

chapter four

Everyday order

Interaction orders

Gendered orders

The family

Education

Ethnicity

Social ordering and mass media

Summary

In tracing the historical ontology of the concept of social control, I identified that Cohen (1985) and Black (1976) amongst others, have sought to generate a greater degree of analytic precision for the term by distinguishing it from more generic conformity inducing and socializing processes, and the notions of social and psychological influence that were a feature of its earlier formulations. Although still relatively flexible, this definition tries to establish a degree of separation and fairly firm boundaries between what is, and what is not, deemed to be an instance of social control. But as was discussed in relation to the post-social control perspective's emphasis on control as behavioural modification, maintaining a clear distinction is increasingly difficult because deviance, either actual or potential, comes in many different forms, and in studying social reactions to various behaviours, one is struck by the variety of control-like conduct that is frequently invoked. This is further complicated by the fact that, as discussed in earlier chapters, community institutions have increasingly been colonized by the formal control system. Therefore, in this chapter my focus is upon what, in the opening chapter I defined as social ordering practices and in particular how they are enacted in everyday life. But in addressing this theme, the discussion is alert to the ways in which social ordering practices in late-modernity are increasingly engaged to perform social control functions. As such, the definitional boundaries between social ordering practices and social control practices are neither fixed nor stable,

varying across time and space. Nevertheless, the distinction between them emerges as central, providing a way of distinguishing between reactions to deviance, and more general ways in which social order is produced and reproduced, influence exerted and conformity induced.

I will focus my discussion on five key themes. First, I will discuss the interaction order, to look at the ways in which people when they are co-present, make use of what are often seen but unnoticed actions to co-ordinate their encounters, and to influence the direction of the interaction. Having looked at the embedded tacit rules of social engagement, I will then turn to consider how issues of gender and ethnicity shape the ordering of everyday social interactions, and the ways that welfare agencies function in the production of social order. I will conclude by looking at how the proliferation of media has impacted upon the constitution of everyday social order.

Interaction orders

In his now infamous set of 'breaching' experiments, Harold Garfinkel (1967) encouraged participants to deliberately disrupt the established social norms of everyday interaction. In one experiment, students were encouraged to act as if they were boarders in their own homes, conducting themselves in a formal and polite fashion. In four-fifths of the cases, the family members reacted with astonishment, irritation, anxiety and anger. Garfinkel designed these experiments in an effort to demonstrate the extent to which ordinary conduct depends upon quite a sophisticated and complex amount of background knowledge on the part of the actors involved. Without the presence of shared norms of conduct, even the most mundane and routine forms of sociality would rapidly descend into chaos. Similar themes can be identified in the sociology of Erving Goffman.

Across a number of studies, Goffman developed a sophisticated understanding of how social interactions of various kinds are managed and ordered by their participants. He understood social interaction as predicated upon shared norms, conventions, and rituals, which enable individuals to anticipate how others will react to their own actions, and therefore to select lines of action in accordance with these culturally embedded expectations. This tacitly shared knowledge allows all socially competent members of a culture to share expectations about the appropriate modes of conduct across a range of social situations. In his early work for example, he draws a famous distinction between front-stage and back-stage behaviours (Goffman 1959). In so doing, he illustrates that social actors are routinely required to engage in 'front management', in order that their behaviour coheres with the expectations of 'the audience' about the appropriate style of deportment and address given a particular setting. However, these same people, who are expected to act a certain way when in public view, may exhibit vastly different behaviours when they are

'off-stage' and it may be normal for them to do so. The situation or setting for an encounter is thus crucial for Goffman, in that what is and what is not deemed normal behaviour, will depend on the context in which it takes place. In his discussion of mental illness Goffman develops the radical implications of this position, when he constructs a theory of mental illness as a form of deviancy dependent upon the inability of a person to match appropriate conduct to the situations in which they find themselves. It is these 'situational improprieties' that are read by professional diagnosticians as key symptoms and thus indicators of the presence of mental disorder (Goffman 1961; 1963b).

Embedded within Goffman's work there are then a number of important messages for our understanding of social control. This was something that Goffman himself came to recognize as he reflected upon the ways that:

The modern nation state, almost as a means of defining itself into existence, claims final authority for the control of hazard and threat to life, limb and property throughout its territorial jurisdiction. Always in theory, and often in practice, the state provides stand-by arrangements for stepping in when local mechanisms of social control fail to keep breakdowns of interaction order within certain limits. Particularly in public places but not restricted thereto. To be sure, the interaction order prevailing in most public places is not a creation of the apparatus of a state. Certainly most of this order comes into being and is sustained from below as it were, in some cases in spite of overarching authority not because of it.

(Goffman 1983: 6)

In contrast to many accounts of social control that tend to concentrate upon the role of the state and its agents, for Goffman, the foundations of social order are located in the conventionalized and institutionalized rituals and norms of social life. This image of social control operating 'below' the state, as a continual and ongoing part of social life, flowing through social interactions and social situations, provides an important corrective to those perspectives where discussions of social control are equated solely with actions based upon legal authority. The approach adopted by Goffman sees the more formal instances of social control being enacted to cope with those situations when the routinized and informal mechanisms are not sufficient for the task in hand.

Running throughout Goffman's work we can detect a concern both with the social control of deviance, and also, the social ordering of human conduct. Of course there is a problem with Goffman's deployment of the term social control, in that it often takes on a loosely defined form, of the type derided by Cohen.

But what Goffman does provide is an insightful understanding of the workings of the micro-orderings through which people are able to perform everyday routine tasks in such a way that they feel everyday and routine. This is perhaps best illustrated by his studies of various dimensions of

co-present interaction. As he shows, the co-ordination of conduct between strangers, and between intimates, frequently presumes the presence of situated interaction rituals, which allow the actions and interactions that constitute the encounter, gathering, or whatever, to be carried out in an orderly fashion. Each participant engaged in performing a role within an interaction, bases their performance upon expectations about the motives of the other person (or persons), given the situation in which they are located. In essence, each of the parties signals to the other both a reaction to any previous moves that they have made, as well as indications about what the subsequent response might reasonably be expected to be. There is then a succession of moves and countermoves as each participant negotiates their way towards an end-point. These manoeuvres may be cynical if the motives for interaction of one of the parties are strategically oriented, or they can be enacted for the benefit of a wider audience. However, what Goffman consistently conveys is the sense that interactants are concomitantly controlled by, and controlling of, their fellow participants in the passage of an interaction. Thus what might be termed self-control is socially grounded. Individuals regulate even their most ordinary conduct in order to fulfil the expectations that others have of their actions.

As Randall Collins (1980) notes, by blending elements of symbolic interactionism with a Durkheimian sense of the centrality of moral order to social life, Goffman's focus upon 'interaction rituals' seeks to elucidate the ways in which the entire structure of society rests upon these moral and standardized ritual orders. Competent participation in these arrangements is dependent upon processes of socialization, that provides the individual with experience of dealing with participants of various kinds, together with an array of cultural assumptions that are presumed to be shared (Goffman 1983). Thus he acknowledges a degree of historical and cultural specificity in the customs and conventions that guide interactional life, remarking that '... across quite different societies the interaction order is likely to exhibit some markedly different features' (Goffman 1983: 4).

