

Review Essay

Crime Control In Late Modernity – David Garland's The Culture Of Control: Crime And Social Order In Contemporary Society, 2001, Oxford University Press

David Garland's latest book is deserving of the same landmark status in criminology as his earlier works, *Punishment and Welfare* (1985) and *Punishment and Modern Society* (1990). It demonstrates yet again the power of the 'sociological imagination' he so skilfully deploys in the analysis of the contemporary landscape of crime control. Its success is likely to be measured in the numbers of those who take issue with all or some of his arguments, although my primary concern here is with sympathetic exposition.

The thematic and theoretical concerns of *The Culture of Control* are closely linked to those of his earlier works. *Punishment and Welfare* traced the emergence in the modern western state (specifically Britain but with parallels in all or most other western societies) of a new form of crime control — penal welfarism — combining elements of care and control, assistance and discipline, and in which the urge to punish (to allocate blame, condemn and exclude) was tempered by the requirement to 'diagnose' the underlying personal and social disorders that gave rise to crime and to rectify them. The legal monopoly on the power to punish, to give vent to communal moral outrage and 'hatred' of the criminal and to deter crime according to principles of proportionality, surrendered to a 'mixed economy' of penal power involving diverse new forms of technical expertise and a new array of professionally accredited social authorities in the fields of medicine, psychiatry, psychology, education, social work, child guidance and so on. This shift embodied the enlightenment faith in the power of science, the inevitability of progress and the capacity of the state to rectify social ills and produce social order. That is to say, this did not represent a narrow change in penal policy but was embedded within, resonated with and in part served to constitute a broader series of shifts in the social relations of industrial capitalist society, in its cultural sensibilities and in its characteristic political forms. Laissez faire liberalism gave way to a new social politics concerned to smooth out the disruptive effects of the trade cycle, to 'de-dramatise' social and industrial conflicts, and to mitigate against the harsh and unpredictable impacts of unregulated market forces through social insurance and pension schemes, workers compensation, public health measures, town planning programs, and a variety of other measures of state intervention into economic and social life.

Taken together these wide-ranging measures amounted to a social-political strategy for addressing the specific problems and experience of social order in a rapidly urbanising industrial society: of class and related conflicts, social dislocation, the erosion of traditional informal networks of support and control, national efficiency, and conditions of poverty and 'racial deterioration'. The new institutional arrangements were to afford the foundations for a pattern of social solidarity and integration that was consolidated throughout the first two thirds of the twentieth century. They centred on the development of the welfare state and Keynesian economic management and the growing role of professional expertise in social

government, and especially in over-sighting, tutoring and augmenting the family in socialising processes and in bringing private aspirations and conducts into alignment with public needs and objectives (Donzelot 1979; Rose 1989, 1996; Foucault 1991).

In the penal-welfare field this yielded a range of important shifts:

- the decentring of the prison and a dramatic decline in prison populations as ‘problematic’ populations were redistributed throughout the emerging network of new and/or reformed institutions such as psychiatric hospitals, juvenile reformatories, and inebriates’ institutions;
- the reconceptualisation of the role of the prison as a place not only of punishment and deterrence but of rehabilitation and ‘social defence’;
- a corresponding growth in the importance assigned to assessing the degree of danger presented by an offender, by reference not only to the gravity of his or her offence, but also of personal and family antecedents, character, underlying pathology and so on;
- greater diversification within the prison (as well as beyond it) to support effective classification and individualised treatment of offenders;
- the growing importance of varieties of indeterminate sentence, early release and supervision in the community at the expense of principles of proportionality in punishment;
- the introduction of new penalties, like probation, that combined assistance with supervision in the community; and
- the consequent intermingling of penal and welfare agencies, practices, discourses, goals and outlooks.

The resultant field did not conform to any theory of crime or penal reform agenda, but above all reflected the practical outcome of a complex array of social, economic, cultural and political, as well as penological, forces that underpinned the transformation of western societies at the time. This is why although there were unmistakable structural similarities in the penal field across different western societies there were also important local and national differences. These developments also underpinned the emergence of modern criminological thought, and in particular a dominant criminological current that might best be described as ‘welfare state criminology’, which whatever its internal differences, shared the basic assumptions of penal welfarism and served to reinforce them.

The simultaneous and interconnected restructuring of the social and penal fields from the late nineteenth century on had a (perhaps unplanned) complementary and mutually reinforcing effect. New penal measures, with their emphasis on reducing reliance upon imprisonment and enhancing the chances of reformation and reintegration into society, depended for their success upon the more stable fabric of familial, welfare and labour market institutions that the new social politics sought to produce. This institutional fabric afforded credible pathways and supports for many offenders to resume their status as citizens integrated into society, thus lessening the disjuncture between the effects of punishment and the goal of social integration and order maintenance. As Garland argues in *The Culture of Control* this afforded a foundation for positing a relationship between offender and society that saw their interests as ultimately reconcilable. Such an understanding and its institutional supports were radically undermined in conditions of late modernity and in the penal and social policies it has ushered in.

In *Punishment and Modern Society* Garland turned from the concrete historical sociology of a specific form of punishment to the exposition and critical assessment of sociological theories and analyses of modern (western) punishment in general, from Durkheim, through Weber, the Marxists, Foucault to the recent rediscovery of Norbert Elias’ sociology and its insights for an understanding of punishment. This was no narrow

gathering together of the penological insights of each of these thinkers but a careful, thorough and nuanced account of their general sociological schemes and an exploration in each case of its salience for an understanding of punishment *and* society. This produced a synthesis of perspectives in which modern punishment was analysed as a compromise formation combining rational, purposive, control-oriented elements with deep-seated cultural, symbolic, emotional and expressive elements. In rescuing Durkheim's powerful legacy and deploying Elias' analysis of the 'civilising process' in the sociological analysis of contemporary punishment he redressed the one-sided preoccupation with analysing punishment through the lens of power, a preoccupation that was fuelled (and in some ways understandably so) under the influence of Foucault. Penal practices and institutions had to be understood, not only by reference to forms of power and political rationalities, but also as powerful reflections and media of cultural, emotional and moral expression, not merely as instruments of control deployed by the powerful under the auspices of the state, but also as artifacts that touch and enliven the vital domains of popular feeling and thought, cultural sensibility and morality, the passions as well as the cognitive faculties.

