

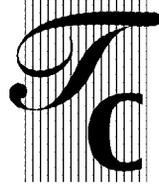
Theoretical Criminology

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London, Thousand Oaks
and New Delhi.

1362-4806(200302)7:1

Vol. 7(1): 111-130; 030202



Crime, social order and the rise of neo-Conservative politics

David Garland

The Culture of Control: Crime and Social Order in Contemporary Society
Oxford: Oxford University Press, 2001

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With the publication of *The Culture of Control: Crime and Social Order in Contemporary Society* David Garland has completed an important trilogy that was begun with *Punishment and Welfare* in 1985 and followed by *Punishment and Modern Society* in 1990. The first study is an account of the transformation of penal strategies from the late Victorian era to the Edwardian embrace of the modern welfare state and the rise of what he terms 'penal welfarism'. The latest book is also a study of transformation; it charts the decline if not demise of 'penal welfarism' and the rise of the 'new culture of control'; like the earlier transformation, this change was both abrupt and dramatic. Sandwiched between these two historical studies, *Punishment and Modern Society* is a study in social theory that examines the functioning of punishment through the lenses of leading theorists of modernity. Taken as a whole this trilogy represents a stunning achievement. Although anchored in the author's Anglo-American experiences, these books offer a generalized account of the development of modern punishment and penal strategies as a component of the modern and late modern state.

Of the three, *The Culture of Control* is the most ambitious. In his previous two books Garland staked out clearer territory. In *Punishment and Welfare*, he had the benefit of nearly a century's perspective and a scholarly consensus about the rise of the welfare state; he then traced the

implications of these changes for penal policy, situating the particular concern with this topic in the more-or-less well-understood general political vision. In *Punishment and Modern Society*, he embraced a set of ready-made references (frameworks established by Durkheim, Marx, Weber and Foucault), and teased out their implications for penality. In both cases, the results were masterful. In this most recent book, Garland sets out to write the 'history of the present'. Lacking a perspective of distance provided by the passage of time, or the ready-made frameworks supplied by well-developed social theories, his challenge is not only to situate the new penality in 'late modernity' but also to identify the salient features of late modernity itself.

Garland's central problematic is to account for the rapid rise of what he calls the 'culture of control'. This is a daunting task, for as Garland observes, 'The historical trajectory of British and American crime control over the last three decades has been almost exactly the contrary of that which was anticipated as recently as 1970' (p. 1). Up through the published reports of the President's Crime Commission in the late 1960s, rehabilitation remained gospel, labeling theory was embraced, decarceration was taken for granted and imprisonment was widely understood as a choice of last resort. Suddenly—quite suddenly, Garland informs us—all this changed. The change was, Garland maintains, a consequence of both a shift in dominant ideas about crime and a shift in social reality. Old ideas about how to cope with crime lost favor just as crime rates were about ready to explode.

Twenty years ago Stuart Scheingold began a project (1984: 1991) to show how discourse about American crime policy has oscillated between 'volitional' theories of crime and 'structural' theories of crime. Volitional theories located the proximate causes of crime in the choices of individuals; the policy implications are to increase costs of crime for purposes of general and specific deterrence. In contrast 'structural' theories associate crime with social factors, and settings that foster alienation, in ways that isolate and marginalize people from the mainstream of society. The policy implication is to alter structures—employment opportunities, education and the like—to integrate marginal people more fully into the mainstream. Scheingold then went on to note that academic criminologists tend to embrace structural theories of crime, while popular, practitioner and political discourse tends to emphasize volitional theories.¹

In *The Culture of Control*, David Garland develops this insight and reveals how thoroughly volitional theories came to dominate policy discourse, not only in the moralistic views of the mass public and among criminal justice professionals (including newly organized interest groups such as victims' rights groups), but among a new generation of crime policy analysts. The new culture of control that has consolidated in the last decade or so has come to embrace volitional theories and a hyper-moralistic response with a vengeance. Garland's book shows what this has wrought: the high security state. The consequences have been dramatic, leading to

more and better enforcement and to more and longer prison terms. Between 1970 and 1980 in the United States the crime rate tripled and between 1970 and 1995 the imprisonment rate quadrupled. Similar though not quite so dramatic changes occurred in England and Wales as well.² Such figures constitute the central features of the new 'culture of control' but by no means exhaust the list. The expansion of private police (and prisons), the transformation of parole from social work into law enforcement, the embrace of massive drug testing, the rediscovery of 'situational crime prevention', the ubiquitous presence of CCTV monitors, the resurgence of support for capital punishment, the growth of a strident victims' rights movement, harshly moralistic sentencing laws and dozens of other developments are all part of the new 'culture of control'. Indeed, Garland treats the increase in the crime rate itself as a feature of the new culture of control rather than an independent causal factor. His concern is with the rupture of convention and the rapid rise of violence, both in the form of crime but especially as an institutionalized response by the state.

Garland does a superb job describing the rapid rise and institutionalization of these and other features of the new culture of control, but his bigger challenge is to identify the salient features of 'late modernity' and to link them to these changes. At the outset, he asks, 'What are the social and historical processes that gave rise to our present ways of controlling crime and doing justice?' and 'Upon what historical conditions do these institutions depend?' (p. 2). In answering these questions, Garland sets out to examine 'social change and social order in late modernity', its 'policy predicament' and more generally to account for the 'culture of high crime societies'.