In attending to the ordering of routine conduct, Goffman is aware of the often fragile and contingent nature of social order. This is exemplified in his study of stigma, where, by focusing upon the methods which those possessed of an evident physical 'stigma' seek to manage their 'discreditable identities', he seeks to make a number of broader points about social reactions to deviance (Goffman 1963a). As he puts it, the point of the discussion is less to do with 'uncommon deviations from the ordinary, than for ordinary deviations from the common' (p. 152). Stigmas come in many different forms, they can be existential or physical, and many of us carry stigmas, which we continually seek to manage as part of our presentation of self to both intimate and non-intimate colleagues. For the most part, in our everyday lives we manage to successfully 'cover' or 'pass', allowing only a few to be 'wise' to these things which have to be incorporated within our self-identity. In this sense, many of us are, in Goffman's terms, 'normal deviants'.

Gendered orders

Goffman's work on social order clearly illustrates the necessity of ritual and order in everyday life. It is a 'lubricant' that oils the processes of living together. But although he makes allusions to the fact that the gender of interactants can shape what is, and is not, considered to be 'normal', he never really develops this, despite the fact that he did discuss aspects of gendered identity in his book *Gender Advertisements* (1979). To a large degree, his comparative neglect of gender in the interaction order is merely symptomatic of the period in which he was writing.

Gender is important to discussions of social control in that it is widely recognized that for much of the history of Western societies, women have often been subject to different and in many ways more intense forms of control than men (Carlen 1995). However, in many standard accounts of social control, the ways in which gender shapes and interacts with the imposition and experience of different modes of control has been comparatively neglected.

One reason for this neglect is the fact that traditionally women have been found to commit less crime than men, and given the explicit connection between crime and social control in much of the literature, the reasons for such a bias are self-evident. However, research has shown that when women are the subject of formal social controls it tends to be in a different way than for men. Women labelled as deviant are more likely to be dealt with through systems of social control based upon a welfare or medical model and the regimes to which they are directed tend to combine a doctrine of control with one of care (Carlen and Worrall 1987). Added to which, there is evidence to suggest that the conduct of young women, when compared with that of young men, is more explicitly governed by informal social controls from an early age. Processes of gender socialization tend to encourage young men to develop autonomy and risk-taking propensities, whilst young women are 'chaperoned' according to fairly traditional values (Wilson 1980). These explicit and informal social controls have been shown to continue over the life-course in different social arenas including the home and workplace (Hutter and Williams 1981), serving to internalize gender codes that function to regulate behaviour (Gelsthorpe 2002).

Thus, whilst it is appropriate to argue that for men the criminal justice process is the key formal social control that they experience, a cogent argument can be constructed that many women's experiences of social control are more related to the workings of welfare agencies interacting with the institution of family. Williams (1989) suggests that the combined effects of women's experiences of family and the welfare state, is to induce a form of subordination and financial dependence, that serves as an effective regime of control over many women.

When they are subject to social controls imposed through the auspices of

the criminal justice process, the sanctions imposed upon women tend to be either more lenient or more severe when compared with men. The key explanatory variable for such trends is whether the woman concerned conforms to traditional stereotypes concerning femininity and appropriate gender roles. Women who appear as vulnerable or victims, more often tend to receive sentences which offer help alongside attenuated punishments (Hudson 2002). Whereas those whose behaviour or appearance does not cohere with the 'feminine ideal', may be punished quite harshly for being 'doubly deviant' (Heidensohn 1985). Any such formal controls may be informally reinforced by local gossip, as a form of 'reputational control', especially in close-knit communities (Merry 1984).

Notions of the feminine ideal are intimately connected to questions of sexuality and indeed, much of the literature on the social control of women has been concerned to shed light on the ways in which the control of women has gravitated around the control of sexual behaviour. Foucault's (1980) histories of sexuality report how, in the Victorian age, there were repeated and somewhat hysterical concerns about the needs to regulate the sexual behaviour of women, tied to a wider discourse of biopolitics. For Smart (1981), law has played a crucial part in the reproduction of such patriarchal discourses, reinforcing a gendered political economy of power, where men tend to dominate women.

But at the same time, law is also an engine of change in the field of gender relations. A particularly prominent example of this phenomenon has been the moves to use law in an effort to reduce instances of sexual violence against women. There have been a number of legislative reforms over the past 30 years, which have sought to effect a greater degree of regulation of sexual relations in order, ostensibly, to afford protection to female victims from male violence. But one of the key issues in respect of such reforms has been that although public debates about such issues often gravitate around incidents involving strangers, in actuality, the majority of such crimes occur between people who are known to each other. For example, in relation to fatal violence it is well known that a significant proportion of all offences are 'domestic homicides', involving current or former partners (Polk 1994; Websdale 1999; Innes 2003). There is a similar pattern in relation to rape and many other of the more serious types of offending where women constitute the majority of victims. Seeking to both prevent these types of incidents from occurring and/or improve the effectiveness of enforcement responses to these types of crime, has necessitated an extension of the role of state social control further into the traditionally private spaces of the domestic sphere. In an effort to engage with the causes and consequences of the kinds of serious offences that women are particularly at risk of, police and social work agencies have had to develop monitoring and intervention strategies, premised upon the regulation of interpersonal relationships.

In her study of the policing of domestic violence, Hoyle (1998) illustrates some of the complexities of the engagement of authoritative social control

strategies in personal troubles. As her empirical data from Thames Valley show, women who were being abused by their partner and called the police, typically did not want the offender to be subject to punishment nor were they seeking an end to their relationship. Rather they needed someone to intervene in the short term to stop the violence that they were experiencing. Moreover, Hoyle shows that in many cases the police officers were not arresting suspects in order to prosecute them, but indeed to accomplish the aim of bringing a cessation to the physical violence. As she identifies, they were engaging law in order to bring about 'social service' ends.

It would though be a mistake to infer from these changes that law is solely an instrument of protection for women. For although it has been used to try and afford a greater degree of protection, there remains a strong normative component to it, in terms of enforcing gender roles.

The family

The increased penetration of law into family life has not though been solely concerned with the protection of women. At least as important as these moves, has been an increasing concern with the protection of children. For just as much as the abuse suffered by women occurs in the context of an ongoing relationship, the vast majority of children are harmed by parents or those responsible for them. In Britain, since the 1973 case of Maria Colwell,¹ there has been an almost constant stream of high profile public inquiries where various failures of public authorities to protect children from their parents have been revealed.

In response to these failures, the trend in child protection has been to develop increasing powers to monitor those families where children are felt to be at risk and to implement allegedly more sophisticated procedures to identify them in the first place. But as was demonstrated by the now infamous Cleveland child abuse cases in 1987, there are questions that can be raised concerning the accuracy of the diagnostic tools utilized to identify who is considered to be at risk by professionals engaged in child protection work.²

The area of child protection is especially important, because, as is the case with domestic violence, it provides an example where control strategies are performed by multi-agency partnerships involving police and other welfare bodies, in what are commonly thought of as private spaces. A further relevant link between women and children is that the ways in which judgements are made concerning the degree of a woman's deviancy and thus any punishments to which it is deemed they should be subject, tend to be contextualized by the woman's role in the family. As is made clear by Donzelot (1979), the formulation and imposition of punishment of women is explicitly structured by considerations of the harm that this may entail for any dependent children. This reflects a more profound point, in that, according to Donzelot, from the eighteenth century through into the

nineteenth, there was a subtle shift from 'the government of families to government through family' and women were crucial to this strategy (although as I have documented above, the family is currently once again established as an important site of control). As mothers caring for children, women were increasingly targeted by a 'tutelary complex' whereby they were instructed and judged about the quality of the pre- and post-natal care they provided to their young. Motivated by concerns about children in danger and dangerous children, the formerly private sphere of family life was opened up and subject to a form of disciplinary gaze encompassing medical and religious discourses of 'social hygiene' (Donzelot 1979; Rose 1990). Mothers, and by extension families, were the targets of advice, guidance and therapy, intended to ensure that the institution of the family functioned properly in its role of inculcating discipline.

