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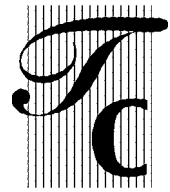

Crime and control in late modernity

David Garland
The Culture of Control: Crime and Social Order in Contemporary Society
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On the assumption that I would probably write a review of David Garland's *The Culture of Control*, I attended the launch of the book which was held at the London School of Economics in March 2001. At the launch a distinguished panel commented on the book in turn. There was a distinct split among the panellists with the 'home team' from the LSE—Stanley Cohen, Richard Sennett and David Downes—expressing strong support, while the visitors, in the form of Lucia Zedner and Nikolas Rose, expressed reservations about both the empirical and theoretical content of the book. Probably the strongest supporter was David Downes who stated that he could find nothing to disagree with in the book. At the other end of the spectrum Nikolas Rose claimed that the book made him angry and, in the short space of time which he had available, launched into a hard-hitting critique.

After reading the book a few weeks later I found myself in the camp of the dissenters, although unlike Nikolas Rose I was not so much angered by the book as disappointed. My disappointment stemmed initially from the fact that I found very little that was new and exciting in the book and felt that most of its main themes had been well aired in previously published articles (Garland, 1995, 1996, 1997). The thesis which David Garland presents in these writings, for those who are unfamiliar with his previous work, is that we are witnessing a major shift in the nature of crime control

in late modernity. A new configuration has emerged which involves an interrelated set of policies and practices which are distinctly different from the penal welfare and correctionalist crime control policies which were associated with modernity. Correctionalism centred around attempts to reform individuals through the use of welfare and treatment programmes. These employed various scientific techniques and were implemented by a variety of different experts. In the period of late modernity, which dates from the 1970s in the USA and slightly later in the UK, correctionalism has come under increasing critical scrutiny and has lost its intellectual and political support. The decline of the welfare state and the growth of crime in a period of changing economic, social, political and cultural conditions has ushered in a new interrelated set of policies and practices which include: the decline of the rehabilitative ideal; the re-emergence of punitive sanctions and expressive justice; an increase in public concern and fear of crime; an increased focus on the victim; an emphasis on the protection of the public; growing politicization and populism associated with crime; the reinvention of the prison; the transformation of criminological thought; the expanding infrastructure of crime prevention and community safety; the increased privatization and commercialization of crime control; the development of new management styles and working practices—and these changes have been underscored by a perpetual sense of crisis.

As Garland notes, this 'story' is now fairly familiar and its main elements widely agreed. Therefore the strength or weakness of the book relies, he suggests, not so much on the elaboration of these developments but on the mode of explanation. Why should these changes have taken place and why have they taken this particular form? Do they constitute a reconfigured complex of interlocking structures and strategies which is significantly different from that which predominated in previous periods?

Rather than launch immediately into an account of these developments Garland self-reflexively outlines his theoretical and methodological orientation. This basically involves a triangulated strategy centred around three different approaches. First, he claims to employ a genealogy based on the writings of Michel Foucault which aims 'to trace the forces that have given birth to our present-day practices' (p. 2). Second, he engages in a social and historical narrative designed to map the social conditions of existence which underlie contemporary crime control; and third, he engages in what he refers to as a 'weak structuralism' which explores the development of new rationalities, practices and purposes. The use of the term 'structures' in this context can be a little misleading because, although Garland makes continual reference to the social, cultural and political forces which have given rise to these changes, he makes it clear that he is not interested in examining the wider structural change, which he feels is 'too totalizing', and does not want to engage in the debates about postmodernism, globalization and the like. This is a little disconcerting, since one might have thought that a form of analysis which claims to be providing a more 'comprehensive' and 'compelling' account might have examined these wider

structural processes and theories associated with them. By focusing instead on the more immediate processes and levels of explanation, Garland produces a largely middle range account which from the outset seems to be at odds with the scale of the changes which he is trying to explain.

There is also a deep-seated conflict which runs through book between the theoretical and methodological approaches he has adopted. For, whereas Garland's social and historical approach aims to identify the forces which have generated contemporary practices and policies and to specify their interrelated nature, a genealogy, as I understand it, attempts to do something quite different. It is not the aim of genealogy as developed by Foucault, to identify unities, underlying causal connections, or to focus on historical continuities and discontinuities (Foucault, 1984). On the contrary, the aim is to dispel apparent unities and to disrupt the self-evident quality ascribed to events by conventional social histories. In opposition to conventional accounts, historical development is no longer hermeneutically interpreted in terms of the meanings it reveals but is understood as a process of struggle and conflict involving changing modalities of power, truth and subjectification (Dreyfus and Rabinow, 1982). Garland's account is unable to address these more subtle and powerful processes and is consequently drawn, as Foucault might have predicted, towards a quasi-teleology.