Here too he gives concise descriptions of a host of developments—changes in intellectual currents, structural social factors, economic shifts and changes in political climates. Indeed just about all the features of late 20th-century Anglo-American culture one might think of are touched upon: the ethos of consumption and consumerism, growing inequality, the embourgeoisment of the skilled working class, the increase of women in the workforce, the transformation of the family, expanded automobile ownership, increased mobility, the importance of the electronic mass media, advertising, the post-war baby boom, the demands of a more democratized political order. These and many other factors, he writes, 'all left their mark across the whole terrain of late modern social organization' (p. 89). Among other things, he continues, these new features of mass society undermined the social deference and taken-for-granted moral authority of traditional agents of criminal justice, a problem that was exacerbated with the decline of employment opportunities for the least skilled beginning in the 1970s. Garland also examines the rising Conservative movement that culminated in the elections of Margaret Thatcher and Ronald Reagan, and the array of neo-Conservative policies they were able to effect: deregulation, tax reductions, shrinkage in social welfare expenditures and the like. In addition criminologists, he notes, were willing participants, as they shifted interests

and grounds to accommodate to and thus help institutionalize the new culture of control.

Garland's comprehensive—indeed exhaustive—synthesis and analysis cannot be faulted for ignoring any important factor. However, the challenge is to see how tightly he is able to link the long list of factors associated with the new culture of control and the long list of factors associated with late modernity. A reasonable place to begin this project would be to build on his earlier important works. In *Punishment and Welfare*, he describes the emergence of a 'penal welfarism', and reveals it to be a successful policy because it nested neatly into a successful political project more generally. It reflected the broader political climate. Penal welfarism was a part of the new welfare state, an extension of a way of thinking and a set of programs devised by the state to deal with the poor and the unfortunate. One might then ask if the more recent turn of events—the dismantling of penal welfarism, or perhaps more accurately overlaying a culture of control on top of it—can be nested in a broad political movement to dismantle or make deep cuts in the welfare state that has its roots away from any specific concern with crime. Alternatively, one might ask if the various theoretical frameworks, or his own synthesis of them, which he so ably explicates in *Punishment and Modern Society* can be drawn on to account for the rise of the culture of control. However, he eschews both of these strategies.

Instead, Garland strikes out in a new direction in a study that is neither conventionally historical nor broadly theoretical. Although he writes with a magisterial style and identifies broad contours, the level of generality is at times frustrating. While too general to be a description of developments in the USA or the United Kingdom, it is at the same time too specific and too 'contingent' to be a theory. This is of course the challenge of trying to write any history of the present, especially one that embraces the cultural turn. However, it does set out to account for important and rapid changes of great consequence.

In the discussion that follows, I explore some features of the book, and push them a bit to see if they might not gain greater specificity and clarity. I will proceed by examining four issues: problems of method, social control, criminology and politics. In each case, Garland offers a 'take' on the issues, and I will elaborate and extend them.³

The problem of method

In *The Culture of Control*, Garland does not build on either of his two previous major works. Instead he launches out in a new direction. *The Culture of Control* is not a narrative history, he says, because he is interested in surveying features common to both England and the United States. Yet, it is not quite theoretical. To the extent that it is informed by theory, it is a muted indebtedness to Pierre Bourdieu's ideas about 'habitus' and 'field'. Still, it is far from substance without form. He wants to present

a general account of the changes in terms of ‘structural’ factors, although he also acknowledges the need for ‘conjectural’ factors as well, as he emphasizes how choice and contingency shape how particular social groups adapt to these structures. He writes:

The general explanation that I have set out here necessarily involves two kinds of accounts: a *structural* account that points to the general characteristics of a certain kind of social organization, and a *conjectural* account that identifies the choices and contingencies that shaped how particular social groups adapted to these structures and mediated their social consequences. In narrating these historical developments I have tried to distinguish these different levels of analysis, and to differentiate structural characteristics from political or cultural adaptations.

(p. 201, emphases in original)

Stated thus the framework lacks bite; structural factors are important except when they aren’t. Garland himself recognizes this problem, and proposes a solution. Immediately following the passage just quoted, he observes that ‘Only comparative analyses allow us to show how the same structural co-ordinates can support quite different political and cultural arrangements’, and that ‘A more extensive work of international comparison could have shown how other societies . . . have experienced the social and economic disruptions of late modernity without resorting to these same strategies and levels of control’ (p. 202).

Because it is beyond the scope of his project, this is not the place to take up Garland’s suggestion for comparative analysis at length. But it is fruitful briefly to explore the methodological implications of his suggestions for comparative analysis. First, to restate his project: to explore the culture of control in ‘contemporary or late modern society’, an idea that is reinforced by the book’s subtitle as well. He proposes to cast his net broadly and identify general and generic factors in modern society that give rise to a harsh culture of control, but as he emphasizes one that also takes into consideration some contingencies and choices. Given this, how might a comparative analysis proceed? One might try to select a ‘representative’ case and then generalize from it. What characterizes a ‘typical’ late modern society, and how does it manage crime control? One might select contrasting cases, and explore ideal types or polar opposites along some continuum of traditional to modern or high to low crime (e.g. England and the Netherlands) (see, for example, Downes, 1988). Or one might select a variety of cases that range along a continuum of, say, traditional to modern or low crime or high crime control societies. There are still other ways to structure a comparative analysis.