As such, the family is simultaneously a site for the internalization of self control; a mechanism of informal social control; and itself the object of control efforts. Over the past two decades, there has been a particular focus upon the family as an object of control because of the popular concerns relating to physical and sexual abuse discussed previously. But also, due to fears that the family's effectiveness as a mechanism of informal social control is waning. The dramatic rises in recorded crime between the 1960s and mid-1990s were causally attributed to the increase in number of single mothers and families without fathers, by politicians who, for ideological reasons, found this a more palatable explanation, than to look at the structural inequalities caused by their liberalization of free-market mechanisms (Mooney 1998).

Education

The growth of state interventions directed at monitoring and regulating family life is frequently attributed to the investment that a society has in developing self-control amongst successive generations (Rose 1990). This is also reflected in analyses of the role of the education system as an agent of primary socialization, second only in importance to the family.

Those who have drawn upon the work of Marx in studying the education system, have repeatedly suggested that schooling needs to be understood as a de facto component of the ways in which the state seeks to generate social control in a capitalist system. This position is based upon the premise that education is a key mechanism for instilling a belief in the legitimacy of social inequalities and hegemonic consensus concerning the dominant ideas in society. Both Willis's (1977) and Corrigan's (1979) analyses of schooling emphasize the moves and countermoves made by pupils and teachers in a dialectic of order/disorder, the ultimate outcome of which is the reproduction of capitalist social order.

A particularly sophisticated analysis of the role of education vis-à-vis the social order is provided by Bourdieu and Passeron (1990). They maintain that the teacher-pupil relationship functions as a conduit for the

transmission of the norms and knowledge held by a culture. Pivoting around a concept of 'pedagogic actions', they theorize that teaching is not simply about the transfer of knowledge, but rather is involved in and founded upon the transmission of a whole universe of cultural knowledge. Bourdieu and Passeron extend their analysis to show that, in actual fact, through the engagement of pedagogic actions, schools and families are engaged in a broadly similar function – the reproduction of power and thus social order.

As part of the institutional order of society, in many ways, the operations of school systems mirror the dominant currents in the logics of social control. Many schools enact punishment through exclusion, and they use experts such as educational psychologists to conduct assessments and classify 'problem' children determining how they are treated. But in America the notion of the school mirroring the societal control apparatus is even more explicit. Large numbers of schools have invested heavily in surveillance and other control technologies, and have police officers stationed on site, in an effort to control the behaviour of pupils.

Ethnicity

Bourdieu and Passeron's account of the reproduction of culture, points to some of the subtle and often unnoticed ways in which social order is made and remade across generations. In his study of a Pakistani community in Edinburgh, Wardak (2000) presents evidence of how traditional cultural norms and patterns of organization were reinvented by the members of a 'closed community', having faced experiences of exclusion and rejection from wider Scottish society. As a result, the family and parental authority function as the most important agency of social control for members of the Pakistani community. These are buttressed by the 'Biraderi': a close and complex network of reciprocal relationships; and communally maintained notions of 'izzet' (honour) and 'bizati' (dishonour), that serve to bind individuals into the moral order. Recourse to such informal institutions of social control reflected the attenuated connections that the minority community felt to formal institutions of social control, believing them to be biased against their interests. Certainly there is much empirical data that shows that many people from minority communities believe that they are systematically under-policed as victims and over-policed as suspects.

Experience of overt and covert forms of bias and discrimination by state agencies has eroded the legitimacy of the state social control apparatus for many people from minority ethnic communities. Such problems have been exacerbated by the ways in which these agencies respond to the problems that are brought to them by these communities. For example, Bowling's (1998) discussion of the process of racial victimization maps out an

important disjunction. He shows how the police and other agencies work around the notion of incidents, conducting their tasks on a discrete case by case basis. However, this is not how the victims frame their experiences. Being the victim of racial discrimination, threats or actual violence, tends to be experienced as a process. Individual incidents are not separated out by victims, rather they are overlaid, and perceived in a continuous and synchronous fashion. This suggests why, even when they are able to get police to listen to their problems and to take action in respect of them, many victims of racialized violence remain unsatisfied with the outcome. They feel as if the law has failed to protect them.

Importantly though, there is concern that the failings of the criminal justice system to provide criminal justice for minority ethnic community members is mirrored by the failure of welfare systems to ensure social justice for these groups. Cook (1993) is clear that such forms of discrimination are institutionalized throughout both the welfare and justice systems.

Legitimacy, is then, an important issue. But it is not just in relation to formal social control that such concerns are merited. In his discussion of the situation of America's black ghettos, William Julius Wilson (1996) details the ways in which the operations of an economic system based upon free-market principles has entrenched and reinforced a grinding form of racialized poverty. His qualitative account of life in American inner cities records a potent mix of poverty, lack of economic opportunities, crime, drug abuse and 'fading inner-city families', where informal neighbourhood controls have more or less evaporated. And in response, formal controls have become increasingly militarized and punitively oriented (Parenti 1999).

For conservative commentators, the sorts of conditions that Wilson compassionately describes are held to constitute the basis of an 'under-class' (Mead 1992; Murray 1994). But for Bauman (1998) this label is indicative of a sensibility that conceives of these groups as people who are outside of the class system and thus the value structures that most 'normal' people share. Such imagery enables the development of discourses of control through exclusion. It identifies these groups as suffering as a result of their own fecklessness and indigence. Moreover, it portrays them as wholly dangerous because they do nothing else. As such, they are construed as suitable subjects for the imposition of a highly coercive regimen of control. As a consequence, control, rather than alleviation of the structural causes of the entrenched poverty, becomes the preferred policy solution.

Social ordering and mass media

So far, the discussion in this chapter has reflected upon a variety of ways in which social order is produced and reproduced through fairly ordinary, everyday routines. I have sought to show how a number of familiar social

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institutions can be understood as contributing to the construction of social order and the performance of social control. I have also discussed the ways that constructed classifications such as gender and race may interact with these other factors. To conclude this chapter though, I want to consider the influence of a factor that has served to shape the very constitution of social order – mediated communication.

The impact of media on social life has been diffuse and multifaceted (Briggs and Burke 2001). From the point of view of this book, its especial significance is that the proliferation of media of communication has changed both what people know and how they come to know it. Mass communication through television, newspapers and radio allow people to know (or at least have an approximation of knowledge) about events that they have never, and possibly will never, directly experience. They create the sufficient conditions for what Marshall McLuhan famously dubbed 'the global village'. That is socially and temporally distant individuals can hold knowledge in common, as a result of the ways in which these media of communication transcend time and space (Thompson 1995).

In so doing, according to Meyrowitz (1985), the proliferation of media has altered the very nature of contemporary social order. He maintains that the transfer of information provided by media, as channels of communication, facilitates an awareness of issues and problems that we might otherwise remain ignorant of. The crucial impact of mediated communication is the progressive erosion of the boundaries between public and private. Coverage of stories by journalists and other media workers routinely transform private troubles into public issues.