What we are left with in fact is a fairly conventional social and historical account which aims to identify certain processes which have had an influence on shaping current crime control policies and practices. The question of whether we are witnessing a significant rupture or an epochal change is unclear and Garland prefers more amorphous terms like 'configuration' or 'field' to describe this group of recent developments, while stressing the continuities between the present and the past. He employs excessive levels of qualification which makes it difficult to identify any clear-cut argument and although he seems happy to use terms like 'late modernity' to signify that we are witnessing a major structural shift, the precise nature of this shift remains uncertain. There is, however, a not too subtle tautology at work here. The adoption of the term 'late modernity' is used to signify that we are now in a period characterized by a new set of economic, social, political and cultural changes and these changes are held to underpin changes in crime control which themselves now form a new 'configuration'. This new 'configuration' is then used in turn as evidence that 'late modernity' does in fact involve a distinctly different set of relations than previous periods.

Garland is careful not to engage directly with the debates around the risk society, the New Penology, the 'underclass' and the like. Neither does he engage in critiques of different types of social and economic explanation or 'schools' of criminological thought. Instead he adopts what might be referred to as a cafeteria style of theorizing which draws freely on existing and competing forms of explanation in order to produce what is believed to be a more comprehensive and attractive account. This account necessarily

plays down the theoretical and epistemological conflicts embedded in these competing forms of explanation. One consequence of this approach is that it is very difficult to identify the exact causal processes involved, how each of these processes relate to each other or to decide on the superiority, or otherwise, of competing accounts of recent developments.

The failure to address the precise nature of the causal relations involved leads to a functionalism and a pessimism in which all the various developments which have been identified appear retrospectively to be overdetermined and mutually reinforcing. Thus it is not surprising to find that these particular political, cultural and social processes emerged because they 'fit' or are necessary 'adaptions' to the 'cultural and criminological conditions of late modernity'. There is little discussion of conflict, resistance or contradiction. Little is said of competing agendas. Somehow these fade and wither in the face of the overwhelming logic of late modernity. Despite the repeated claims 'that it could have been otherwise' there is no indication of what other form late modernity might have taken or why the alternatives did not emerge. We are reminded of Max Weber's 'iron cage' analogy in which the processes of social control appear to have a logic of their own which leads ineluctably towards an ever more restrictive system of regulation. Garland appears to concur with Nils Christie's vision of the development of a more streamlined system of pain delivery, while Stanley Cohen's 'soft-machine of social control' can still be detected ticking over in the background and the overworked ghost still appears to be driving the machine (Cohen, 1985; Christie, 1994).

The net result of this approach, apart from the undue pessimism, is that it can very easily turn into an apology for the status quo. It is difficult from this perspective to see much that is positive and progressive. Garland does suggest that the current prison-building and crime prevention programmes may not continue to grow indefinitely because of the levelling out of crime and increasing economic costs. However, it would seem more likely that if the use of imprisonment is going to decline in the longer term it will be because of perceived inappropriateness of spatial segregation and the deployment of time-based punishments, rather than being a consequence of rising costs or decreasing crime rates (Matthews, 1999).

The lack of critical engagement with the major debates associated with the transition to late modernity tends to reinforce a sense of inevitability. There is also a lack of detailed analysis which is able to explore the contours and complexities of the various developments Garland identifies. Let us take two related examples: changes in public opinion and class interests. Arguably, it is one of the strengths of the book that it engages with public opinion and class interests, but in both cases the treatment of these issues is both limited and problematic.

Garland claims that one of the major developments which has taken place in late modernity is that public opinion has hardened, becoming less tolerant and more punitive. Apart from the fact that public opinion and

toleration are different order concepts, the evidence which Garland mobilizes to support his thesis is very shaky (Hancock and Matthews, 2001). In relation to the UK he relies mainly on the findings of the British Crime Survey and associated accounts (Hough and Roberts, 1998). In these accounts what is clear is that, although there are indications of increased punitiveness, they also report 'widespread public ignorance about crime and criminal justice and a crisis of confidence in sentencing and sentencers' (Mattinson and Mirrlees-Black, 2000: 1). We also know that public attitude surveys of this kind tend to inflate the level of punitiveness and that when respondents are given more details of cases and offenders their responses are more moderate and more in line with the sentences actually given. Public opinion research, however, is one of the most challenging and highly disputed fields of social scientific investigation. There is considerable controversy over the ways in which 'public opinion' should be conceived, examined and interpreted. Consequently, it is not enough to take research studies such as the British Crime Survey at face value and few would uncritically accept surveys of this kind as a reliable guide to 'public opinion' (Herbst, 1998).