In *The Culture of Control* Garland draws on themes from both these earlier books. The sociological framework for analysing punishment that he developed in *PMS* is deployed (albeit in a largely implicit, unobtrusive way) to produce an understanding of the fate of penal welfarism at the end of the twentieth century and the novel developments that appear to be signaling its demise. In the latest book he sets himself the somewhat trickier challenge of making sense of the close-up, complex, opaque, multi-faceted and highly dynamic field of contemporary penal and social change. As the title suggests the *cultural* dimensions and dynamics of the field are accorded an important place in the analysis. Indeed Garland points out that although change in the field of crime control has in some ways involved a dramatic departure from the assumptions of penal welfarism in the last quarter of the twentieth century, this has not entailed a radical transformation of the *institutional* machinery of criminal justice, with for example nary a distinctive new agency or measure in the field. Rather innovation has taken the form of a redirection of existing institutions (notably the prison), altered sentencing laws and regimes, a modification of established practices, a shifting of objectives and priorities and the introduction of new techniques, procedures and strategies. In particular, the figure of the victim and other actors within civil society have in recent times been thrown into relief. Expressive and punitive urges have been given a freer reign in public discourses on crime control and penal policy has been made more transparent to political calculation animated by popular feeling and demands. All of this leads Garland to argue that it is in some ways the new cultural inflection given to an existing field of practices that is the distinctive characteristic of the 'reconfiguring' of the crime control field in late modernity.

The analysis he develops justifies the faith he places in the value of sociological generalisation: the attempt to describe and understand complex and often seemingly unconnected shifts in the field of contemporary crime control by reference to the conditions of economic, social and cultural life in late modernity and the forms of political response, adaptation and realignment they have inspired. This is no return to a deterministic grand theory but a careful, nuanced account focused on structurally similar developments in two societies, the USA and Britain, but with implications for an understanding of developments across all or most western societies. Generalisation about complex, large-scale social change always presents major difficulties, the more so where it is the messy, uncertain, on-going and unfinished reality of the present that is under examination. This requires both an extensive grasp of the empirical detail of such change as it manifests itself in common trends across different societies and refined conceptual tools (rather than simply *a* theory) to order and make sense of what otherwise may appear to be disparate and unrelated developments.

The idea of a 'reconfiguring' of the field signals resistance to the one big idea or theory — the advent of a 'new penology' or a 'postmodern' penalty, etc. — which once adopted then serves to blinker the analysis and predetermine the manner in which the evidence is both uncovered and interpreted. Rather Garland's analysis is a model demonstration of how to couple generalisation about change with a strong sense of the contingent and the continuing play of the past on the present.

Central to his analysis of the emerging crime control field in late modernity, as of the advent of penal welfarism at the turn of the nineteenth century, is the recognition that change cannot be rendered intelligible simply by reference to internal developments in the field: a response to penal reform ideas, specific research findings, the advance of social science or theoretical and normative critiques of existing practice. Rather it is the manner in which criticisms (whether valid, over-stated or perhaps wholly ill-founded) resonate with or can be appropriated to broader shifts in cultural outlook and political strategy that condition their impact. Garland shows that some criticisms, like the 'nothing works' attitude that came to dominate research agendas in the 1970s, could be assimilated into a wider climate of scepticism and mistrust concerning government and liberal professional expertise and their capacity to deliver welfare and security, although the critiques themselves were not always that intellectually cogent or well-grounded in empirical evidence. Similarly, the liberal left attacks of the 1970s aimed at reducing discretion and enhancing justice and rights in the penal system were very successfully appropriated to the rather different populist political agendas of the right around 'truth in sentencing' and (in the US) mandatory minimum penalties. This should carry some salutary lessons for those who think that the popularity of 'evidence-based approaches' to crime policy since the 90s necessarily signals a rational turn in political responses to law and order.

The Conditions of Late Modernity

Garland traces major inter-connected transformations across a range of domains of life in late modernity (see ch4). Changes in the economy and productive forces in the capitalist world produced a relentless extension of market exchange and consumer capitalism into virtually all corners of life. In the 'golden years' between the end of World War Two and the early seventies consistently high levels of economic growth combined with 'full employment' ensured that affluence became generalised and touched most sectors of western society. This virtuous cycle of growth, employment and mass consumption was managed and sustained by an unprecedented level of state intervention into the economy and society. The combination of technological progress, Keynesian national economic management and the 'tax and spend' policies of the social democratic state appeared like a permanent guarantee of rising prosperity and a potential solvent for poverty, crime and other social ills. These policies both relied on rising affluence (for the tax revenues which financed them) and in turn supported it through expanded state social provision in education, health and other services.

Ordinary citizens — especially the expanding middle classes — accepted the need for an expanding tax base and rising tax rates, trusted the bureaucratic delivery of services, recognised themselves as in some sense beneficiaries and accepted the overall legitimacy of redistributivist outcomes produced by mechanisms based on impersonal, amoral, technical criteria. The state was administered by bureaucratic professionals in the public interest with little actual public involvement in the day-to-day affairs of government. Where such issues did arise — as for example with the old running sore of state aid to the Catholic school system in Australia — it was usually resolved by reference to the assumed universal,

neutral criteria of 'need'. The civic bond depended upon a high level of trust in, and deference to, the capacity of the bureaucratic state to deliver security, welfare and justice for and on behalf of its citizens. This trust might be expected to last as long as there was a widely shared experience and expectation of rising prosperity and social stability and this was the outlook until the 1970s and 1980s.

For a time the rising tide appeared to be lifting all boats. If not it was certainly lifting expectations. Ironically the very success of the Keynesian welfare state fuelled a growing sense of its limits and failings, of the extent of *unmet need* and blocked opportunity for example. The poverty inquiries and programs that were common throughout many western societies in the 60s and 70s reflected this paradox. They nevertheless remained part of the prevailing mood of optimism supporting the belief that gaps in social provision might be filled by increased social spending, new welfare programs and improved delivery.