The fact that media can function in this fashion has sometimes been mistaken for the idea that it always works in this way. A number of oversimplified analyses have cast media as an explicit mode of social control. Indeed, just such an approach was a feature of many early forays by social scientists into discussions of media effects. In various guises and under a number of theoretical frameworks, early studies often identified media as a primary form of social control, directly determining the responses of audience members. But to conceptualize the workings of media in this way misses the more subtle and nuanced ways in which it works. It is for this reason that I have argued above that media is best understood as a social ordering mechanism. This is not to say that mass media are never used to generate social control, but more often in late-modernity, media are important not because they determine what people think, but because they shape the issues that people think about.

It is an established orthodoxy of studies of mediated factual communications that one of the primary functions of news organizations is to select which events become news. They function as bureaucracies, utilizing institutionalized criteria of 'newsworthiness' to select events which they believe will cohere with the interests of their target audience (Rock 1973; Altheide 1976; Gans 1979). Pragmatic imperatives are thus central to

the selection of events for coverage – for example, can a reporter and if necessary a camera crew get to the location in time? News is often time dependent and news organizations view themselves as being in competition to 'break' new stories. Moreover, news has to have a sense of 'newness' about it, there are thus pressures to maintain a flow of potentially interesting stories, which often establishes a form of 'symbiotic' relationship between reporters and their key sources of stories (Chibnall 1977; Innes 1999a). From such arrangements, journalists obtain access to a succession of potentially interesting stories, whilst the suppliers of the stories are provided with an opportunity to engage in a form of 'impression management', promoting a positive image of themselves to the public (Schlesinger and Tumber 1994). *who few supp*

This selection effect may be significant in as much as it may contribute to the definition of what are the kinds of issues that members of the public come to be concerned about and thus which incidents control agencies focus their attention on. Moreover, in certain circumstances, it has been suggested that media become more explicitly involved in the conduct of control. In his discussion of the dynamics of 'moral panics', Cohen (2002) shows how the reportage of events can, if the prevailing social conditions are right, institute a process whereby isolated events are constructed in a fashion that they demand a coercive law enforcement response and become a 'politicized' issue – what Manning (1996) has latterly dubbed 'an axial political event'. The processual qualities of a moral panic, as identified by Cohen, show how journalists' reporting of events can enhance the law enforcement apparatus of the state. By reporting events that key into people's fears in an emotionalized tone, and by focusing upon particular types of issues, news media contribute to defining what problematic issues the public are thinking about, channelling their insecurity and guiding demands for enhanced control (Altheide 2002).

A recent example of this phenomenon in both America and Britain over the past decade or so, has been the social construction of the problem of child sexual abuse and paedophilia. Through a comparatively small number of serious crimes against children, such as the cases of Megan Karker and Sarah Payne, which have received 'saturation' media coverage, the idea of child sexual abuse, and fears about predatory paedophiles has emerged as a key social problem. In both America and Britain, governments have introduced measures to increase the surveillance of children and to control the activities of those who are thought to pose a risk to children's safety. This has emboldened the processes of encouraging welfare agencies to become involved in social control work, as described above. The small number of serious crimes against children which have been extensively reported by media organizations have been central in creating popular fears which have been translated into politicized demands for the expansion and intensification of the control apparatus.

By focusing upon and disseminating the details of a small number of especially dramatic, but fairly rare crimes, journalists construct these

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events as forms of signal that the public interpret in making evaluative judgements concerning the state of society. These signal crimes have a profound impact upon how individuals and communities appraise their levels of perceived security and risk (Innes in press). The stories that media tell about what are effectively personal troubles, provide the kinds of details that help people to articulate and warrant their desire for improvements in the application of social control strategies.

Media is thus an important constitutive component of contemporary social ordering practices. It is also significant in terms of its role of providing a degree of exposure to a range of social problems, and thus directing public and political attention to matters over which control may become desired. However, media is also increasingly utilized directly as a mode of social control, providing a form of surveillance over the activities of powerful actors – a topic discussed in more detail in Chapter 8.

Summary

Notions of social control and social order are closely related. In this chapter I have sought to focus on the latter, in an effort to show how and why it needs to be considered as distinct from the former, but also to illustrate the ways in which social ordering practices and social controls sometimes connect up, and overlap. By looking at aspects of co-present interaction, gender relations, racialized discrimination and mediated communication, I have been concerned with uncovering some of the subtle and elliptical ways in which human behaviour can be altered and modified. As will be discussed in the final chapter, the nature of these connections reflects the ways in which social ordering practices are increasingly being reconfigured in an attempt to make use of them in enhancing levels of social control. The fact that this is happening is itself a reflection of the fact that the boundaries between how a society responds to deviant behaviour and the more generic ways that it induces conformity are neither firm nor distinct. And it is for this reason that, revisiting some of the themes from Chapter 2, defining social control as actions intended to change people's behaviour may be increasingly attractive in the current context. As such, there remains a tension about whether it is appropriate to define social control solely in relation to deviant behaviour, or whether it needs to account for more general behavioural modification processes. I have tried to resolve this tension by classifying the sorts of issues that have been addressed in this chapter as social ordering practices. In what follows I will focus more directly upon modes of social control concerned with deviance.

chapter five

Policing

Police and policing

Community policing

The limits of community policing

Zero-tolerance

The limits of ZTP

Intelligence-led policing

The limits of ILP

Plural policing

'Control hubs' and 'total policing'

Summary

The concern of the state with social control is perhaps most visibly and dramatically embodied in the figure of the police officer. As a uniformed, hierarchically organized bureaucracy, the police constitute one of the key ways in which the liberal state seeks to intervene in and shape the ongoing social order. However, somewhat contrary to popular wisdom, all policing is not conducted by the police, but in fact relies upon, and involves, a diverse range of agencies and organizations. Therefore, in this chapter I will examine the role of the police in policing, and how this contributes to and is shaped by wider patterns in the conduct of social control. In tracing the development of several contemporary policing strategies, the discussion is intended to elucidate some deeper themes in terms of how social control practice is being reconfigured.

Police and policing

In their everyday talk people tend to use the terms policing and the police more or less interchangeably. However, as Robert Reiner (1997) describes,

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Police and policing

In their everyday talk people tend to use the terms policing and the police more or less interchangeably. However, as Robert Reiner (1997) describes,

the words actually refer to two separate things and equating them is a symptom of the 'police fetishism' to which our culture tends to be subject. The police is a specific, modern organization, endowed with the state's legal authority to use physical coercion or the threat of it, to enforce the law in pursuance of the maintenance of social order. In contrast, policing refers to a diverse range of ordering and controlling activities, performed by a wide range of agencies. The latter definition could thus potentially encompass the activities of private security firms, locally based community organizations, local government environmental health inspectors and a host of other additional agencies.

The 'fetish' that Reiner describes results from what Manning (1997) has termed 'the mythology of policing'. According to Manning, since its inception and throughout its history, the police have relied upon strategies of impression management to overcome resistance, and to engender popular support for the task of enforcing law and enacting social control. This mythology provides a symbolically loaded version of reality that portrays policing as a dramatic and dangerous task, thereby conveying the symbolic message that the police are the embodiment and upholders of a basic moral consensus about good and bad, right and wrong (see also Loader 1997). A key component of the police myth is its emphasis upon crime control work as the central focus of police activity. Police officers, media representations of policing and the public tend to focus upon the investigation and detection of criminals as the primary function of what it is that the police do. And whilst crime control is certainly an aspect of the police function, it is not the only thing that they do. Perhaps the key finding of academic research on the police has been to demonstrate that the involvement of the police in policing necessarily requires them to engage with a diverse range of issues and situations, only some of which are directly concerned with crime control.