Similar limitations arise in relation to Garland's treatment of social class. According to his account, the decline of welfare correctionalism was a function of the loss of faith which the middle classes expressed in relation to the benefits of the welfare state during the 1970s and 1980s, coupled with their growing concerns about crime and security in a context in which their own economic and social position was becoming more uncertain. Such an analysis presupposes that it is the middle class who are the prime movers in relation to policy development and this assumption is highly questionable. Although there can be little doubt that the middle classes have been 'squeezed' in the postwar period, any serious class analysis would need to examine class conflict and the changing nature of class alliances over this period. Moreover, previous research has indicated that there are considerable variations between the attitudes of different social classes and class fractions and have noted a tendency for the very rich and the very poor to be among the most punitive sections of society (Brillon, 1988). There is also a need to distinguish clearly those groups who have a heightened fear of crime but nevertheless remain less punitive.

Garland is also conspicuously silent on the impact of New Social Movements as well as the changing contribution of gender and race to recent developments in crime control. Arguably, the women's movement has had a profound impact, not only on the construction of 'crime', but also on increasing demands for protection from violence and the like and therefore for encouraging the development of more effective control mechanisms. Similarly, ethnic minority groups, who tend also to live in poor neighbourhoods and high crime areas, have increasingly called for interventions aimed at reducing different forms of victimization, particularly racial attacks. Thus both women and ethnic minority groups have been at

the vanguard of progressive struggles for protection against those forms of violence and intimidation that were largely ignored or accepted 20 or 30 years ago.

In many respects Garland operates within the familiar modernist distinction in which liberty and emancipation are conceived of as the 'other' of regulation (Santos, 1998). The exhaustion of the regulation/emancipation dichotomy is, however, one of the distinguishing features of late modernity such that emancipation collapses into regulation with the consequence that regulation is seen less as the opposite or negation of emancipation, but rather as one of the main routes through which emancipation might be achieved.

The politics of law and order is, at root, a trade-off between the provision of security and the loss of liberties. This is a muddy terrain, which many criminologists, including Garland, studiously avoid, but which remains at the centre of any serious debate about crime and social control. The lack of opposition to many of the recent 'intrusive' developments in crime control, such as CCTV, may be a consequence of the fact that a large number of people are willing to pay the price of reduced individual liberty if they believe that they are going to receive greater levels of security in a world which is widely perceived as increasingly precarious and uncertain.

Other examples could be cited, but the point is that the book displays a conspicuous lack of critical engagement with these important policy issues and tends to see them as top-down 'responsibilizing' strategies rather than as progressive 'bottom-up' responses to a growing sense of insecurity. Consequently, Garland places little emphasis on the demand for the introduction of more effective methods of crime control and makes little reference to the ways in which some recent interventions have improved the quality of some people's lives, albeit at a price. Consequently the empowering and emancipatory elements of certain crime control policies remain unexamined and the picture which emerges is a growing network of controls which appear unnecessarily constraining and restrictive. At the same time too much emphasis is placed on the role of the New Right politics in this process and particularly the contribution of Reagan and Thatcher. Many of the developments which Garland outlines were in place in the USA before the Reagan era, while it was not until the appearance of Michael Howard as Home Secretary in the UK that the prison population started to really climb. During the Thatcher years the number of people sent to prison in the UK actually fell. It is also the case that the prison population has gone up at a faster rate under New Labour than it did during the previous 18 years of Conservative government.

As a way of elaborating the range of developments in crime control which have occurred in late modernity, I would like to outline briefly two related developments which present a slightly different trajectory of change than that presented by Garland. These two developments can be characterized as diversity and de-centralization.

Diversity

Much has been made in the recent literature about the growing punitiveness or the increase in vindictiveness, although punitiveness and vindictiveness are not necessarily the same thing. Reference has been made to the reintroduction of boot camps, mass incarceration, chain gangs, 'three strikes and you're out' policies and the growth of capital punishment in some American states. But these developments only tell part of the story. Alongside these changes are a range of much more low profile, but nevertheless widely used interventions which are gaining ground on both sides of the Atlantic. Most notable among these are the growth of probation and intensive probation which includes a range of monitoring and surveillance techniques. The debate in the USA has largely focused on the massive growth of the prison population which now stands in excess of 2 million, but much less attention is paid to the 4.5 million adult men and women who were on probation or parole in the USA at the end of 1999. A considerable percentage of these people will have been in prison and will return to prison in the future. Consequently, there is increasingly a need to conceptualize the situation in terms of the development of a 'correctional complex' involving a mix of custodial, semi-custodial and community-based forms of regulation which people move through at different times and to see the issue as a process rather than as a snapshot. Similarly in the UK the numbers of people on probation has increased by 50 percent over the last decade and forms of intensive probation are rapidly being developed and introduced.