I appreciate that Garland did not propose to undertake a comparative analysis and that his study is theoretically rich as it is and ambitious enough on its own terms. Still, as he himself suggests it is not unreasonable to *imagine* a comparative analysis so that conceptually his particular focus can be located in the larger context of ‘late modernity’ or ‘contemporary

society'. However, this thought experiment generates methodological problems. The two cases (England and the United States) explored in this book, which Garland believes to be similar enough to treat as a unit, are, I think, distinct and extreme examples of high crime and harsh crime control societies.⁴ Certainly they are not 'typical', unless perhaps he wants to imply that 'as goes California, so goes the Western World', something I believe he emphatically does not want to do. Nor, it is clear, does he want to present them as contrasting cases; he regards them as basically similar (p. viii).

How then might a more expansive analysis consider his two cases in a study of late modernity? I think they (and especially the United States) are best regarded as 'outliers', and thus methodologically useful as 'deviant cases'. Deviant case analysis has long been used with great success by social scientists seeking to identify and account for general patterns (see, for example, Lipset et al., 1956). By exploring the exception and providing an explanation for it, factors accounting for the norm elsewhere become clearer. This may be what unwittingly Garland has done. By focusing on the United States (which is off the charts on many indicators of both serious crime, imprisonment and many crime control practices), he may in fact be underscoring the norm: most—all? Almost all other?—late modern or contemporary, industrialized societies manage with less crime, less serious crime, much less severe formal sanctioning and a much less strident culture of control. If I am correct, the somewhat unanticipated power of Garland's book is that it has focused on the atypical, the exceptional case. If so, it should then be necessary to account for the general pattern (no or far less of a culture of control). Framing it this way would allow us to see more clearly why the United States (and perhaps England to a much lesser extent) is the exception. Garland might think this observation is a bit unfair to Garland since his book claims only to focus on the United States and England. My response: 'Yes, possibly.' But throughout the book, beginning with its title and subtitle, he seems to address the dilemma of late modern societies generally. In an observation from the book quoted earlier in this essay, Garland suggests that he has identified the factors that launch societies into the culture of control, though through contingency and choice some of these factors may ameliorate and others exacerbate this culture's worst features.

This is not the place to develop fully Garland's study into a deviant case analysis, but it is useful to suggest the direction such an enterprise might take. Elliott Currie's recent research (1997) appears to support this deviant case analysis and interpretation. Currie examined crime rates for a number of different industrialized countries, and asked one simple question: what accounts for high rates of serious crimes (and one might add, a harsh culture of crime control)? Many countries, Currie reports, share a great many features of 'modernity' in common—increased mobility, single parent families, unwed motherhood, structural unemployment, immigration and the like. However they tend to differ from the United States (and to a lesser extent, England) in one respect that Currie thinks is important. The greater

the gaps in income between the least and the most well off and the more unfettered the market is, the greater the incidence of serious crime and the harshness of response to it. Conversely, the more structured the economy and the less disparity in wealth, the less the rates of serious crime and the less harsh the punishments. Currie coins the term 'market society' and uses it in preference to the 'free market' as a way of emphasizing his concern with more than economic markets and government intervention in the economy. His 'market society' is a libertarian society, to be contrasted to communitarianism which fosters a culture of commitment and caring in both the civil and political realms. He finds that the greater a government's commitment to providing a safety net, the more assimilated its members are into the mainstream and the lower the rate of crime *and* the harshness of its penal institutions. Currie's analysis is far from the last word on this topic, but the approach has merit in trying to identify factors associated with high crime and high crime control societies among modern industrialized countries. The value of this approach is readily suggested by other comparative studies, such as John Sutton's study of imprisonment rates in five common law countries, which also reveals the United States, and to a much less extent England, to be deviant cases.

My own instincts are that Garland had it about right in *Punishment and Welfare*. There he anchors his analysis in politics. Once the will to embrace this political vision was realized, he shows us penal welfarism almost naturally fell into place. Conversely, here I hypothesize that once this vision of the welfare state was questioned and revised radically downward, political support for its penal policies also evaporated. What took place in the United States in the 1970s was the rejection of a soft welfare state; the perceived cumulative failings of the New Deal and the Great Society led to a wholesale reaction to 'government programs' of all sorts. Something of the same occurred in England, although the shrill rhetoric of Margaret Thatcher was more dramatic than the actions of her and subsequent governments. In contrast, the social contracts in other industrialized countries did not face such serious challenges. Despite turbulence, support for the welfare state held strong. Similarly, their crime control apparatuses were not called into such serious question.

