claim success in detecting serious crime, and in apprehending serious criminals, but they hold out low expectations for the control of what they now refer to as 'random' or 'opportunistic' offending. Similarly, the prison authorities focus more and more upon their ability to hold offenders securely in custody (and thus 'incapacitate' them²¹), and no longer hold out much prospect of producing rehabilitative effects. At the same time, the discourse of these agencies shifts the responsibility for outcomes on to the 'customers' with whom they deal, so that the inmate is now said to be responsible for making use of any reformative opportunities that the prison might offer, while the police emphasize that it is the victim's responsibility to protect property and avoid dangerous situations.²²

Increasingly these organizations seek to be evaluated by reference to internal goals, over which they have near total control, rather than by reference to social goals such as reducing crime rates, catching criminals or reforming inmates, all of which involve too many contingencies and uncertainties. The new performance indicators tend to measure 'outputs' rather than 'outcomes',²³ what the organization *does*, rather than what, if anything, it *achieves*. Prison regimes are assessed in terms of the number of hours which inmates spend in 'purposeful activity', not in terms of whether these programmes reduce subsequent offending (Scottish Prison Service 1993).²⁴ Police forces ask to be judged in terms of the number of officers on the beat, or the number of emergency calls processed, or other measures of 'economy and efficiency', not by the effect these actions have had upon rates of crime or criminal convictions (Commissioner of the Metropolis 1987).

In much the same way, the shift of sentencing policy towards a 'just deserts' model, whatever the other dynamics which have brought it about (see Duff and Garland 1994), involves a move away from a utilitarian framework in which sentencers seek to bring about a social outcome—namely the reduction of crime through deterrent or reformative sentencing—to one where the key objective (fitting the punishment to the offence) is

²¹ The notion of 'incapacitation'—or the use of custody to prevent reoffending by high-rate or dangerous offenders—is an important aspect of the new concern to manage both risk and resources in cost-effective ways (see Zimring and Hawkins 1995). A policy of selective incapacitation aims to keep confined for long periods those offenders who are regarded as a serious crime risk, and to use less expensive community punishments for those who are judged to be lesser risks. There is, of course, a useful ambiguity in the meaning of long sentences of imprisonment, which can be regarded as instrumental forms of incapacitation as well as expressive forms of punitiveness. That long-term imprisonment 'incapacitates' in other ways—reducing the social and personal capacities of the prisoner, and the ability to resume normal social life on release—is a barely suppressed punitive aspect of this policy.

²² cf. the development of 'contract'-based relationships in probation, community service, and most recently, in prison regimes, which explicitly hold the offender or inmate responsible for a course of prescribed conduct. On this see D. Nelken (1989) and A. E. Bottoms (1994).

²³ I am grateful to my colleague David J. Smith for bringing this way of phrasing the distinction to my attention.

²⁴ Therapeutic and rehabilitative programmes have continued to operate in British prisons during the 1980s and 1990s. But they are now seen as 'specialist services' rather than the vanguard of a general policy of rehabilitation, and these atypical regime characteristics no longer prop up the system's general ideology. This change heralds a new realism of representation, but it also signals the way in which criminal justice has become disconnected from ideologies of solidarity.

well within the capacity of the courts, and thus much less likely to 'fail'. The same might be said about imprisonment, which is increasingly represented as merely a means of incapacitation and punishment, and also about community supervision, which is increasingly represented as an economical form of 'punishment in the community'.

Criminal justice organizations are seeking to become more self-contained, more 'autopoietic' (Teubner 1993) and less committed to externally defined social purposes—and to some extent they are achieving this defensive new status. But while the central government has encouraged and colluded in these reduced and more realistic mission statements, part of the cost of failure is that these agencies are no longer permitted the professional autonomy and discretion with which they were once entrusted. Increasingly agencies like the police, probation and prisons, which were once given a mission, a budget and a degree of freedom to get on with it, are now subject to detailed national standards set by central government, and are closely monitored and inspected to ensure that practice and resource-use complies with these instructions. The central state may be widening its range of action and influence through the indirect means described above, but it has also tightened its grip upon its own agencies and employees.²⁵

By these various means, the crime control agencies of the state have begun to represent themselves in ways which 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 crime, which remains the business of the state (and as we will see, 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.