In what is now widely accepted as the standard definition of the police role in society, Egon Bittner (1974) identified that what unites the diverse range of tasks which the police are called upon to perform, are that they involve 'the emergency maintenance of social order'. That is, the police act in those situations where social order is either going to, or has been breached. This generic order maintenance work reflects the ability of the police to invoke legally sanctioned coercive force to manage a variety of problems.

Discussions of the enforcement of law by police officers have demonstrated the gap that exists between the content of law 'in books' and 'in action' (Dixon 1997). As gatekeepers to the criminal justice process, police decisions in terms of when, why, how and against whom to enforce law are especially consequential in determining which deviant acts are defined as criminal and thus subject to formal social control. Numerous studies of police law enforcement work have documented that the police's legal decision making is framed by extra-legal factors. Amongst the most significant of which are the values of police occupational culture (Reiner 1992).

Chan 1997). As discussed in the section on juridification in Chapter 3, law is the principal mechanism through which sovereign states intervene in the lives of the citizenry, and the police and other policing agencies are central in directing its application and enforcement. But it is evident that their actions in this respect are shaped by a range of factors.

Thus in an effort to better define what it is that the police do, we could perhaps identify three main roles which account for the majority of their work¹:

1. *Crime management*: as detailed above, a key aspect of the police's role relates to the prevention and detection of crime. Significantly, given the argument that I will develop during the course of this chapter, social research evidence suggests that police have only a limited ability to prevent and detect crime (Ericson 1993; Innes 2003; Maguire 2003). Most crime is not solved and when it is, this is often the direct result of information provided to police by members of the public. Thus whilst a significant proportion of formal social control pivots around the prevention and detection of crime, the impact of these efforts on levels of crime is limited.
2. *Order management*: much of the day-to-day work performed by the majority of police officers relates to the resolution of fairly low level conflicts and maintaining social order. This involves 'policing the dross' of society (Choong 1998), what Reiner (1992) dubs 'police property' – those groups of the population whose activities others find detrimental to their quality of life. It also encompasses policing public order demonstrations.
3. *Security management*: the previous two roles feed into the more generic police function of security management. Security is a 'presence in absence'. By this I mean that it is defined by the absence of risks and dangers in relation to a social order (Spitzer 1987; Crawford 1997).² Therefore, the notion of a police security management function refers to their role as the visible manifestation of the state's authority over a territory and population. In performing this role, the police are involved in restricting the exposure of members of the public to an array of material risks and dangers, alongside a more subjective reassurance function, that should the need arise, there is someone charged with exerting control over a troublesome situation. As an element of police practice, it pivots around strategies to neutralize risks, loss prevention, as well as the more nebulous task of mediating threats posed to subjective feelings of safety. Neocleous (2000) identifies that from its early formulation by Colquhoun, the police were envisaged as a form of state power directed towards 'securing the insecure' (p. 59). Significantly, in contemporary writings on policing there has been something of a revival of interest in the concept of security and the role of police and policing agencies in its manufacture (see Ericson and Haggerty 1997; Johnston 2000; Johnston

and Shearing 2003), largely because there is a feeling that the role of the public police in this area has been usurped by the activities of private policing agencies.

These three dimensions of the police mission are important because, in addition to describing what many people feel that the police should do, they also relate to a number of the defining tensions within the police role in recent years. As the police have come under political pressure to be more cost-effective and at the same time to improve their measurable performance in relation to these three functions, tensions have arisen in terms of whether the public police should retain a commitment to providing the more general order maintenance and security management functions, or whether they should become more focused, specializing in crime management work. In addition, conflicts have arisen in terms of how these different aspects of police work should be addressed.

As a consequence of this tension, there are currently several different policing perspectives being espoused and practised by different police organizations around the globe. Amongst the more prominent are community policing, zero-tolerance policing, and intelligence-led policing. At an analytic level, each of these contemporary versions of policing can be seen to be composed of four components. First, there are a set of ideas and intentions, which suggest a vision of what policing as a mode of social control should aim to achieve, and how this can be accomplished. More often than not this vision is constructed in relation to a definition and diagnosis of a problem, or set of problems, that is perceived as needing to be addressed. Then there are the programmes, which are how the ideas and intentions are actually translated into a set of practices and interventions, and thereby enacted. Thirdly, there are the evaluations of the programmes and the assessments of how effective the practices are in achieving the more abstract ideas and intentions. Finally, there are the explanations that are provided to account for any disjunctions between programme and idea or intention. Aspects of these components will be evident in the ensuing discussions and I will return to discuss them in more detail in the concluding chapter as a generic model of social control. But for now it is sufficient to remark upon the fact that the selection and implementation of a particular perspective by a police organization tends to be shaped by several factors, including: the past history of the organization concerned; the social, historical and political context of the area and community being policed; as well as the nature of the current problems to be tackled.

I will now briefly discuss each of the contemporary perspectives in turn. In so doing, I will use the discussion to illustrate how in their respective differences, each of the perspectives references some wider concerns about the state of society and how control should be enacted. It should be noted that in what follows my aim is not to provide a comprehensive discussion of all of the variants and permutations pertaining to each of the

perspectives, but rather to map out the key ideas and practices associated with each of them.

Community policing

Community policing is arguably the most significant of the contemporary policing philosophies. Community policing programmes have been implemented by a large number of public police agencies, in a variety of ways, in a diverse array of contexts. In order to understand how and why this vision of policing emerged we must first locate it in a historical context. In his history of the development of the 'new' police, Emsley (1991) describes how, in order to overcome the political opposition to his reforms, Peel deliberately decided that the police should to a certain degree reflect the communities they policed. For Reiner (1992), this ideological notion that the people were the police and the police were the people was crucial to the generation of a growing acceptance and consensus about the legitimacy of the police institution, and thus the 'golden age' of policing that lasted from about 1870 to 1950.

Since this date though, it is accepted by many commentators on policing that the police have become increasingly contentious and that public support for the police, although still fairly strong, is more fragile than it was. Moore (1992) suggests that the problems started around the late 1950s, when the police started to invest heavily in a range of modern technologies, at the same time as police managers began to focus their efforts more explicitly on the 'crime problem'. Whereas previously, crime was a problem to be dealt with alongside more everyday order and security management tasks, under the model of 'professional law enforcement', crime and particularly the more serious types of offence were increasingly identified as an explicit priority. Police organizations focused their efforts upon these incidents, whilst paying less attention to dealing with less serious forms of disorderly behaviour. Although the various reforms that were introduced at around this time were intended to promote greater efficiency, they actually served to increase the distance between the police and policed (Moore 1992).

The early advocates of community policing thus intended to institute a model and philosophy of policing that would re-establish a connection between the police and the community. They justified this approach on the basis that:

- The police should serve the community by ensuring that police activities were driven by responding to the needs and desires of the community, rather than the interests of police managers;
- Developing closer relations with the public would restore popular support for the police;

- Improved public relations would also have the effect of improving the police's ability to control crime, as it would improve the flow of local intelligence that is crucial in solving crime.

Central to this idea of re-engaging with local people and their problems was to be a return to local officers conducting foot patrols in communities, stopping and talking to local people, and keeping a 'benevolent' watch over their beat. This shift in priorities was buttressed by the findings of research that suggested that police strategies for dealing with crime were at best limited in their effectiveness. For example, the findings of the Kansas City Preventive Patrol experiment suggested that uniform patrol had very little impact on recorded crime rates (Kelling et al. 1974). Further to which, studies of crime detection had found that the single most important factor in contributing to whether a crime was solved or not was the quantity and quality of information provided to police by members of the public as either victims or witnesses (Greenwood et al. 1977; Ericson 1993). Fielding's (1995) fieldwork based study identified that one of the primary features of the community policing discourse in the organization he studied, was the connection drawn between engaging with community members and crime control work. This was part of the ways in which the adoption of the model was promoted to officers on the ground, by keying into their traditional cultural concern with crime. But in practice, Fielding notes, much of the work performed was more about local problem solving, thus engaging with the more generalist security management functions identifiable in the police mission.