The problem of social control

Garland organizes his study around the factors that contributed to the sudden rise of the 'culture of control'. He describes the old and the new regimes of crime control, the effects of each and especially the sudden institutionalization of a vast new regime of controls. And then he sets out to identify the factors leading to this transformation. But if one is intrigued by a proposition advanced by social theorists as diverse as Emile Durkheim, Richard Schwartz, Roberto Unger and Donald Black, who all argue that legal controls expand as (other) social controls weaken, one might

have expected a more systematic account of *both* the rise of crime control and the decline of other informal controls. Somewhat strangely, Garland does not tightly link rising crime rates and the harsher penalties that followed to other forms of controls that were in decline. It may be that CCTVs, surreptitious surveillance in stores and gated communities represent a dramatic increase in situational social control and crime prevention, but they may be functional equivalents of other forms of informal controls that operated when stores stocked goods behind counters, gossip networks were more powerful and the like. I do not think I am guilty of asking Garland to have written another book. There is much in this book to make this link and to support the just-offered proposition, and indeed I suspect that Garland would agree with it. Here a more sociological—as distinct from a criminological—analysis might have led him to frame his analysis a bit differently and then pursue it more systematically. By ignoring this strong tradition in the sociology of law, Garland may have missed a good opportunity.

In raising this issue, I feel that I am on dangerously thin ground in criticizing Garland for not writing a different book. However, my purpose here is primarily to alert interested readers to the great value this book has for students of law and social control. Garland's book presents a sweeping panorama of crime control concerns that arose rather suddenly in the 1970s. Sociologists like Donald Black and others who work in the grand sociological tradition exploring the relation of law and other forms of social control will find this book stimulating and challenging. If I express some frustration with Garland in this regard it is only that he has not addressed some of these concerns more directly. But the connections are both obvious and important to this other tradition in sociology.

The problem of criminology

According to Garland, criminology played an important role in designing, instituting and legitimating the new culture of control, and in doing so abandoned its historical roots in penal welfarism. Perhaps this is true. Criminology is a new and insecure field, one that has always been highly dependent upon government largess (Consider: the Home Office and the National Institute of Justice), and above all it is intensely practical. Thus it is not surprising that criminologists would swim with the stream. But having said this, I think that Garland is largely wrong to implicate at least American criminologists (and by this both he and I mean both academic criminologists and applied, crime policy analysts) so heavily in the re-configuration of their *habitus* so that it responded to these developments.

Traditional criminologists did not change their stripes. As in revolutions generally, they were swept aside. Invaders from other disciplines entered the field and took responsibility for providing the intellectual framework for the new criminology that fostered the harsh new culture of control. The

nature and source of this invasion is easily traceable, though to my knowledge no one has yet written a sustained account of it. In the United States, its beachhead was the President's Commission on Law Enforcement and the Administration of Justice (The President's Crime Commission). The vast majority of members of the Commission and staff members who headed its various task forces were liberal lawyers aided by researchers schooled in penal welfarism. Indeed the Commission's reports represent the high-water mark of this tradition; they enthusiastically embraced labeling theory and its implications, the rehabilitative ideal and the move for community-based corrections. But this triumph was short-lived. It was as if the Louis XVI had organized a fete in June 1789 to celebrate the idea of the divine right of kings. Almost before the ink on the Commission's reports had dried, they were woefully out of date.

However, sprinkled among the Commission's staff (and particularly its Task Force on Science and Technology, and Task Force on Courts), were a handful of revolutionaries, whiz kids on loan from the Institute for Defense Analysis. They were protégés of Defense Secretary Robert McNamara, trained in operations research and systems analysis. To the extent they had any experience at all in thinking about social control on the ground, it was probably rooted in thinking about kill-ratios, body counts, pacification projects and other forms of situational violence prevention strategies that were later beginning to be deployed in the expanding conflict in Vietnam. Although the term 'war on crime' had emerged earlier, shortly after the 1964 election, it may have taken on special meaning for this group.

Indeed, this group coined the term, 'the criminal justice *system*', a term that suggests that each component part should serve the common objective of producing more efficient and effective controls. And it designed the 'funnel of justice' that came to replace a blindfolded Lady Justice as the icon for the modern system of justice.

This group succeeded even as their counterparts in the DOD failed in Vietnam. What was begun by this small band of whiz kids was later institutionalized at RAND in Santa Monica and elsewhere. A new systems-analysis of crime was created. Members of this new group landed positions in LEAA, which in its early years looked more like a procurement pipeline for the Department of Defense than a criminal justice agency. Others took positions at NIJ. Eventually, others assumed positions in rapidly expanding programs in criminal justice.

The sea change in ideas about fighting crime is symbolized in two enormously popular and influential pieces of writing published in the mid-1970s in the United States. In 1974, Robert Martinson published an important article in the *Public Interest*, a journal of enormous importance in consolidating the then-emerging neo-Conservative movement in the United States. After reviewing hundreds of evaluations of rehabilitation programs in prisons, he concluded that 'Nothing works' (in rehabilitation) (Martinson, 1974). After the shock wore off, others came forward to claim that 'prison works'. Although rehabilitation was never wholly extinguished

as an ideal in corrections in either England or the United States, and Martinson later greatly modified his position, this 1974 article symbolized the end of the enthusiastically embraced social-work vision in crime policy analysis.