Denial as a Reaction to the Predicament

Up to this point I have been describing a series of governmental and organizational responses to what I termed the predicament of crime control in late modern society. Whatever one thinks of them, these strategies are certainly marked by a high level of administrative rationality, and a degree of organizational creativity. However, they form only one aspect of a very contradictory response. At the same time that the administrative machine of the state has been devising strategies to adapt to its limitations in respect of crime control, and thus come to terms with the uncomfortable realities, the political arm of the state has frequently engaged in a form of denial which appears increasingly hysterical in the clinical sense of that term.²⁶

²⁵ This seems to throw some doubt on the claim made by Bottoms and Wiles (1984) that a 'hollowing out of the state' is occurring in respect of crime control.

²⁶ In Freudian terms, 'denial' is a psychic defence mechanism by means of which some painful experience or reality is refused access to consciousness. 'Hysterical' behaviour is conduct entailing 'conversion-symptoms' which disguise the psychic problem which lie at their root. The implication is that the observed phenomena should not be taken at their face value and that they are intended to draw or distract attention (Rycroft 1968). The distinction suggested here between the political and the administrative aspects of the state is clearly undertheorized. Ideal typically, it seeks to capture the distinction between the conduct and discourse of elected politicians, directed towards popular political audiences, and the conduct of state officials, directed towards the rational and efficient pursuit of policy goals. Politics and administration do, of course, intersect and interact, but to specify this more precisely would require more empirical detail than can be presented here. See for instance the account of victim policy formation in the Home Office in Rock (1990).

In the face of evidence that crime does not readily respond to severe sentences, or new police powers, or a greater use of imprisonment, the British government (like others elsewhere) has frequently adopted a punitive 'law and order' stance that seeks to deny conditions which are elsewhere acknowledged and to reassert the state's power to govern by force of command. Sometimes the punitive pronouncements of government ministers are barely considered attempts to express popular feelings of rage and frustration in the wake of particularly disturbing crimes, such as the new powers of imprisonment which followed the conviction of youths for the murder of James Bulger in 1993.²⁷ Usually punitive policies can also claim an instrumental rationale (as in policies of custodial incapacitation, the prison building programme, and the new powers to pass very long sentences on certain offenders) which links punitiveness with effective crime control, however controversial this may be. But together with their expressive or reductionist objectives, these 'law and order' policies frequently involve a knowing and cynical manipulation of the symbols of state power and of the emotions of fear and insecurity which give these symbols their potency.²⁸ Such policies become particularly salient where a more general insecurity—deriving from tenuous employment and fragile social relations—is widely experienced and where the state is deemed to have failed in its efforts to deliver economic security to key social groups.

Michel Foucault (1977), in his description of the execution of Robert Damiens, showed in graphic detail how harsh punishments have been used as public displays of a ruler's power, designed to reaffirm the force of the law and reactivate the myth of sovereignty. And though John Major is hardly Louis XV, whenever he or his ministers adopt the posture of being 'tough on criminals', 'condemning more and understanding less', and ensuring 'that criminals are frightened, not the law-abiding public' (see, for example, Howard 1993, Major 1994), and whenever they flourish new powers to send offenders to boot camps, or to supermax prisons, or to life imprisonment, they are deliberately deploying the same archaic strategy. 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.

This punitiveness has complex roots. It is by now a deep-rooted aspect of our culture, embedded in the common-sense of the public, the police and the judiciary (Garland 1990). Deliberate attempts by government to modify this culture—for instance in the strategy of 'punishment in the community' in the late 1980s—have shown the resilience of the demand for harsh, custodial penalties. There is also pressure upon government to respond to criticisms of the adaptive strategies discussed above, particularly when the administrative tendency to define deviance down produces results which sections of the public and the media find unacceptable. (Recent examples include prison security breaches; 'bail bandits', violent offenders who are paroled and then reoffend; young repeat offenders who appear to have immunity from punishment, and so on.)