In Britain, a further key factor in promoting the development and adoption of community policing strategies were the findings of Lord Scarman's 1981 report into the precipitating causes of the 1981 Brixton riots. This suggested that overly aggressive policing of certain sections of Britain's urban communities was contributing to the creation of a deep-seated alienation and opposition to the police. A consequence of which, was that the legitimacy of the police as an institution was being eroded.

Community policing is also important in that it is constitutive of one of the key trends in the reconfiguration of the social control apparatus, whereby the engagement of community has been promoted as a key mechanism for the delivery of enhanced levels of control. As Lacey and Zedner (1995) have identified, notions of 'community' and 'community based controls' have emerged as a powerful rhetorical discourse in the provision of late-modern forms of social control. Attempts to develop mechanisms that provide a form of 'local governance' of crime, through multi-agency partnership arrangements, involving police, other governmental and non-governmental agencies and 'the community', has been a key trend in crime control policy throughout the 1990s (Crawford 1997). Community policing is thus intimately connected to wider developments in the transformation of patterns and logics of social control.

As noted previously, community policing programmes have been introduced into a wide variety of settings in a large number of countries. Although these different programmes are supposedly underpinned by the same key ideas, in practice there are significant permutations in strategy and tactics, reflecting the vast organizational and contextual differences involved. As such, although many police agencies across the globe have claimed to be operating community policing, it is often difficult to identify quite what the different versions have in common. But in part, it was this somewhat 'fuzzy' definition that was responsible for the rapid spread of the community policing philosophy, allowing a wide variety of organizations to see community policing as offering a potential solution to the problems that they were trying to deal with.

The limits of community policing

Although the idea of community policing remains quite popular, it has been somewhat eclipsed by the introduction of several more recent policing perspectives. Having said this though, the ideals and values brought to the fore by community policing can often still be detected in the 'newer' initiatives.

Evaluations of the varied community policing initiatives that have been introduced in both Britain and the USA since the 1980s are mixed (Greene and Mastrofski 1988). According to Reiner (1992), whilst often motivated by good intentions, many such initiatives have suffered from 'programme implementation failures'. This is explained by the fact that in practice the schemes have never been implemented in the ways envisaged at the design stage. There is though a more fundamental limitation in terms of what community policing could realistically be expected to achieve that needs to be acknowledged. Community policing was first introduced in an attempt to halt the decline in public confidence and trust in the police amongst particular community groups. However, this decline in confidence was not simply about police-public relations. It was a symptom of more profound changes in the increasingly complex and flexible structures of communities, and the fabrication of social order, of the sort detailed in earlier chapters in this book. The concerns that the public were expressing were only in part about policing, they also articulated a more nebulous sense of insecurity caused by changing social relations and fundamental transformations of key liberal-capitalist institutions (Johnston and Shearing 2003).

Zero-tolerance

Of all the major contemporary policing perspectives, it is perhaps what is popularly known as zero-tolerance policing (ZTP) that has achieved the

highest public profile in recent years. To a large extent this can be explained by both its supposed successes and failures. ZTP has come to prominence largely because of the contribution it is accredited with in the large falls in crime that took place in the mid-1990s in New York City, where between 1994 and 1996 there was an overall reduction by a third of serious crime and a halving of the murder rate. These reductions were directly attributed by characters such as William Bratton, Commissioner of the New York Police Department, and Mayor Giuliani to changes in police practice (Bratton 1998). But public awareness about the strategies and tactics employed in New York has been simultaneously heightened and tinged with concern, as a result of a succession of stories about police violence and routine infringements of civil liberties (Harcourt 2001; Manning 2001).

Drawing upon the logic of Wilson and Kelling's (1982) discussion of 'broken windows', wherein physical and social disorders that are not attended to are held to be generative of further more serious disorders. Supporters of ZTP strategies argue that precipitative police actions in respect of fairly routine and mundane 'quality of life offences' will have an impact upon more serious types of crime. In essence the idea is that, if you control less serious types of criminal and disorderly behaviour, you will also control a significant element of more serious offending. Effective crime-fighting is thus seen to be premised upon the 'assertive' or 'confident' control of behaviours such as loitering, begging, public drunkenness, 'squeegee merchants' and activities which cause a nuisance to other citizens by 'degrading the urban aesthetic' (Stenson 2000). As Harcourt (2001) identifies in his critique of what he dubs 'order-maintenance' policing, central to such an approach is a redefinition of the meaning of such acts. Rather than such incidents being understood as trivial annoyances, they are recast as potential harbingers of more serious problems, and should thus be dealt with quickly and assertively by police.

The purported logic of such an approach is unpicked in Norman Dennis's (1997) three guiding principles for zero tolerance policing programmes:

1. 'Nip things in the bud'; a key concern for police must be to ensure that potentially anti-social elements do not think that they are in charge, by making certain that neglected environments cannot become a breeding ground for more serious and sustained disorders;
2. Make sure control is enacted even against seemingly trivial violations. The performance of control in such situations does not rely necessarily on the imposition of coercive force, but can be low-intensity and humane. The important thing, though, is that control is seen to be present;
3. Reducing petty crime and disorder through the above two approaches will help to prevent more serious offences.

Commenting upon the NYPD's application of these principles, one senior British police officer (Griffiths 1998) notes four key components in many zero-tolerance programmes:

- The collection and dissemination of timely and accurate information;
- Effective tactics;
- Rapid deployment;
- Relentless follow-up and assessment.

Strategies and tactics utilized by police organizations following ZTP are justified on the basis that formal social control is important in terms of creating the conditions where informal social control can develop and thrive.

The limits of ZTP

In the context of a discussion of the nature and conduct of social control in late-modernity, ZTP is central. As Garland (2001a) and Harcourt (2001) amongst others have argued, the discourse of 'quality of life' policing and having 'zero tolerance' for disorder, have become grounding principles for the politics of contemporary crime control strategies. Such discursive frameworks have provided a language and symbolic imagery for the articulation and propagation of the populist punitiveness discussed in the opening two chapters of this book. Manning's (2001) 'dramaturgical' analysis of the NYPD in the 1990s makes clear that the implementation of police reforms in New York during this period was accompanied by a sustained and powerful rhetoric, disseminated by a sophisticated media campaign, that argued that targeted, strong enforcement of the law by police, could make a difference to local neighbourhood order. As such, the importance of the New York story in garnering popular and political support for ZTP approaches cannot be underestimated.

There is however, an increasing amount of research evidence that contests the idea that it was police actions against low-level disorders that prompted the dramatic falls in crime that were recorded. Silverman's (1999) evaluative analysis of the NYPD reforms explains that the falls in the New York crime rate probably had less to do with the nature of the police interventions at street level, than changes in the organization: including a massive increase of 12,000 police officers; improved crime analysis information technology systems relating to COMPSTAT³; and changes in the command and control systems, making local police commanders directly accountable for performance in particular districts. To these 'internal' factors Manning (2001) adds a fourth, relating to the ways in which officers were deployed to crime and disorder hot spots, and encouraged to undertake stop-and-searches and misdemeanour arrests as a source for gathering intelligence, which was to be fed back into the bureaucratic system, thereby creating an iterative process of enhancing the organization's intelligence base about local problems.