A year later, Harvard political scientist James Q. Wilson assembled several articles he had published in the popular press over the previous few years as *Thinking about Crime* (1975). His thesis was that traditional American crime policy was misguided. Because they direct attention either to macrosocial conditions or subjective states of individuals, causal theories of crime seeking to affect the roots of crime place government in the position either of trying to change things that cannot readily be changed or of abandoning a search for effective policy. Wilson called for a reorientation in thinking about crime.⁵ Instead of causal explanation and policies designed to alter structural conditions or root causes, Wilson called for a realistic crime policy that should pursue attainable ends, one that should concentrate on the manipulation of objective goods or conditions that are squarely within the Government's ability to control. Rational policy does not ask, he asserted,

what is the 'cause' of a problem, but what is the condition one wants to bring into being, what measure do we have that will tell when that condition exists, and what policy tools does government . . . possess that might . . . produce at reasonable cost a desired alternation in the present conditions, and progress toward the desired condition?

(Wilson, 1975: 53–4)

In short, a rational crime policy should be crime-specific and oriented toward manipulation of the risks of criminal behavior, keeping in mind the limited capacity of government to act, and considerations of the ratio of benefits to costs.

Thinking about Crime was an instant best-seller, and became the bible of the new criminology. Wilson was its high priest. His ideas—or perhaps more accurately his popularization of the ideas of the rational-criminal, crime-specific planning, situational crime prevention and the use of cost-benefit analysis—shaped thinking about crime at every level, from the White House to local police chiefs. Perhaps most important it helped shape the agenda of the Law Enforcement Assistance Administration (LEAA), which since its founding in 1968 had been foundering in its efforts to identify its distinct mission. Now LEAA ear-marked its funds to be used only to support crime-specific programs. Eventually its research arm, the National Institute of Justice, followed suit, and came to emphasize evaluations of situational crime prevention and reduction programs.

Martinson's and Wilson's pieces had enormous influence in shaping subsequent crime policy. Martinson's article crystalized opposition not only to rehabilitation programs but to social programs designed to prevent crime more generally. Wilson's writings set forth an alternative set of concerns. Rather suddenly, social workers and traditional (i.e. structural)

criminologists were out of fashion and out of favor. Those who picked up Wilson's ideas and ran with them were the whiz kids from the Institute of Defense Analysis and RAND. They grafted crime-specific planning and such ideas as a defensible space, situational crime prevention and crime-specific planning onto systems analysis and cost-benefit analysis, and established the new criminology.

Historically in the United States the federal government has played virtually no role in formulating or funding crime policy. LEAA changed this slightly, but probably the single greatest influence at the national level was the promotion of this new way of thinking. These are the intellectual roots of the new criminology and the new culture of control. Stuart Scheingold has examined this development at some length and noted the irony. On the whole, he has noted, criminologists traditionally have emphasized 'structural' theories of crime (Scheingold, 1984), while criminal justice practitioners, politicians and the public emphasize 'volitional' theories of crime. The former explanation is anchored in classical concerns of sociology and social theory, while the latter lends itself more easily to moralizing and blame. What Wilson did was give an intellectual seal of approval to common-sense thinking about crime—that those who commit crime are themselves responsible and thus should be held accountable for their actions, and that crime policy should emphasize increasing the costs of crime in order to persuade people that committing crime is too costly. His ideas also provided substance for the process-oriented systems analysts. Eventually this insurgent generation of systems analysts and volitional theorists made their mark in American criminology—although to this day many of the original insurgents and their protégés remain somewhat on the fringes of the field of criminology.

One reason for the success of this new criminology is that it was anchored in a larger political vision. It was much more than an intra-mural debate between criminologists and practitioners (though it was that). It did not simply argue that traditional thinking about intervening to affect the 'root causes' of crime was likely to be ineffectual. Rather, it was part of the new neo-Conservative movement that emerged to assess the project of the Great Society (and at times the Progressive and New Deal agenda more generally), and concluded that it had been a resounding failure.⁶ Their general policy prescription was that the government should concentrate on doing less better. The new criminology was simply a specific instance of this more general principle. This concern is explored in the following section below.

The problem of politics

Garland devotes considerable attention to politics in his analysis of the emergence of the culture of control. He examines the politics of race and crime that was initiated in the 1964 presidential campaign and has been

present intermittently in campaigns since, as well as the salience that the urban race riots of the late 1960s and early 1970s had in framing crime discourse and crime policy. And he examines the rise of race-connected crime policy in England. He also identifies the drug-connected youth culture, and in the United States the intense reactions to the Supreme Court's rulings expanding the rights of the criminally accused, as factors that fostered get-tough policies. Indeed, he cites favorably—and at times in passing sounds like—the cultural conservative Edward Shils when discussing the rise of these and other socially destabilizing developments. Still, in my view, he does not make the most of this political analysis. He would have been well advised to take a more expansive view of political change, the rise of the neo-Conservative political movement, and to treat political factors, rather than culture more generally, as a set of proximate causes for the changes he has identified.⁷ Indeed, this more focused political analysis is why his earlier book, *Punishment and Welfare*, is so successful.