The period of state supported economic expansion and affluence had a lasting effect on the structure of the family and household. The household became less centred on social production and reproduction and more on consumption. Women moved in increasing numbers into the paid workforce. Increased spending power, the proliferation of labour-saving consumer durables, changes in work, and new technologies and patterns of fertility control were both cause and effect of these changes. The material basis of family life and cultural attitudes to it were transformed. Marriage lost its core status as a religious sacrament and life long commitment and began to resemble other contractual relations in which formation and dissolution was a matter of voluntary choice. This was reflected and supported in the introduction of no fault divorce and the rise in incidence and rates of divorce. Whilst the expansion of education extended the period of dependency of young people, this was partly off-set by rising affluence, which increased their spending power, and supported new consumer markets targeting the newly invented 'teenager'. These, and other, changes together produced a growing diversification of household forms and an increasing dynamism within their interior life as they became more subject to outside market pressures and the shifting choices of their individual members. The life long cohabiting union centred on the procreation and raising of children and supported by a traditional sexual division of labour ceased to be the norm. Sole-parent households, single person households, blended families, dual income/no kids households (DINKS) and a variety of other household types became increasingly common.

Choices about residence and mobility, affected in particular by the expansion of car ownership, increasing suburbanisation and more recently counter-urbanisation, were absolutely central to the new patterns of consumption and household organisation in the post war world. Jane Jacobs lamented these changes in the early 60s in *The Death and Life of Great American Cities* (1962): the intensified segmentation of urban life and function (including the geographical separation of home, work, shopping, leisure, etc), the rise and spread of the commuter garden suburb and a privatised ideal of family and social life, the consequent rise both in daily transience and residential mobility and the decline in importance of neighbourhood, locality and civic life. Along with other changes, such as the mass movement of women into the paid workforce and the marketisation and de-localisation of routine social activities like shopping and leisure, these shifts in the social ecology of the city contributed significantly to new social divisions and new problems and perceptions of crime and security.

Changes in the mass media of communications, in particular the advent of television, both reflected and fuelled the new patterns of private consumption. It was also integral to the growth of a new sort of social transparency with respect to public and private worlds alike. The new medium fostered a 'democracy of aspiration' and 'penetrated previously closed and obscure worlds'. It encouraged what the extension of the market and economic prosperity permitted — a process of cultural levelling, of questioning of traditional hierarchies and patterns of deference, of growing assertiveness in relation to rights, identity and difference: in short a process of 'de-subordination' that affected all institutions and domains of social life from the 1960s on.

The effects of these changes in economic, social and cultural life endure but the economic forces upon which they rode did not. Boom turned rapidly to slump in the mid seventies. In high growth/high employment economies inflation was a constant problem to be managed but in the early seventies governments found themselves confronting the problems of both rising inflation and rising unemployment at the same time. In the remaining years of the century, and especially in the eighties, the world economy underwent a quite dramatic transformation. In the 'advanced' capitalist economies this affected every domain of life, but was particularly apparent in the structure and distribution of work. Under the influence of new technologies, the growing integration of national economies into an emerging global economy and the resultant increased international competitive pressures the old industrial and agricultural sectors of national economies were forced to rationalise, diversify and shrink their labour forces. Many operators fell by the wayside. Industrial belt turned to rustbelt in many places. The focal point of manufacturing operations shifted away from the old, high wage industrial capitalist economies of the west to the emerging industrial economies of the 'third world'. The adverse effects of these changes were immune to the old Keynesian strategies of macro-economic demand management — tax and spend policies, regulation and protection. The high inflation that accompanied rising unemployment was itself a direct source of economic and social insecurity and fomented industrial and social conflict.

The dominant economic and political response to 'crisis' involved a fundamental shift in the manner in which the economy and its regulation was conceived (cf Hindess 1998). In the past, economies were seen as essentially discrete national entities whose optimal functioning and integration with other national goals, like high employment and an enhanced level of social welfare for citizens, could be guaranteed through government intervention. This idea increasingly gave way to that of an international or global economy in which all economic activity and calculation — from the level of the individual and the small business up to the national economy itself — was to be governed by the need to compete efficiently in the new international environment. Macro-economic management of the national economy gave way to micro-economic (and social) reform directed at all those units, inputs, and processes whose optimal economic functioning would contribute to efficiency and hence competitiveness. The logic of this is not to spare, at least in principle, any activity or sector from the demands of market discipline and efficiency. This shift is an important ingredient in (if not the whole story behind) the relentless policies of 'free trade', economic deregulation, and privatisation of government services pursued throughout the western capitalist societies in the last quarter of the twentieth century.

Although it is not a dimension of recent change that Garland says much about, 'globalisation' (to use the favoured but overly simplistic term) has produced highly uneven effects, and discontents, *within* as well as across national economic boundaries. As economic and social entities (individuals, corporations, government agencies, states, localities, and so on) compete with others, and each other, on an international stage no one,

and no domain of life, is entirely free from the new and pervasive risks and influences that attend global competition and exchange. In the economic realm this may be seen by its champions as both a desirable and inexorable extension of the forces of 'creative destruction'. In other realms at least it appears to be a source of manifold new and growing anxieties (cf Dunant & Porter 1996). Work is no longer secure, even for the middle class white collar worker. Technology threatens to invade and corrupt previously protected domains (cf the concerns around children and the internet). The future is uncertain. Progress can no longer be assumed. No body and no institution (government, religion) seems able to exercise effective control over change. Societies, be they the established or emerging capitalist economies, come increasingly to look like mixes of elements from what we used to think of as discrete and separate worlds, the 'first' and the 'third' worlds. This is a further source of the economic, social and cultural insecurities of the contemporary world.

To add my own gloss to Garland's analysis, of the many social effects of the changes characteristic of late modernity three seem to me to be worthy of particular comment. First, in the period since the seventies there has been a dramatic redistribution of work and hence of income and its other related benefits between households. The enormous growth of the affluent, two-income household has been accompanied by an almost equally dramatic rise in the number of jobless households, whether sole or two parent. This has contributed significantly to a gradual widening of economic, social and cultural disparities and opportunities with far-reaching ramifications for social order and division in a globally competitive and technologically sophisticated world in which access is the key to success. Secondly, this has added to the demands on the welfare state and what its contemporary critics like to call 'welfare dependency'. The disappearance of both the 'full employment' society — that is, a society in which the vast majority of *male* breadwinners had a job and access to a 'family wage' — and the dependent family structure — which was the principal means of social distribution to the unwaged — has significantly shifted the burden of welfare away from families to the state and increased the overall cost of public welfare.