But the essential attractiveness of the punitive response is that it can be represented as an authoritative intervention to deal with a serious, anxiety-ridden problem. Such

²⁷ The Home Secretary announced in October 1993 that he would introduce legislation to set up 'secure centres' for 12–14 year olds, and would double the maximum sentence for persistent juvenile offenders (Howard 1993).

²⁸ See Wrong (1994) on fear of violence and insecurity as a motivating factor in political action.

action gives the appearance that ‘something is being done’ here, now, swiftly and decisively. Like the decision to wage war, the decision to inflict harsh punishment exemplifies the sovereign mode of state action. No need for co-operation, no negotiation, no question of whether or not it might ‘work’. Punishment is an act of sovereign might, a performative action which exemplifies what absolute power is all about. Moreover, it is a sovereign act which tends to command widespread popular support, and here at least Stuart Hall’s suggestion of ‘authoritarian populism’ tends to ring true (Hall 1988).

Nor is it merely a gesture without broader effects. In a society which manifests deep social and racial divisions, which experiences high crime rates and levels of insecurity, where welfare solutions have been politically discredited, and in which a developing commercial sector encourages and facilitates the expansion of imprisonment—in other words in societies such as the USA or the UK—a punitive political and legal culture soon gives rise to mass incarceration, with all of its social and financial consequences.

Criminologies of the Other/Criminologies of the Self

Accompanying these punitive policies is a certain criminology that looks quite different from the criminologies of everyday life that inform the preventive and de-escalating measures described above. Whereas the latter depict the offender as a rational opportunist, little different from his or her victim, the criminology invoked by the punitive strategy is one of essentialized difference. It is a criminology of the alien other which represents criminals as dangerous members of distinct racial and social groups which bear little resemblance to ‘us’. It is, moreover, a ‘criminology’ which trades in images, archetypes and anxieties, rather than in careful analyses and research findings—more a politicized discourse of the unconscious than a detailed form of knowledge-for-power.

Punitive policies are premised upon characterizations of offenders as ‘yobs’, ‘predators’, ‘career criminals’, ‘sex beasts’, as ‘evil’, ‘wicked’, or member of an ‘underclass’ (Coward 1994)—each of these being ‘suitable enemies’ (Christie 1986) for a ruling culture stressing family values, individual enterprise, and the limits of welfarism, each of them examples of what Mary Douglas terms ‘the political uses of danger’ (Douglas 1992). In this rhetoric, and in its policy effects, 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. The only practical and rational response to such types is to have them ‘taken out of circulation’ for the protection of the public, whether by long-term imprisonment, as in the UK, or else by judicial killing, as is increasingly the case in the USA. So, at the same time that shallow-end deviance is defined down, more serious offences are dealt with in a much more punitive manner, with increases in the proportionate use of custody for adult offences and in the average length of prison sentences during the 1980s (see Reiner and Cross 1991: 2–3).

We thus have an official criminology which is increasingly dualistic, increasingly polarized, and increasingly ambivalent. There is a *criminology of the self*, that characterizes offenders as 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 invoked to routinize crime, to allay disproportionate fears and to promote preventive action. The other is concerned to demonize the criminal, to excite popular fears and hostilities, and to promote support for state punishment. The excluded

middle-ground here, is precisely the once-dominant welfarist criminology which 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. One might say that we are developing an official criminology that fits our social and cultural configuration—one in which amorality, generalized insecurity and enforced exclusion are coming to prevail over the traditions of welfarism and social citizenship.

In the light of the opening comments of this article, it is worth noting that punitive outbursts and demonizing rhetorics have featured much more prominently in weak political regimes than in strong ones. Significantly, it was the powerful and confident third-term government of Mrs Thatcher which introduced radical legislation to cut crime control costs and to de-escalate penalties. Within a year of taking office, Mr Major's government had reversed these policies and reaffirmed a commitment to the punitive use of imprisonment. Similarly, it was the Clinton administration—widely perceived at that time as weak and faltering—which made it a priority to introduce the US Crime Act of 1994, with its extended powers of capital punishment and new mandatory life sentences for repeat felons.