In the following paragraphs, I outline what a more politically based analysis might look like. The task is something of the reverse of the analysis Garland offers in *Punishment and Welfare*. There he accounts for the rise of penal welfarism in terms of the emerging new political consensus about the welfare state. Here, I suggest the decline in penal welfarism and the embrace of a harsh culture of control can be accounted for in large part by the new political consensus that emerged in the 1970s and 1980s that rejects the welfare state and seeks to roll it back. This concern is not centrally about crime at all, but about social welfare programs more generally. The crisis, if that is what it is, is triggered by what some political economists have called the inevitable contradictions of the modern welfare state, where promises inevitably outpace performance (see O'Connor, 1973; see also Scull, 1977; Feeley and Sarat, 1980). In the wake of the New Deal in the United States, a small group of critics argued that Roosevelt's new alphabet agencies promised much more than they could deliver, or that they were counterproductive. But most of these critics could be dismissed as cranks or Republicans or both. However, in the wake of the Great Society, there was an even larger chorus of critics who argued that its programs were ineffective or counterproductive. And this time, people from across the political spectrum agreed that many of the new government programs were ill-conceived. Indeed, some of these critics coalesced around an even more general theme, that the modern welfare state, and especially its American form, created an inevitable crisis. Political economists, public administrators, political analysts of various stripes, Republicans, Socialists and eventually Democrats came to embrace these views about the limited capacity of government to effect significant social change. An increasing number of observers, who eventually helped form a new national neo-Conservative consensus, came to assert that a central weakness of modern government was that it makes more promises than it can keep.

Under the circumstances something had to give—pay more to improve government's effectiveness, or promise less and concentrate on doing fewer

things better. Against the backdrop of the Vietnam War, at least in the United States, this was no choice at all. The War burst the bubble and ended the politics of promise. Support for the great run-up of post-war and Great Society programs collapsed. Rightly or wrongly, welfare programs came to be seen as permanent crutches and not the temporary safety nets they had originally been conceived as; public housing came to be seen as a breeding ground for crime; public schools were judged to be over-extended and ineffectual. Even the civil rights acts, embraced so widely in the 1960s because they promised to remove barriers to discrimination came to be questioned. Their beneficiaries did not express gratitude, as their new-found equality of opportunity did not translate into substantial substantive gains, and the benefactors, the silent majority, felt unappreciated for their efforts. In so many realms of public life, the gap between promise and expectation on the one hand, and cost, performance and effectiveness on the other created a chasm that could not be breached.

The result was a genuine political revolt, a growing demand for fewer public programs and reductions in taxes. In 1978 in California, Proposition 13 froze property tax rates, and quickly came to symbolize the revolt of the taxpayers. Public support for conservative politicians in the United States and England reached heights it had not attained since the early part of the 20th century. Political conservatism gained broad intellectual respectability. Liberalism became a four-letter word. Calls for fiscal restraint grew. At its outset, this grass-roots revolt swept Ronald Reagan into the governor's office in California, and then into the White House. It put Margaret Thatcher in office in England. Although the late Herbert Kaufman once lamented that government agencies are 'immortal', many government aid programs were killed and many others were significantly reduced. As confidence in government continued to wane, deregulation gave way to privatization. Democratic and Labor party leaders came to look more and more like their Republican and Conservative counterparts. Almost immediately after the 1972 election, even die-hard Democrats looked back and asked how in the world George McGovern, someone so out of touch with the temper of the times, could have been their party's nominee for president. A new political consensus emerged in the 1970s and was consolidated in the 1980s and 1990s: pare government services back to the bare necessities.

American (and I think English) crime policy can be understood as a specific aspect of this political development (although as I suggested earlier, comparative analysis is necessary to develop this thesis). It is something of the reverse process that Garland described in *Punishment and Welfare*. Rather than developing new penal programs anchored in an optimistic and expansive view of government, actions in this recent era reflect a pessimistic view of government and a desire to do less not more. Since the 1970s, in social program after social program, politicians vie with each other to not only cut out the fat but to trim the flesh, to return to bare bones.

There are of course differences in 'returning to basics' in crime control and most other social services. In education, it means eliminating frills—music, art, drivers' education—and returning to the three R's. In welfare, it means trimming support to the bare bones and eliminating job-training programs and the like. In public libraries, it means cutting hours and acquisitions. In parks it means reducing maintenance. In other areas, it means adding user fees. And whenever possible it means deregulation, contracting out, privatization.

Crime policy followed suit. If I am correct, rehabilitation was cut back not so much because of Robert Martinson's claim that 1500 studies showed that it did not work,⁸ but because social do-good programs of all sorts—in schools, in parks, everywhere—were cut. Indeterminate sentencing came to an end not so much because it was revealed to be unfair and inequitable, but because so many people wanted harsher sentences. The community corrections programs of the 1950s and 1960s that were based upon social welfarist premises about the value of reintegrating offenders into the community were swept aside in the same way that Labor Department job training programs for school dropouts were. Regulation of all sorts fell into disfavor in the 1970s, including the Supreme Court's rulings that sought to regulate police conduct. Support for contracting out and privatization of public services took off in the 1970s and 1980s, and eventually found its way into the criminal justice system. Private security assumed a host of functions once performed by city police and continued to expand well beyond. The idea of private prisons took root.