Arguably a third and consequential effect of these changes has been to create fissures in the passive political consensus that underwrote the welfare state. The welfare state addressed itself to a uniform family structure and lifecycle, its common social needs and aspirations (childhood education, healthcare, retirement income at the end of a clearly defined work life, etc.) and misfortunes (like sickness, widowhood, temporary unemployment) that might unfortunately befall any family. Most citizens probably had little difficulty identifying with or accepting a uniform structure of entitlements and its corresponding duties (principally to pay tax) that mirrored the pattern of their own lives. Such a structure (especially the taxing side of it) however came to have less claim to intelligibility or legitimacy in the face of growing social and economic disparities and diversified household forms, careers, life conditions and lifestyles that came to characterise late modernity. Perhaps more and more people ceased to appreciate the connection between the taxes they were called on to pay and the benefits these taxes supposedly produced. They may have ceased to experience these benefits as returning to themselves or people *like* themselves, people who faced adversities with which they could identify and sympathise, and instead perceived them as going to the 'undeserving' and 'special interests' — single mothers, 'welfare cheats', and minorities who benefited from policies on 'affirmative action' and 'multiculturalism'. If so, this may explain the unravelling of some of the foundations of practical social solidarity and citizenship in the late modern world.

In an age when the consumerist ethos of choice had more completely taken hold many who could afford it also did not particularly want the benefits the state had to offer anyway, typically in the form of uniform, bureaucratically administered, minimal quality and increasingly stretched services. They no longer carry the same appeal in an age of diverse needs, tastes, and aspirations. In domains like recreation, health care, education, transport, retirement income and even personal security privatisation and self-provision are increasingly common.

These developments create some of the conditions for the decline in 'social capital', mutuality and trust in public institutions in late modern societies (Putnam 2000; Fukuyama 1999). As Francis Fukuyama argues, this does not necessarily entail a reduction in participation, associational life or the vibrancy of civil society. Rather whilst cynicism, mistrust and withdrawal as regards traditional institutions (parliaments, the judiciary, political parties, trade unions, public schools, banks, etc.) increases, loyalty and participation is directed to narrower and more homogeneous groupings as part of a process that Fukuyama calls '*moral miniaturization*: while people continue to participate in group life, the groups themselves are less authoritative and produce a smaller radius of trust. As a whole, then, there are fewer common values shared by societies and more competition among groups' (Fukuyama 1999:49). In Putnam's terms this represents an increase in 'bonding' (or 'exclusive') social capital (i.e. cooperation *within* groups) and the waning of 'bridging' (or 'inclusive') social capital (i.e. cooperation amongst and across groups) (Putnam 2000:22). Fukuyama gives the example of neighbourhood watch groups. Whilst enhancing local trust and cooperation they may nevertheless increase distrust and insecurity in respect of the wider community of strangers. Civic life and activism may expand but become increasingly peopled by defensive and mutually indifferent if not hostile groups (1999:87–88). Passive acceptance of state provided social protection gives way to an active concern for private self-protection. The same logic of collective action applies equally to those on the downside of change. The shrinking of civic bonds and the forms of common citizenship and state provision they underwrote intensifies the processes of economic and social exclusion and may reinforce the tendency for the poor and marginalised to gravitate to their own defensive and perhaps predatory groupings (Jordan 1996). Under certain extreme conditions (say with the emergence of vigilantism) the boundaries between protective and predatory action may become blurred.

These are the conditions in which changed and interconnected patterns of both crime and control are becoming apparent in the late modern world.

Crime and Insecurity in Late Modernity

Garland sees the rise in crime rates — especially property crime — throughout the western world in the two decades after 1960 as structurally connected with the patterns of social developmental change in late modernity over the same period. His analysis here borrows from a range of sources, including Marcus Felson's 'routine activities' theory (1994) and its application to the changing social ecology of the city and Francis Fukuyama's analysis of the decline of the nuclear family and rising rates of crime and disorder under the impact of the fundamental technological and economic changes accompanying the advent of an 'information society'.

The expansion of market society, rising consumerism and other related changes noted above, such as growing suburbanisation, increased car ownership, and the movement of women into the paid labour force, have rapidly increased the opportunities for criminal appropriation along at least three major lines. First there has been a proliferation of portable consumer goods in circulation and available to be stolen, as situational crime theorists have

emphasised. Secondly, the rise of geographically dispersed and functionally segmented urban regions ('edge' or 'divergent' cities) have produced a reduction in informal 'guardianship' and social control as residential and daily transience increased, as neighbours became strangers, as property and public places were made more anonymous and the sheer spatial challenges of policing massively increased. Thirdly, the declining role of the family in the socialisation and supervision of children and young people, growing individualism, decreasing deference to authority and the democratisation of material aspiration all weaken self- (as well as social) controls among a growing number of the population, leading to a greater willingness to take advantage of criminal opportunities and engage in predatory behaviour.

For quite some time — much of the seventies in Britain and the US, and perhaps longer in Australia — the social and economic changes characterising the advent of late modernity were looked upon with a degree of optimism as signalling continued economic, social and political progress. Continued state-led expansion of opportunities through social provision in welfare, education, etc. as well as in newer areas like multiculturalism, anti-discrimination policy and affirmative action, was seen as the logical, progressive and desirable development of social democracy. The more troubling accompaniments of late modern change — such as rising crime rates and increasing family breakdown — were played down, regarded as the unavoidable cost of progress and/or seen as susceptible to rectification through improved social intervention. Garland notes the apparent paradox (p96) — what was depicted as an absurdity by later conservatives — of rising crime rates and a prevailing criminological orthodoxy (with a not insignificant influence on policy) that emphasised the need to *reduce* social control.