Over the last two decades, punitive policies such as these have accompanied and contradicted the strategies of normalizing crime, responsabilizing others and defining deviance down.²⁹ Whereas for one set of governmental calculations, high rates of imprisonment represent a major problem of cost and ineffectiveness that must be tackled by reductionist measures (see Home Office 1988), for another, they represent a positive symbol of the state's willingness to use force against its enemies and to protect its loyal subjects by whatever means are 'necessary'. State sovereignty over crime has thus been simultaneously denied and symbolically reasserted. The limits of police and punishment are recognized in one policy only to be ignored in another. And although this contradiction is sometimes rationalized as a 'policy of bifurcation',³⁰ its real roots lie in the political *ambivalence* which results from a state confronted by its own limitations.

In consequence, there is now a recurring gap between research-based policy advice and the political action which ensues. For example, the two most radical British developments of the 1980s and 1990s—the prison building programme and the policy of prison privatization—were initiated in the absence of any substantial support from penal experts or practitioners (Home Affairs Committee 1987*a, b*). Whereas the 'preventive' strategies described above are premised upon consolidated research results and clear administrative rationalities, the 'punitive' strategy is driven by a political dynamic rather than a penological one. One strategy adapts itself to the reality principle while the other strives to deny it. (In respect of the prison-building and privat-

²⁹ There is a theoretical point to be made here in respect of the work of Michel Foucault and his followers. The discussion shows that the analysis of strategies and technologies of power must always be accompanied by an analysis of the politics of their exercise, and of the countervailing forces ranged against them. The exercise of sovereign penal power tends to interrupt the operation of governmental strategies, often for short-term political purposes. This exacerbates the tension between 'the passionate, morally toned desire to punish and the administrative, rationalistic ... concern to manage' (Garland 1990: 180).

³⁰ 'Bifurcation' is a policy option which differentiates penal response on the basis of risk and resource assessments, as set out for example in the 1991 Criminal Justice Act and the policy papers leading up to it. Bifurcation as a rationally differentiated policy response should not be confused with the contradictory and conflicted policies being described here. On bifurcation as a policy, see Bottoms (1983).

ization examples given, one should add that they were also driven by what one might call 'the penal-industrial complex'—the network of commercial and capitalist interests which surrounds and feeds off the contemporary penal system, just as the armaments industry feeds off warfare (see Christie 1993).

Nor are these two diverging strategies simply the twin prongs of a concerted policy for the control of serious crime on the one hand, and minor crime on the other. For one thing, they operate on quite contradictory assumptions about the character of offending and the possibilities for criminal justice interventions. For another, the rhetoric, perceptions and emotions invoked by the punitive strategy have the effect of undermining the preventive, responsabilizing strategy, and making it more difficult for those committed to the latter to carry their policies through.

The Eclipse of the Solidarity Project

The developments which I have described above—both preventive and punitive—have called into existence an accompanying critical discourse which has begun to identify the problems entailed in this new scheme of thought and action. As for the objections to a revived punitiveness, these hardly need to be recounted as these have formed the basis of liberal penology for the best part of a century. But the critical commentary regarding the newer modes of governing crime is important since it identifies dangers which might not be so transparent (see Blagg *et al.* 1986; Bottoms 1990; Kinsey *et al.* 1986).

One problem which has been repeatedly pointed out is that the 'responsibilization' of non-state agencies and the routinization of crime prevention are liable to give rise to huge disparities in the social provision and distribution of security. Once 'security' ceases to be guaranteed to all citizens by a sovereign state, it tends to become a commodity, which, like any other, is distributed by market forces rather than according to need. The groups that suffer most from crime tend to be the poorest and the least powerful members of society and will usually lack the resources to buy security or the flexibility to adapt their routines or organize effectively against crime. This disparity between rich and poor—which overlaps with the developing divisions between property-owning classes and those social groups who are deemed a threat to property—will tend to propel us towards a fortified, segregated society and the demise of any residual civic ideal (Bauman 1987; Davis 1990; Bottoms and Wiles 1994).