In addition to the 'internal' reforms listed above, there are a number of 'external' changes that need to be accounted for in understanding the New York situation. It has been noted that at the same time as crime was

falling in New York, it was also falling in many other locations throughout Europe and America, including many where ZTP was not in use (Innes 1999b). This suggests that there may be broader structural factors at work. One such factor may be a change in drugs markets, in particular a decline in the supply and use of crack cocaine (Bowling 1999). As part of his broader critique, Harcourt (2001) adopts a 'synthetic', multi-causal explanation, whereby he suggests that the drop in recorded crime in New York is not attributable to one isolated factor, but was the result of the confluence of a number of internal and external factors co-occurring at a particular historical juncture.

Informed by the mediated rhetoric that has accompanied ZTP, one might be tempted to see it as a radical departure from previous approaches to the problems of policing liberal democratic polities. This would of course be mistaken. Similar sentiments to those expressed by many supporters of ZTP can be detected in what Wilson and Boland (1978) had earlier dubbed 'aggressive patrol'. Meanwhile, more recently Choong (1998) has suggested that the enactment of social discipline over marginalized and potentially troublesome people is not restricted to those departments where the ZTP philosophy is purposively followed.

In sum, ZTP maintains that police can tackle and control crime by addressing low-level disorderly behaviours, thereby reinstating a sense of both formal and informal social control in communities. In seeking to understand how and why this approach became so influential in the 1990s, it is important to be aware of the powerful message contained within such ideas. It coheres with a deeply embedded sensibility shared amongst the public and many police officers, that the primary objective of the police is the prevention and detection of crime. In contrast to the more communitarian ethos of community policing, ZTP provides a sense of clarity to police and public alike, that the police both can and should seek to address the crime problem through unambiguous order management work.

Intelligence-led policing

The focusing of police work upon crime control is also a feature of intelligence-led policing (ILP). As Harcourt (2001) suggests, a key explanation for the apparent success of the NYPD's implementation of ZTP has been the emphasis placed upon police-public interactions as an opportunity for garnering intelligence, that can be used to inform subsequent police actions. In Britain, such concerns have tended to be associated more directly with the doctrine of ILP.

The roots of ILP can be traced to two key influences. First, it reworks contemporary discourses on the information age and the implications this has for organizational life and industrial practice (Castells 1996). This is combined with a more internally oriented influence, stemming from the

significant rises in recorded crime throughout the 1980s, and the growing feeling that the orthodox crime control strategies and tactics utilized by police were outmoded and ineffective. Such concerns were bolstered by a growing disenchantment amongst many, relating to the fact that community oriented policing initiatives had seemingly failed, both in terms of increasing popular support for the police and in creating the community relations which would result in the continual supply of high quality, crime relevant, intelligence.

Reflecting on these problems, in 1993 the Audit Commission published the findings of a study on the police response to crime. This argued that the traditional approach of 'reactive' investigation, wherein police waited for a crime to occur and then sought to identify and locate a suspect, was inefficient, largely ineffective, and outdated. It was argued that the police should divert far more resources to 'proactive' investigation, that is targeting prolific, recidivist career criminals, who are, after all, responsible for committing a significant proportion of all recorded serious crime. This was to be done in particular, by improving intelligence systems and making better use of informants. The outcome of this approach was what has become labelled as intelligence-led policing.

In effect, ILP's idea of shifting from focusing upon the crime to focusing upon the criminal formalizes and reinforces a trend in police practice over recent years to try and make extensive use of undercover and deceptive methods, including informants, officers going undercover into criminal organizations, and surveillance technologies (Marx 1988). In Britain, the development of this approach has been encouraged by trends at the transnational level, wherein intelligence sharing between European nation states has rapidly developed (Sheptycki 1998). More recently, the introduction of the National Intelligence Model has sought to 'place intelligence at the core' of the policing system, creating arrangements to encourage intelligence sharing between a range of policing and non-policing agencies. Although evaluations have identified a degree of variability in terms of the extent to which this is being successfully accomplished (John and Maguire 2003; Sheptycki 2003).

As such, ILP mirrors, and is part of wider transformations in terms of how social control is imagined and practised in late-modern societies. Specifically, its programmes are based upon strategies and tactics intended to establish a more future-oriented, preventative, risk-based approach to social control (Maguire 2000). Situating such developments in a wider context it is evident that the focus upon intelligence, and the routine collection, analysis and exchange of data as the basis of policing, contributes to the sufficient and necessary conditions for processes of control creep. If police actions are to be based on intelligence, then there is a manifest incentive for welfare agencies, who typically possess a lot of data about potential police targets, to be encouraged to co-operate with police agencies. Thus welfare agencies are increasingly involved in law enforcement type work, supplying the intelligence that the police are looking for in

respect of their nominated targets. Similar connections also tend to be fostered between public and private policing agencies (Ericson and Haggarty 1997). It can be seen then that the principles of ILP contribute to the kinds of trends identified in Chapters 1 and 2.

The limits of ILP

On the one hand, recent developments in relation to the use of intelligence suggest that some fairly important changes in the logic of how the police operate may be taking place. On the other though, it seems likely that any such changes will be inhibited by the problems associated with intelligence work, which for the most part the architects of ILP appear to have failed to engage with fully. For example, whilst in theory informants provide a useful, cost-effective investigative resource, in practice informant management is fraught with both ethical and practical dilemmas. The value of an informant to police is frequently based upon their ongoing participation in criminal activities. Moreover, they frequently provide misinformation and disinformation to police, and therefore, there tend to be a lot of 'hidden costs' in routinely using informants in policing (Maguire and John 1995; Innes 2000).

More recently, questions have been raised about the design of police information management systems and whether they can fully support a mode of operation that relies upon the identification, processing and communication of large amounts of intelligence data. This echoes Wilensky's (1967) finding that the causes of intelligence failures are often 'designed in' to the systems of complex, hierarchical organizations. Perhaps the most important criticism of ILP though is its tendency to introduce a degree of 'systemic bias' towards 'rounding up the usual suspects' (Gill 2000). This occurs because intelligence systems are designed to 'target' particular offenders, frequently selected on the basis of which individuals you have most intelligence about – which are, of course, going to be past suspects. And in the process of targeting these individuals, the organization is more likely to generate further intelligence on them, thus justifying their selection as targets both retrospectively and prospectively.

As such, ILP as a fully formed approach to policing, has, as yet, had only a limited impact on police practice. It seems to be more effective for responding to forms of comparatively serious, ongoing and organized criminality. Its utility in terms of responding to more routine and everyday disorder problems has been less evident.

Plural policing

The three perspectives that I have outlined so far relate to attempts to reconfigure the role of the public police. But perhaps the most important

changes in recent years in terms of how policing services are delivered, relates to the rapid expansion of the private security sector. Private forms of policing, purchased by individuals, communities and organizations, and supplied by companies who are seeking to make a profit, once again constitute an important aspect of how social control is manufactured. I say once again, in order to remind us that prior to the legitimization of the 'new' public police in the nineteenth century, the private provision of policing services was the norm.

Addressing the contemporary situation, many commentators refer to the emergence of a system of 'plural policing', in an attempt to capture the fact that the conduct of policing broadly conceived, involves a range of public, private and 'hybrid' agencies. The latter term is used by Johnston (1992) to refer to a number of miscellaneous policing agencies such as the Ministry of Defence Police, Atomic Energy Authority Constabulary, the Post Office Investigation Department, and the Health and Safety Executive, 'whose formal status and operating territories cut across the public-private divide' (p. 114).