No doubt some of these developments can be seen as part of the emergence of a 'culture of control' due to the cataclysmic cultural developments and increased salience of the crime problem in the 1960s and 1970s that Garland recounts, but the proximate cause of many of the changes can also be linked more directly to the increase in the disaffection with government generally. By the early 1970s, post-war expenditures for social welfare, and particularly the quantum jump in program costs in the 1960s had been judged—by the public and as well by many policy analysts—as too costly and too ineffectual to be justified. There was a general political movement to go back to basics, and criminal justice was caught up in, indeed was part of, this trend. One important piece of evidence supporting this interpretation is that crime emerged as a salient political problem some time before there was a marked increase in the crime rate, and indeed may have emerged as crime rates were actually declining.⁹

There is one twist in this tale of a return to basics. Growing distrust of government generally leads to the elimination or reduction of expenditures for social welfare programs of all sorts (at least for the least advantaged). But crime is different. Here a return to basics meant increased expenditures because it meant ratcheting up one of the undisputed core functions of government—the maintenance of order and security—creating more and more efficient police, and promoting more punishments. All this led to an

increase in arrests and sentences—more first offenders doing time and others doing more time.

This increase in crime expenditures is not an anomaly. The anti-tax crusade that began in the 1970s was not wholly anti-government. It was a call to return to basics. Government should restrict itself to those few things it must do and then do them well. National defense is unarguably a core function of government, and rarely since the Second World War in the United States has there been any widespread public sentiment to trim the defense budget. Similarly, the maintenance of law and order is a core function of government, and once the frills were eliminated from it, public support to allow it to do its job remained high, even in the face of economic downturns. At all levels of government, support for social programs was shrinking, but support for funding ‘basics’ was not. Although skeptical about expenditures for social welfare programs, taxpayers agreed to increases for police and prisons.

Furthermore, as Jonathan Simon (1997) has shown, as the salience of other social policies recedes, crime control takes not only a larger share of the public pie, it also takes on greater public salience. Simon argues that at least in the United States, it is no exaggeration to say that the state ‘governs through crime’ and that this has significant consequences for the nature of government. By this he means that concern with crime permeates all walks of public life, and therefore it resonates with the public. If crime control is a core function of government and if crime is a major social problem, it must be pursued everywhere: schools must be safe to the point that they are turned into custodial institutions; welfare must be so averse to fraud that recipients should be treated as potential criminal suspects; drugs are so ubiquitous and so closely connected with crime that mandatory drug tests should be expanded indefinitely; the public square must be so safe that it is relocated into the enclosed (and privately owned) shopping mall. All this is to be expected in an era of shrinking expectations about government. Crime policy is the one area government cannot completely cede. If there is one area where government must act, it is maintaining law and order. Politicians instinctively know this, and it is the one area where the politics of promise and the expenditures that go with it can be maintained. Thus it is not surprising to find other policies defining themselves and being redefined in terms of criminal justice goals.

Governing through crime is not unique. At different times other concerns have been elevated to ‘master themes’ in politics and come to play an enormous role in public discourse and shaping public policy. In another, and quite different era—in the United States during the 1950s and 1960s, at the height of the Cold War—much public policy was framed in terms of anti-Communist and national defense concerns. One might say that we were ‘governed through communism’. Consider the justification given for building the Interstate Highway system: national defense. Consider Mary Dudziak’s recent book on the Supreme Court’s *Brown v. Board of Education* decision handed down in 1954; behind the scenes there was pressure

on to overturn segregation in order to curb Communist influence in sub-Saharan Africa (Dudziak, 2000). Consider the reason for the spurt in federal aid for public education (traditionally a state and local function): Sputnik. Consider much of the FBI's law enforcement concerns in the 1950s: rooting out subversives. Consider how in the early 1960s this author got through a liberal arts college with virtually no funds of his own: forgivable NDEA (National Defense Education Act) loans. Consider how his former wife was able to study the English poets in graduate school in the late 1960s: an NDEA Fellowship. At the height of the Cold War in the United States, policies everywhere were defined in and defended in terms of national defense and fighting communism. Today, we see another set of policies defined in terms of another core government function. One cannot push the comparison too far; it will break down. Still, my point is that master themes have often emerged to define and shape politics and programs. Crime is, I think, another such theme, one that has emerged not only because of rising concerns about the weakness of traditional forms of authority, but also a reaction to the seemingly ever-expanding social welfare state.

Conclusion

Garland examines the political feature of crime control as well. In my comments above, I have elaborated on this issue and he would probably agree with most of what I've said. Although my comments on methodology suggest that Garland may have explicated the exception of an as-yet unexamined norm, my comments on social control and criminology basically do little more than highlight issues and slightly shift emphases on issues he identifies. But by bringing these factors—and particularly the political dimension—to the fore and relegating some other cultural themes to the background, I have suggested—though only in outline form—a more parsimonious and I think more powerful account of the transformation Garland has so ably recounted. No doubt this revision is also incomplete and distorts. But its value may be that it locates the distinctly political response to crime—the new policies, and programs and laws, and the increased expenditures—in a distinctly political analysis.