It has also been forcefully argued that the new crime prevention policies have been seriously undermined by the social and economic policies of the past two decades, as well as by the structural transformations in the labour market and in social stratification (see Simon 1993; Hall and Jacques 1989). 'Activating' communities, families and individuals, is made much less likely if these have been economically undermined and socially excluded. It is also made more difficult by long established habits of thought—nurtured by state agencies in an earlier, monopolizing phase—which counsel that problems of disorder and deviance are best left to specialists and the 'appropriate authorities'.

A realistic assessment would probably judge that the prospects for the responsabilization strategy are actually quite poor at present. The state is not good at acting at a distance, indeed, it is not always effective in implementing policies through its own agencies. Despite their protestations, the governments of the 1980s and 1990s have not

been intent upon devolving power or creating the kind of associational democracy that might make these policies feasible (see Hirst 1994; Durkheim 1992). Instead they have tended to combine responsabilization moves with measures intended to consolidate central power, directing the actions of others, more or less coercively, to bring them into line with centrally-defined goals.

The prospects for this strategy are worsened by the fact that crime is not a priority for most of the non-state agencies that are capable of doing something about it. Consequently these organizations will usually choose to pursue their chief objectives (e.g. profit-making, delivering services, etc.) without much concern for the criminal consequences, so long as the experience and the costs of crime are not a direct and substantial interruption to these activities (Pease 1994). Up until now, the state has not been willing to take major steps towards redistributing the costs of crime in ways which would change these calculations, though this could conceivably change in the future. Indeed at present, despite the rhetoric, crime is not so much of a priority even for central government, which continues to pursue policies which are known to be criminogenic and fails to fund crime prevention initiatives to the degree that would be required to make them seriously effective (Svensson 1986). Ultimately, the state is more likely to revert to punitive strategies (which are easier to deliver) than to sacrifice economic or social objectives in the service of crime control.

These critical objections are well taken, and should serve as a warning to anyone who is complacent about a Home Office policy which prefers prevention to punishment and confesses the limits of state action. However, I want to conclude my account of the new crime control strategies not by guessing about the future but instead by pausing a moment to consider a well-known document from 200 years ago—a text which takes on a new significance in the light of the developments which are now taking place. Every new policy reinvents its own forerunners, sometimes with interesting results, and it may be possible to learn more about the present by examining its newly apparent ancestors.

The text I want to discuss is the *Treatise on the Police of the Metropolis*, written in 1795 by Patrick Colquhoun, a Scotsman, born in Dumbarton, who became Lord Provost of Glasgow and subsequently a Magistrate in London. On the strength of this publication, Colquhoun is sometimes credited with the idea of a modern professional police force. This is, however, a serious misreading since he was, in fact, an advocate of a 'system of police' in its archaic, eighteenth-century sense; that is to say, of a well-ordered system of regulation, inspection and restraint covering the entire social body and involving numerous governing agencies (both 'public' and 'private') rather than a single specialist 'police force'.

Colquhoun's *Treatise* sets out an analysis of crime and a programme for its prevention which are remarkably similar to the thinking which has recently re-emerged in official circles. Written in late eighteenth century London, one of the world's first modern cities, Colquhoun's pamphlet argues that increased crime is a consequence of increasing trade, increasing opulence and the multiplication of temptation and opportunity which these produce. His analysis has nothing to do with individual abnormality or poor socialization, but instead focuses upon the new plenitude of 'ships ... vessels ... waggons ... merchandise ... banknotes ... money ... this vast aggregate of floating wealth, exposed to depredation in ten thousand different ways' (p. vi). It is, in other words, a thesis about criminal opportunities rather than criminal dispositions.