It was precisely such apparent contradictions — and the downside of social change in the late modern period — that the new populist conservative politics of the 70s and 80s seized upon to excoriate the excesses of the social democratic welfare state as both an encumbrance on economic freedom and initiative (through its tax and spend policies) and the chief incubus of crime, immorality and irresponsibility (because it promoted welfare dependency, family breakdown and permissiveness). The blend of neo-liberal and neo-conservative themes — the imperative of unleashing market freedoms and the urgency of imposing moral (and penal) disciplines — that was embodied in the populist politics of the new right was an uneasy one, especially as it became clear that de-regulating markets and re-regulating families and communities were not entirely compatible objectives and that the former was considerably easier to achieve than the latter. These tensions, and the corresponding policies of enhanced freedoms for some (the wealthy, middle classes and upwardly mobile) whilst imposing crackdowns and increased punitiveness on others (welfare dependents, homeless, single mothers, offenders), could only be politically and ideologically reconciled by effectively representing the unresolved (and growing) problems of late modern society as the preserve of a distinct, and largely undeserving, stratum of society — as problems of 'poor people's conduct' and personal morality (p99), properties of the 'underclass', the 'socially excluded' who were depicted as authors of their own fate as well as being a threat to the rest of 'us'. This way of politically and popularly representing the problem of course sits quite well with the fragmentation and reduced 'radius of trust' within civil society noted above.

These are groups and problems for which it is claimed the old social democratic (and penal welfare) sensibility — of faith in the potential of social intervention to rectify social ills — has limited relevance or application. Political adaptation to and exploitation of the 'defensive, ambivalent, and insecure' mood and posture of late modern times (p100) hardens attitudes and divisions and fosters a predisposition to embrace measures and

strategies for the segregation and containment of the ungovernable on the margins of society; hence the popularity of the rhetoric of 'zero tolerance', incapacitation, 'three strikes and your out!' and the like. There is widespread popular scepticism at efforts to rekindle the old passive consensus that the interests of society and offender are ultimately reconcilable.

In anxious times crime has also become a crucial 'lens through which to view the poor — as undeserving, deviant, dangerous, different — and as a barrier to lingering sentiments of fellow feeling and compassion' (p102). This may explain in part the rising importance of law and order in the electoral politics of the liberal democracies at the end of the twentieth century and the prevailing tendency for public policies to tilt away from support for the needy towards punishment of the 'undeserving'.

Crime Control in Late Modernity

In the second half of the book Garland carefully examines the complex apparatus and culture of crime control that has arisen under the conditions of late modern life. Key parts of this analysis have been rehearsed already in earlier published work (cf Garland 1996) and are repeated and developed here. The 'predicament of crime control in late modernity' — rising crime rates as a 'normal social fact' coupled with rising mistrust of the capacities of the criminal justice state to do anything about it — has produced contradictory political and policy responses. A range of related measures and shifts constitute what he refers to as *adaptive* responses to this predicament. On the one hand these involve a relaxation of a core component of penal modernism: the monopoly on crime control claimed by the state. These adaptive measures include the devolution of responsibility for managing crime and risk from state to community, the growing role of the private commercial sector in the delivery of security, and an increased emphasis on crime prevention. On the other hand, there are attempts to rationalise and redefine the core goals and criteria of effectiveness of state crime control policy in recognition of its limits: effective social intervention gives way to the efficient management of criminal justice caseloads; crime reduction gives way to fear reduction and the mitigation of victim impacts; and rehabilitation and deterrence in penal policy partially surrenders to effective punishment and security as ends in themselves. This amounts then to a quite fundamental abandonment of the promise of modernist crime policy — that state administered criminal justice and welfare guided by scientific expertise and knowledge would triumph over the social dysfunctions that underpinned crime. In its place there has emerged a much more modest agenda of containing and managing risk and mitigating the social consequences of crime where state agencies are to work in partnership with communities. In Australia this agenda was clearly laid out in the 1992 Federal Justice Office issues paper, *Creating a Safer Community — Crime Prevention and Community Safety into the 21st Century*, jointly authored by bureaucrats and administrators representing the Commonwealth, state and territory governments.

Authorship is an important issue here. Garland points out that the manner in which the changes, pressures and dilemmas of late modernity are playing themselves out politically varies across the different branches of government. The separation of powers has assumed a renewed importance. Criminal justice administrators and others who daily face the stresses of managing growing caseloads, new and complex public demands, and a growing practical sense of the limits of the criminal justice system to deal with multi-faceted social problems are more willing to entertain adaptive responses aimed at reducing expectations and shifting and sharing responsibility. More police chiefs than politicians in north America, Britain and Australia are willing to speak out on the limitations of law enforcement responses to drug problems and the need to pursue alternative 'harm minimisation' strategies for example. Of

equal importance have been the tensions between the political and judicial branches of government. A sharpening sense of the role of the courts as a safeguard of individual and minority rights at a time when populist government policies threaten them regularly earns the rebuke of politicians. Sentencing decisions are criticised and judges are accused of being 'out of touch with community feeling' on criminal justice (and other) issues.

The adaptive responses being elaborated and promoted by state administrators, research bureaux and some criminologists are however generally overshadowed in public debate by the rhetoric and measures adopted by the political branch of government. These are heavily focused on enhancing the surveillance, policing and punitive capacities of the state. As Garland points out, these populist punitive strategies essentially represent a 'denial' of the predicament and a reaffirmation of the 'sovereign' powers and capacities of the state in the control of crime — the promise that the state can and will take prompt, decisive and unyielding control of crime problems to protect victims and potential victims. Not surprisingly such measures have focused on the most symbolically potent areas of criminal justice decision-making, on sentencing, punishment and police powers, and on policies and slogans such as 'three strikes', 'prison works', 'zero tolerance' and the like. Garland refers to this as a strategy of 'punitive segregation'. Rising public insecurity, flagging popular confidence and growing public mistrust will be stemmed by a strong state response, the restoration of social discipline and the redrawing of sharp moral boundaries. Of course, law and order — and the targeting of an identifiable criminal stratum as the source of our social ills and fears — also provide a convenient idiom in which the inchoately experienced threats and uncertainties accompanying late modern change can be simply named, diagnosed and responded to with tough, no-nonsense measures to segregate and control those — the 'essentialised other' — who endanger us. Because the driving force behind these responses is largely symbolic and expressive, and they need not (and typically do not) yield significant reductions in crime rates, such tendentious populism can only shore up trust for the moment. Its long term effect is to set in train a spiral of costly, practically futile — though popularly uncontested — measures. Their chief purpose being demonstrative rather than substantive, manifest failure tends only to serve as a sign that the policies have not been pursued with sufficient vigour and that efforts in the same direction have to be redoubled.