Perhaps this is the wrong tack to take and I have offered it largely as hypothesis rather than 'fact'. But if it is off-base I follow good precedent. The analysis I outlined above is inspired by Garland's own earlier interpretation of the rise of penal welfarism in *Punishment and Welfare*, in which he argued, persuasively in my view, that its growth was a consequence of optimistic and expansive politics of the time that embraced a vision of the welfare state. There he examined one country, rather than 'modern societies' more generally, and sought to situate developments in a changing political sphere. Here, I have adopted this more modest and manageable approach, and argued something of the reverse: that the

decline of penal welfarism and the rise of a stark culture of control in the United States (and more tentatively, England) may be a consequence of the pessimism about the welfare state and concern about personal insecurities, a return to the core functions of government.¹⁰ In *both* instances, crime and crime policy is, I think, a by-product or aspect of a more general political mood and agenda. In one case it led to a more benign penalty, in the other a harsher penalty.

Despite these reservations, there is no doubt that *The Culture of Control* is to date the best and boldest analysis of the dramatic developments in the criminal process in England and the United States during the past quarter-century. It is a significant expansion on themes developed by Stuart Scheingold (1984, 1991) and others in both the United States and in England. It is sure to set the standard for a body of work that is just developing. By casting his net so broadly and attempting to account for 'the culture of control' in 'contemporary society', Garland at times sounds like a modern-day Jeremiah, lamenting the excesses of individualistic culture, longing for a return to a more communitarian spirit and warning of the harsh consequences of continuing social disintegration. One wonders if—and hopes that—the United States remain the outlier, sharply distinguishable from England, Canada to its North and Western Europe. If Garland is correct in linking the culture of control with challenges of late modernity, one might reasonably expect these countries to follow the American lead, and indeed Garland believes that England has. Indeed, there is evidence of movement in this direction. However, as I have suggested, the phenomenon may be a consequence of the crisis brought about when a weak state confronts too many demands and returns to basics. If this is the case, then the United States may remain an instructive outlier.

Notes

1. Scheingold attributed the then new-found interest in 'volitional theories' of crime to James Q. Wilson and his enormously influential 1975 book, *Thinking about Crime*. In it, Wilson explicitly rejected the idea of formulating social policy on structural theories of the causes of crime (even if they are correct) and argued instead for policies that increased the costs of crime and thus increase deterrence.
2. For an overview of both crime rates and imprisonment rates in the United States and England and Wales, see Garland (2001: 208–9).
3. I should note, however, that I will refer primarily (though not exclusively) to developments in the United States. The discussion that follows will reflect this limitation, though I suspect that portions of it will resonate with readers elsewhere. I also want to emphasize that Garland's book is important. To my knowledge it is the first book to try to come to grips with the social foundations and consequences of this tremendous change that has occurred since 1975 or so. My comments are intended not only to

highlight important issues in Garland's book, but to suggest ways to shape further research that most surely will follow in its wake.

4. I am made uneasy by the ease with which Garland links these two societies. One problem is the multiplicity of indicators he intuitively uses to identify the 'culture of control'. Certainly, its rates of violent crime and imprisonment, not to mention its continued reliance on capital punishment, cause the United States to stand out from other industrialized democracies, although on other dimensions, e.g. use of privatized security, management of racism, the United States and England may not be so different. Still, on balance, I suspect that in any summary assessment of responses to crime, England and Wales are more appropriately associated with Western Europe than the United States.
5. Wilson was a protégé, colleague and collaborator of the late Edward S. Banfield, an urbanologist, who in the late 1960s wrote *The Unheavenly City*, a widely read book excoriating the Great Society's social policies, and who still earlier had written a book claiming to have located the moral basis of backward societies. Drawing on this work, Wilson argued that criminals were likely to be 'present-regarding' poor people who lacked the discipline to defer gratification. More generally Wilson and Banfield collaborated on a host of projects that led them generally to question the capacity of government—perhaps any government, but certainly the American government—to develop successful policies that ameliorated deep-seated social problems.
6. There are any number of accounts of the emergence of these views. See, for example, Murray (1984); Glazer (1988). For an examination of the rise and fall of LEAA, see Feeley and Sarat (1980).
7. Garland does discuss the importance of the neo-Conservative movement (pp. 98–100). He notes, '... the often contradictory combination of the commitment to "rolling back the state" while simultaneously building a state apparatus that is stronger and more authoritarian than before. . . .' My concern is one of emphasis and not absence, and that there is a consistency in the position just described.
8. In a later must less publicized article, he revised his negative assessment, claiming that many programs 'worked', at least a little. See Martinson (1979).
9. This point needs to be qualified. Garland points out that following the Second World War there was a jump in crime rates in England and the United States in comparison to pre-war figures, and that this increase appeared to be permanent. Thus crime rates and imprisonment rates throughout the 1960s and most of the 1970s did not differ appreciably from those of the 1950s, when penal welfarism, at least in the United States, came to be much more deeply entrenched than it was before the War.
10. See, for example, Stuart Scheingold (1984: note 6), (examining 'law and order' as condensation symbols); and Tyler and Boeckman (1997), (ar-

guing that support for three strikes was based more on personal insecurities than a belief that the criminal process was too lenient or capricious).

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