The common sense of Colquhoun's day was that 'acts of delinquency and the corruption of manners . . . keep pace with the increase of riches' (p. vi). This view was taken for granted for the simple reason that, in any metropolis, it was a fact of life that there are always 'various classes of individuals who live idly and support themselves by pursuits that are either criminal, illegal, dissolute, vicious or deprived' (p. vi). No special theory of criminal motivation was necessary to explain the crimes of these classes—their law-breaking was a rational and situationally intelligible consequence of their social and economic position. The problem identified by Colquhoun was that the new capitalist trade had exacerbated the disruption caused by these unruly classes and their exclusion from civil society. It had set wealth free in the form of circulating commodities, producing new levels of opulence and luxury for the few, and new temptations for the masses of the urban poor. The question Colquhoun posed was, how to have the advantages of modernity and capitalism, without the risks and insecurity which go with them:

The accession of wealth, thus rapidly flowing into the capital, through the medium of trade and commerce, must, in the nature of things, produce an increase in crimes. . . . The great object for consideration is, while we encourage and use every proper means to advance the former: how the latter is to be decreased or kept within due bounds. (p. 76)

Colquhoun's remedy for dealing with the crime explosion that capitalism had brought in its wake was not to punish offenders harshly—a policy which he regarded as exacerbating the problem—nor to bring about their reform (although he was elsewhere an advocate of penitentiary prisons and public works). His remedies ignored the individual criminal altogether and instead focused upon the problem of prevention and opportunity reduction. First of all he presents a meticulous analysis of crime events, which identifies many of the 'ten thousand different ways' in which mobile property is 'exposed to depredation', and offers a detailed account of precisely how particular crimes are facilitated by the situation in which they occur. Following on from this, he proposes methods of regulation, inspection, guardianship and design which would substantially reduce the opportunities for crime and increase the risks of an offender being caught. Moreover, this 'correct system of police', as he calls it (p. 76), is to be put in place not by the state (which barely had the capacity for such extensive action) but by men of influence, philanthropists, patriots, ale-house keepers, merchants, ship-owners, those in charge of parishes, the clergy, and magistrates in charge of business, commerce and the city—in other words, by the institutions of civil society. (The new 'superintending agency' suggested by Colquhoun is often identified as the origin of the public police force which emerged 30 years later, but it is clear that this was only one of a long list of agencies which were to be involved in his scheme of city regulation.)

It is a telling fact that Colquhoun's treatise of 200 years ago should bear such a close resemblance to the thinking of Britain's Home Office in the 1990s, particularly when Colquhoun's proposals, like those of the present government, were offered as an alternative to the strategy of punitive sovereignty, which, even in the late eighteenth century, was seen to be failing. It is telling because for most of the period between the publication of Colquhoun's analysis and the present, there has been an entirely different set of assumptions about the character of the problem and how it might be dealt with.

Colquhoun's 'criminology'—to employ an anachronism—was ignored for much of the nineteenth and twentieth centuries because it was believed that the problem could be solved not by protecting property but by ending poverty and idleness and the conditions of life which produced a predatory, excluded, underclass. Instead of a society-wide system of police, the British political establishment pursued an ideal of solidarity (see Garland 1985). It created a welfare state which was intended to lift 'the residuum' out of idleness and crime, and make social democracy the protector of property.³¹ Criminological theory and penal practice have, for most of the last century, taken part in this project (albeit with varying degrees of commitment and effectiveness), and have aimed to promote a form of socialization and solidarity that might include everyone. The re-emergence of the Colquhounian programme, now, at the end of the twentieth century, in tandem with the reassertion of a punitive sovereignty, threatens the eclipse of that project of solidarity which formed the central thrust of twentieth century social and penal politics. In its place, we are witnessing the emergence of a more divisive, exclusionary project of punishment and police.

Unlike the penal-welfare strategy, which was linked into a broader politics of social change and a certain vision of social justice—however flawed in conception and execution—the new penal policies have no broader agenda, no strategy for progressive social change and no concern for the overcoming of social divisions. They are, instead, policies for managing the danger and policing the divisions created by a certain kind of social organization, and for shifting the burden of social control on to individuals and organizations that are often poorly equipped to carry out this task.

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³¹ For an early statement of the view that a social-welfare state would curb crime through social reform and increased affluence, see Gladstone (1895: 4).

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