These policies are like a latter day equivalent of eighteenth century public executions in which the ceremonial of exemplary punishment was a principal means of giving expression to the power and might of the sovereign. In the absence of a regularised and reliable governmental nexus between rulers and ruled the authority of the former had to be constantly re-staged. Authority that did not operate continuously and discreetly through the linkages afforded by effective bureaucratic and representative institutions had periodically to be made manifest through alternating displays of terror with ritualised expressions of the mercy and majesty of the sovereign. The contemporary discourses of law and order function in a similar way as a means for governments and their political opponents to parade and symbolically affirm their authority and seek the allegiance (however fleeting, unstable and emotionally driven) of electors who have otherwise become substantially alienated from the political process.

The Culture of High Crime Societies

According to Garland, these crime control strategies are not therefore to be understood as simply the top-downwards initiatives of political and social elites. Rather he suggests they 'have roots in a new collective experience of crime and insecurity' and a shift in 'cultural sensibilities' that are engendered by the changing character of economic, social and

political life in the period and which in turn condition, if they do not straightforwardly determine, the policy options and choices and political responses that have served to reconfigure the crime control field.

The strategy of 'punitive segregation' is of course very much a state or political strategy. However, its populist appeal stems in significant part from the manner in which it addresses people not so much as citizens of a unified civic collectivity as members of a community of victims (and potential victims) using an idiom which is personal, emotional and expressive. The dramatic recasting of the status of the victim and its powerful resonance in public discourse suggests the need to explore the 'new collective meaning of victimhood', not as the unleashing of a 'timeless punitive instinct' but as a development located specifically within the 'cultural dynamics of late modernity' (p144).

Throughout the era of penal welfarism public opinion about crime had little direct influence on policy-making and the administration of criminal justice. The relative insulation of middle class communities from crime and their faith in the capacity of technical expertise, rising prosperity and progress to remedy social ills like crime ensured that these tasks were left to the detached (also middle class) professionals who filled the growing ranks of state administrators, lawyers and other social pathologists. And far from being a 'representative' social figure, the crime victim was essentially invisible, her interests subsumed within the public interest.

The changed 'experience' of crime, its heightened salience 'as a social and cultural fact' (p148) and the emergence of the crime victim from the shadows, stem from more than just an increase in crime rates though. According to Garland this shift is influenced in particular by the changed experience and attitudes of middle class communities to crime. The rise of the consumer society and changed patterns of work, household life and daily routines all make middle class households more vulnerable and create the conditions in which many forms of economic crime escape their traditional lower class urban habitats. The rise and spread of property crimes like household burglary are indicative of this development. One might add other types of crime whose impact has reached into all sectors, notably the supply and use of illicit drugs. Also revelations in just about every western country concerning long-standing, though only recently uncovered, dangers, such as the incidence of child sexual abuse in church run institutions add another dimension to these anxieties. They may give rise to a widespread feeling that violence is pervasive, that no place is safe, that adults in positions of authority (teachers, priests, etc.) can no longer be automatically trusted. That these crimes were invariably covered up by high officials has no doubt also added to rising mistrust and cynicism in relation to traditional institutions that once served as a powerful source of moral authority in the lives of large sections of the population. The social and psychological damage goes well beyond that affecting the immediate victims. Many of these crimes — sexual abuse, drugs — share other commonalities. In particular they are widely seen as invading and threatening the protected sphere of childhood. The anxieties they elicit intersect with others concerning the corruption of childhood. The impact of new technologies and the freedom they afford the young to for example access violent videos or internet pornography also plays a part in the growing sense of dislocation of family and its traditional role in socialising and supervising the young — the bedrock of social order and conventional middle class morality. Crimes like the violent killing of young James Bulger or the spate of high school shootings in the US and elsewhere appear to many to prove the point.

According to Garland the middle class *sense* of vulnerability has been further exacerbated by the phenomenon of what Daniel Moynihan called 'defining deviance down' — the tendency from the 1960s to decriminalise many forms of visible street disorder such as drunkenness, vagrancy and so on, symbolising a decline in moral standards and common values and a rise in impunity (Moynihan 1996; cf also Fukuyama 1999:125). This is but one dimension of what has been the growing sense of the limitations of the official control institutions to cope with these new problems of crime and disorder.

The impact of these changes goes well beyond the harm caused to individual victims. For many they symbolise more fundamental changes and connect with insecurities engendered in many facets of daily life. There is, for example, the challenge of reconciling family responsibilities in the face of new childhood risks with increasing work demands in increasingly uncertain job markets. The insecurities of personal and family life — the sense of a loss of control — are compounded by evidence of an erosion of community and a crisis of authority, leaving few stable reference points intact. Garland argues that these late modern insecurities elicit different psychological reactions that are highly relevant to crime control and afford a basis for very different patterns of response.

One — of anxiety, anger, resentment, an inchoate sense of grievance — can feed into the cultural, psychological and emotional mood in which the expressive strategy of 'punitive segregation' seeks a popular political grounding. Some of this may stem from a sense of powerlessness in the face of change and thus is likely to be especially prevalent amongst those on the downside of that change and with the most cause to mistrust institutions — the most threatened, the most economically insecure and the least mobile. There is plenty of scope for politicians to exploit feelings of 'downwards envy' and a sense of grievance and 'relative deprivation' amongst these groups towards 'molly-coddled criminals', welfare mothers, asylum seekers and immigrants, and other 'special interests'. Here lie the roots of the emergence of far right political groupings like Pauline Hanson's 'One Nation' Party in Australia and the neo-fascist parties that have made electoral advances in many European countries. Of course these electors also formed the ranks of the 'Reagan Democrats' and 'Howard's battlers' in Australia.

These groups may be inclined to see themselves as victims in all sorts of ways and to blame the institutions they perceive have failed them and the elites who run them. Hence their growing alienation from mainstream politics, democratic institutions, civic values and the social democratic state and the appeal of a populist politics that claims to champion *their* cause against their victimisers, including governing institutions and elites and all the undeserving types and special interests who benefit from government largesse, the fruit of government 'tax and spend' policies.