This monitoring and surveillance strategy is not driven by punitiveness or vindictiveness but a desire to regulate 'problem populations' in cost-effective ways. It is not about exclusion, containment, individual reform or rehabilitation. Similarly, the enormous growth of the restorative justice movement signals widespread support for the deployment of less punitive responses and this development suggests that political and public opinion is driven not by an overriding desire for vengeance and retribution but involves a more complex and differentiated set of attitudes and responses (O'Malley, 1999). The introduction of mentoring, the continuing widespread use of fines, as well as the deployment of curfews, compensation orders, removing the assets of those convicted of certain forms of crime are only some of the growing array of disposals which are currently available to sentencers. The aim, it would seem, is not only to punish but to educate, deter, support and 'civilize' citizens. Realizing these objectives involves the development of new forms of governance and a growing diversity of regulatory strategies. Within the language of 'social control' we appear to be moving both 'beyond bifurcation' and 'beyond the panopticon'. The development of a wider and more diverse range of interventions means that the old divisions between the salvageable and the non-salvageable have been eroded, with offenders and those 'at risk' moving through a range of sanctions and supports and becoming the focus of a number of different

agencies. The aim is no longer to place the individual under the 'eye of power' in order to exercise individualizing forms of surveillance; rather surveillance is 'designed in' to the flows of everyday existence (Rose, 1999). It is this diversity of responses which better characterizes the modalities of regulation in late modernity, not just displays of punitiveness. The growing diversity of responses to crime and indeed the changing conceptions of 'crime' itself suggest a greater level of social conflict and ambiguity than is presented by Garland.

De-centring crime and crime control

The de-centring of crime and crime control has taken a number of forms. Principally it involves a shift in state functions from 'rowing' to 'steering'. Responsibility for crime control has moved from the centre and is increasingly exercised 'at a distance' by a combination of statutory, private and voluntary agencies. This change in formal responsibilities has been accompanied by a blurring of crime and disorder and the collapsing of both into what is now called 'community safety' (Crawford, 1998). Probably the reason that this development has received less attention in the social control literature is that these developments are proceeding with greater pace in the UK than they are in the USA. To his credit, Garland does provide some useful commentary on these developments but ultimately fails to follow through their implications or identify their significance. Despite the fact that crime, disorder and community safety are three different kinds of processes with different sets of victims and types of offenders, there are signs that crime and disorder are being seen as two aspects of the same problem and both have become enmeshed within a wider framework of community safety which incorporates issues of health, transport, the environment and housing. In this process crime is in danger of losing its prominence and becomes one of a number of 'hazards' which have to be dealt with (Matthews and Pitts, 2001). We have seen in the drugs debate in the UK, as well as in the gun control debate in the USA, how these problems have become seen as both criminal justice and health issues (Zimring and Hawkins, 1997), while others have explored the overlap between criminology and environmentalism (South, 1998).

The changing relation between crime and other 'hazards' has been influential in dramatically altering the roles of the criminal justice agencies, particularly the police. It has also produced a new discourse, new styles of management and, importantly, has shifted concerns from criminal justice to wider issues about distributive justice and the 'quality of life'. It has influenced the discourse on crime control and it questioned the status of criminology as a discipline or a sub-discipline. In short, we appear to be witnessing a de-centring of crime control and moving towards the development of mechanisms for the management of the socially excluded and the 'underclass' and other problem groups often with reference to notions of

'risk' and 'dangerousness' (Brown and Pratt, 2000). In turn, this decentralization process has created enormous problems of co-ordination, communication, organization, accountability and effectiveness.

These two examples of recent developments paint a slightly different picture of crime control practices and policies in late modernity than that presented by Garland. They suggest that the current situation may be more conflict ridden, dynamic and open-ended than may at first appear. Focusing on these developments also encourages us to question the apparent unity of contemporary attitudes and developments in crime control.

Despite the various strands of evidence which Garland presents, he offers neither a structural account nor what most Foucauldians would recognize as a genealogy and his social and historical analysis, as we have seen, is limited. The book is light on theory and short on concepts. There is a mismatch in places between the object of analysis and the level of abstraction. The level of abstraction adopted and the depth of analysis provided is unable to grapple either with the larger global issues or engage critically with the more immediate and visible processes. There is no clear-cut line of argument and consequently the book lacks a definite conclusion. The connections between the various economic, social, political and cultural determinants remain unclear as does the relation between generative and proximate causes. It is ultimately a pessimistic and quasi-teleological account which replicates, rather than overcomes, the limitations which have been evident for some time in the social control literature (Matthews, 1987).

Thus the book is generally disappointing. However, it must be acknowledged that attempting a project of this scope is a high-wire act. There are not many who have the confidence and experience to take on a project of this magnitude. There is also little doubt that the task is executed with considerable style and dexterity. The quality of the writing and the subject matter of the book will ensure that it will be widely read and referenced by all those who are interested in understanding the changing nature of crime and control in late modernity, whether they agree with the analysis or not.

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