Victim discourse is pervasive in the new forms of populism. This is a politics that claims to stand up for the real victims and come down hard on the undeserving, especially criminal offenders. The message is as apparent in the politics of welfare and immigration as it is in relation to law and order, the different issues being commonly fused in any case. The victim in such discourses is typically constructed as a representative figure who stands *against* ineffective or corrupted public authority, a symbol of all that is wrong with the manner in which the state fails ordinary citizens and protects the undeserving. In the case of the criminal justice state's handling of crime these failings include the inadequacy of its punishments, the insensitivity of its bureaucratic personnel and the misguided values and efforts of the experts who exercise undue influence over public policy and debate. The interpellation of citizen as victim in the political strategy of 'penal segregation' is one of the crucial supports for 'a shift in the balance between populism and professionalism in policy-

making' (p145). This represents a very real redistribution of power between the different branches of the state, largely in favour of the political class and at the expense of the judiciary and the traditional civil service.

This solicitude is not extended to all of course. To qualify victims must be people *like us*. For example, many asylum seekers recently arriving in Australia by boat from countries like Afghanistan and Iraq have suffered the most extreme forms of trauma — including torture, the loss of family in massacres and the like — but not, it seems, enough to attract widespread public and political sympathy as victims. On the contrary, they confront a pitiless popular mood and harsh government policies, their claim to be victims being totally effaced by their 'crimes', namely the violation of Australia's territorial integrity. Membership of the community of victims is not open to all who have suffered, only (as David Cannadine recently commented of the Blairite/'Third Way' notion of community) those belonging to 'inclusive congregations of the virtuous' (2000:183). Victim politics signifies, even as it contributes to, the erosion of the modernist model of citizenship and mutuality based on identification with an impersonal civic realm in favour of an appeal to, and retreat into, narrower, more homogeneous solidarities and forms of identification.

Anxiety, anger and vengefulness are not the only psychological responses elicited by the insecurities of late modernity. Stoic acceptance and reflexive adaptation to new risks and opportunities that are accepted as the inevitable accompaniments of change has also been common. Garland traces how these have evolved, not as some unified strategy formulated and executed by the state or its agencies, but as so many local and diverse responses to new and changing conditions on the part of corporations, households, and community organisations involving a growing resort to private security measures and the products and services of the burgeoning commercial security sector, a tendency for security to become built into the fabric of daily life and for new criminologies to develop around the management of opportunity and situational prevention and for these to feed back into the new security consciousness and practice.

In these responses citizens appear not solely as victims seeking retaliatory and protective action on the part of the state but as active consumers and entrepreneurs of their own security, aware of the limitations of state provision in meeting their security needs. The management of personal security, like so many other domains such as health, education, etc, becomes part of what Giddens referred to as the 'reflexive project of the self' (1991). Rather than relying on the state and the old civic guarantee of the equal protection of the laws, these citizens negotiate the risks of daily life by actively adopting avoidance behaviours, erecting defences against the threat of crime, moving from high crime areas to safer places of residence, etc. Rather than the authoritarian communitarianism that underpins the strategy of punitive segregation these tend to be the psychological and social options of the relatively affluent, mobile and economically secure who opt for privatised strategies of social avoidance. The most striking example is perhaps the walled housing estate.

The New Culture of Crime Control

For Garland the most significant shift in the crime control field in late modernity is at the level of culture; hence the title of the book and the manner in which the analysis resonates with themes developed conceptually in *Punishment and Modern Society*. This does not mean, as must already be clear, that there are not other significant changes occurring in the actual apparatus of crime control and security. But there has not been and does not look like being a radical transformation of the formal machinery of criminal justice akin to either the advent of the institutions of penal modernity — the penitentiary, modern bureaucratic

police forces and so on — or the institutional transformations introduced by penal welfarism (such as the establishment of the children's court, probation, etc). Rather the most important shifts are occurring *within* the existing machinery (or in some respects away from it). They are changes in scale, deployment, purpose, rationale, strategic focus and significance, most apparent in the expansion of the prison system and its reorientation, under the influence of sentencing law reforms, away from rehabilitation towards retribution and secure containment or incapacitation. Here the influence of new electronic surveillance technologies might also be noted, with the rise of new measures (like home detention) and the transformation of existing supervisory ones, such as parole and work release programs in ways that chime with the new emphasis on security and risk management.

Whether the impact of other more recent developments like drug courts and restorative justice measures such as family group conferencing proves to be a deep and lasting one or marginal remains to be seen. The interest in restorative justice however reflects what is perhaps one of the most important developments in the administration of criminal justice in late modernity: the shifting role and status of the victim. This is perfectly consistent with the more participatory and expressive style of the new culture of crime control except that proponents of restorative justice seek to channel personal and emotional reactions to crime in the direction of healing, forgiveness and reintegration. But if victim and public reactions are to be given a central role without simply being scripted by administrators then allowance must be made for the fact that this will yield the full range of such reactions and not simply the ones that the traditional liberal-minded professionals find palatable.

Of course some of the most important institutional developments have been occurring at some distance from the criminal justice system in the 'third sector' — the realm of crime prevention, community safety and private security. Partnerships, multi-agency arrangements, local crime prevention committees and the like now fulfill important roles mediating amongst government agencies and between the public, private and community sectors: what the Blair government talks about as 'joined up solutions to joined up problems' or what is more commonly referred to in Australia as 'whole of government' responses. This has influenced policing in particular towards the adoption of more proactive, 'problem-oriented' styles and modes of intervention.

The effect of this reconfiguring of the broad field of crime control, community safety and security is to reduce the autonomy of the criminal justice system, to render it more permeable to outside scrutiny, criticism and demands. Garland notes other forces tending in the same direction such as new market-oriented forms of public management involving bench-marking, monitoring, audit, performance indicators and market research in which the emphasis is upon service delivery, efficiency and responsiveness to the client or customer. Of equal importance, though originally stemming from rather different political agendas, I would suggest has been the proliferation of new mechanisms and agencies of public accountability that have grown up since the 60s, such as ombudsman systems, complaints procedures, inspectorates, corruption commissions and the like. There has been a growing machinery over-sighting the activities of government, but particularly of its criminal justice agencies, which has contributed to a steady flow of tales of misconduct and maladministration and a corresponding rise in public scepticism and mistrust. An intensification of media interest and scrutiny that feeds off and in turn feeds the new monitoring mechanisms might also be added to this list.

Although there has been no singular logic governing this multiplicity of developments they have probably all served in one way or another to also make it more immediately transparent to the political, often populist, calculation and direction that characterises the current cultural climate. Politicians more readily step in to openly denounce and question

the sentencing and other decisions of courts, to publicly direct or urge legal officers (like prosecutors) to appeal them and/or to instantly legislate to reverse their impact. They also seek to exercise more direct political control over the policies and priorities of law enforcement agencies usually claiming that they are merely reacting to public concerns.

This has gone hand in hand with the devaluation of the role of professional expertise and even the traditional role of the public service in the policy-making process, facilitating what Garland refers to as the advent of 'a kind of retaliatory law-making, acting out the punitive urges and controlling anxieties of expressive justice' (p173). There is a growing tendency to legislate or generate policy in spontaneous response to particular high profile cases or events. We have the emerging phenomenon of personalised legislation — such as 'Megan's Law' — that becomes popularly named after the victim who inspired it. The growing incidence of political broadsides directed at courts and judges have been mentioned above. Thus we are witnessing a more active political mobilisation, aided by developments in the media such as talkback radio, of the personal, emotional and expressive dimensions of criminal victimisation in which the 'real life' suffering and pressing moral claims of victims are pitted against the arcane knowledge of 'armchair critics' and 'ivory tower' experts.

This is the political and policy context in which most of the basic architecture of criminal justice, whilst remaining essentially unchanged, is inflected in new ways by the shifting culture of late modern societies. Garland traces its impact in three key areas. First, whilst the institutions of the penal welfare network remain largely intact, they have been increasingly programmed to operate in accord with penal rather than welfarist objectives. The imperatives of community protection, segregation, security, and risk management have taken over from rehabilitation in both the prison and community corrections, leading to a massive expansion and change in the role of the former to make it first and foremost a secure place of segregation and punishment and a renovation of the latter to emphasise control, monitoring and punishment in the community through such measures as tagging, tracking and drug testing. A whole battery of new measures support and supplement this conception of punishment such as mandatory sentencing regimes, pedophile registers, and policing strategies that target 'repeat offenders'. Offenders are increasingly treated as clusters and categories of risk to be continuously monitored, managed and controlled rather than human subjects to be rehabilitated and reintegrated into the community. The interests of society and the offender are no longer seen as ultimately reconcilable either in practice or in principle. Rather the criminalised offender is more likely to be represented as 'a breed apart', a member of a distinct stratum who lives on the other side of an 'ontological divide' from the general, law-abiding community and for whom even lip service to notions of civic recognition, sympathy and rehabilitation is inappropriate.

Secondly, the new culture of control has been productive of novel criminological endeavours that have challenged if not eclipsed older welfare state criminology. These range from the new 'criminologies of everyday life' concerned with situational crime prevention and the management of risk and opportunity through to what Garland refers to as a 'criminology of the other', coupling old testament ideas about good and evil with modern media constructions of criminality in the image of Hannibal Lector. The latter is overtly moralistic, punitive and non-instrumental in orientation. It is concerned with blame, condemnation and harsh punishment and promises a restoration of the crumbling moral order. The former is none of these things. It is pragmatic, instrumental and solely concerned with what in a technical sense works to reduce crime. Yet the two converge around the imperative of control and it is clear that many contemporary criminal justice policies — such as police targeting of repeat offenders and the emphasis on penal incapacitation — are open to being given a rhetorical gloss from either perspective.

Thirdly, Garland notes the shift from a social to an economic style of reasoning in which cost/benefit considerations, audit and optimal performance of existing systems are given prominence over any idea that those systems themselves should be altered to better address the social causes of social ills like crime. This actuarial style of course sits much more comfortably with the utilitarian logic of the 'criminologies of everyday life', but again depending upon context, political audience and calculation many of the same key concepts — risk and security — and policies — 'three strikes', 'zero tolerance' — can be cast in either moralistic or economic terms.

Conclusion: 'pessimism of the intellect'

The apparently limited room for manoeuvre afforded by the political and cultural environment of late modernity depicted here makes Garland's analysis a fairly pessimistic one. The cumulative negative effects of apparently minor, often localised and unconnected developments are substantial. The extent of the changes that have come to pass in the crime control field have been disguised by their incrementalism. Garland is right to puncture any idea that there has been a revolution from above or any revolution at all. In the conclusion he points to some of the more unattractive features of the emerging social order and implicitly manifests his preference for the old social democratic solidarity project.

For mine Garland is rather too uncritical of the limits of the social democratic solidarity project and the forms of exclusion upon which it was based. The prison may have lost its centrality in this order but other closed and brutalising institutions and practices abounded to manage the 'deviant'. Racial segregation was commonplace. Eugenics was widely practiced in many western countries leading to the sterilisation and/or institutionalisation of those defined as socially unfit. A rigid gender order and sexual division of labour restricted the freedoms and opportunities of women. At about the same time in the 1940s that rehabilitation was being promoted as official policy in the NSW penal system and prisons were being called 'moral hospitals' a regime was being planned for Grafton prison which was explicitly founded on the systematic infliction of physical violence on prisoners deemed to be 'intractable'. It lasted for 30 years and its effects permeated the whole prison system. Prison systems in other countries had their equivalent regimes, many of which were exposed in the ferment of riots, scandals and official inquiries in the seventies. A high price in hidden violence, brutality and discrimination was paid for social democratic solidarity and the passive political consensus that supported it.

In any case Garland makes clear that there is no turning back. And whilst he offers no more uplifting alternative to either the new culture of control or the old solidaristic dispensation enormous political value lies in his careful demarcation of the field of contemporary crime control. On the one hand, it elucidates the terrain (however unpalatable) on which the politics of crime control must of necessity be conducted. On the other, the sheer complexity and multi-faceted nature of the processes of change that he shows have given rise to the current situation demonstrates that there is no monolithic logic at work. There is much room for innovation and inventiveness but it will not be of the kind that usefully imagines or achieves the wholesale overthrow of the existing order, just as such a perspective fails to capture the complex mundanity and depth of the changes of the recent past.

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