Mapping the current developments, Loader (2000) argues that changes in the delivery of policing have occurred along a number of axes. He identifies that, in addition to changes in policing by government, there have been four expansionary trends:

Policing through government: where policing services are enlisted by government but supplied by others.

Policing above government: where supranational and transnational policing institutions such as Europol and Interpol have become increasingly important.

Policing beyond government: refers to the expanding and enhanced commercial market in security systems and policing markets that now takes multiple forms.

Policing below government: refers to: activities performed by citizens under the supervision of the state such as neighbourhood watch and neighbourhood wardens; sporadic instances of 'vigilantism'; and the mounting of citizen patrols.

The main consequence of these changes has, according to Loader, been the emergence of a loosely coupled policing network, wherein the activities of the sovereign state constitute one amongst a number of nodes in the plural policing network.

The expansion and enhancement of these various forms of private policing and thus the proliferation of the various pluralistic models of policing has resulted from several factors. First, there has been increased concern about the ability of public policing to provide the levels of security that anxious publics feel that they need. Secondly and relatedly, the rise in crime and the engendering of fear of crime has encouraged people to establish enhanced protective measures for both themselves and their

property. The logic of using a competitive market system in the provision of security also coheres with the more deeply entrenched notions of political economy in late-modern societies remarked upon in earlier chapters, which has seen a broad shift from the principles of government to governance (Jones and Newburn 1998; Johnston 2000).

Johnston (1992) identifies that private policing agents engage in a range of activities including: surveillance, intelligence and undercover work; preventative activity; investigation and detection; containment and control in the criminal justice system. Arguably though, the most important is the 'guarding and protection' of property and persons, which is where most of us encounter private policing directly. The protection of commercial, industrial and retail premises is particularly important to our current discussion. The 'normalizing' of 'mass private property' of the type to be found in large shopping malls, and the use of private security guards to patrol them, has resulted in a situation where significant aspects of our lives are subject to the controls imposed by privately employed agents. But what characterizes the performance of all private policing functions is that they provide a particularly 'instrumental' form of social control (Shearing and Stenning 1987). The primary responsibility of the private policing agent is to the client who is paying for their services. Whereas the public police symbolize the presence of law and order, private policing is far more concerned with merely preventing any harm occurring to their clients' interests.

The rapid development of private policing services has led a number of leading commentators to argue that we need to rethink our understandings of policing, in order to account for some of the changes that are taking place in terms of how, by whom and for what purposes policing services are being provided. Proponents of the plural policing model maintain that, in order to describe and understand how policing is being delivered in late-modern societies, we need to examine the activities of private, hybrid and public policing agencies, so as to understand how their work overlaps and interlocks.

Given the focus of this book, the emergence of the plural policing model is significant. First, because it points to the ways in which the monopoly held by the sovereign state in the funding and supply of social control functions has been progressively eroded, to the point where some commentators suggest that state policing agencies could become merely one amongst a mixture of equally powerful, and equally significant suppliers (Bayley and Shearing 2001; Johnston and Shearing 2003). Secondly, the argument that the provision of policing is founded upon a network of private, public and hybrid agencies, coheres with the general tenor of the post-social control theorists reviewed in Chapter 2. For instance, in their 1996 article 'The Future of Policing', Bayley and Shearing argued that the expansion of private policing was a key signifier that the systems of policing in late-modern liberal societies were undergoing fundamental transformation. They saw the sovereign state's monopoly in the delivery of

social control being rapidly replaced by a network of private policing, quasi-formal regulatory bodies, and citizen policing initiatives.

The most sophisticated account of these developments is provided by Johnston and Shearing (2003) in their exposition of what they term 'nodal governance'. It is an approach that is part diagnosis of recent developments and part prediction of how the trajectory of these developments might develop in the future. The central idea of nodal governance is that the state's role in the governance of security is fundamentally changing. They suggest that the state's primary function becomes less about the actual delivery of services to the public, than regulating the conditions of the security market and the competition that occurs between providers to supply specific services. In a recent publication for the National Institute of Justice in America, Bayley and Shearing (2001) have argued that, if one takes the ongoing developments seriously, then the next logical step is to de-couple the funding of policing services from their supply. In effect, they suggest the creation of a policing market that is regulated by an outside body, wherein public and private organizations compete to deliver policing services in relation to particular populations, problems and places.

A second, less radical example of how the network metaphor has been employed to understand contemporary policing arrangements is provided by Ericson and Haggerty's (1997) recent discussion of the policing of risk society. They use empirical data to argue that the role of public policing agencies in Canada is increasingly concerned with 'risk communications' to other agencies in the policing network. According to Ericson and Haggerty, the public police function is increasingly that of collecting information from other agencies, processing it and then disseminating it to other nodes in the policing network.

To reiterate, the plural policing perspective is important not just because of the way in which it points to some system-level changes in policing, but also, because of the wider implications that it has for understanding social control. The more decentred and fragmented picture of policing that is painted is directly connected to some of the ideas discussed in relation to the post-social control perspective.

Control hubs' and 'total policing'

Tracing the ongoing patterns of development in contemporary policing provides a sense of how problems of crime control, order-maintenance and security provision have informed shifts in the key logics of policing. Each of the different perspectives outlined incorporates a diagnosis of the problems of policing a liberal democratic society and seeks to reconcile the demands on policing in different ways. Essentially, the three public police perspectives argue that by targeting police activity in some way, the broader problems can be addressed. In contrast, the plural policing

perspective suggests that these reforms have been largely unsuccessful, as a result of which the public have increasingly turned to the commercial sector to meet at least some of their needs.

Issue can be taken with the plural policing models use of the network metaphor to describe the arrangements by which policing is organized. I would argue that certainly in Europe, rather than a network, a more accurate description of the organization of policing may be the metaphor of 'the control hub'. The key difference being that whilst the concept of nodal or networked governance locates the role of the state as simply equivalent to that of all other providers, the notion of control hubs retains a sense of hierarchy in the organization of social control. This is important because although contemporary European styles of policing involve a range of actors and agencies, they are not as yet functionally equivalent. The public police retain greater enforcement powers and when situations become particularly problematic, private agents will frequently call upon the public police to resolve the situation. The majority of private police are poorly paid, poorly trained and have fairly constrained responsibilities. Consequently, the control hub metaphor places the public police at the conceptual centre of the delivery of policing services, but acknowledges that their actions are augmented and supplemented by those performed by communities, private security agents, as well as other public agencies.

This is not to wholly dismiss the utility of the network metaphor in analysing contemporary developments in policing. However, it may be the case that the network metaphor is more applicable to the North American context, where there has traditionally been a more 'decentralized' public policing sector, consisting of a vast number of public agencies. In such conditions, networked approaches to policing are by virtue of necessity the norm. Alternatively, such ideas and programmes may provide a model for those areas of the world where public police agencies do not have a tradition of symbolic legitimation. In Europe though, we have tended to have far fewer public agencies and as such, the metaphor of control hubs may provide a more accurate description of the ways in which policing has developed in this context, and may continue to do so in the near future.

Positioning the public police at the centre of a control hub, supported by the work of private and hybrid agencies and citizens, perhaps provides a better sense of how policing as social control is currently conducted. Furthermore, at a more abstract philosophical level, it retains a sense that policing is, as Loader (1997) has identified a 'public good', the delivery of which needs to be founded upon principles of social justice and democratic accountability, if the fundamental aims of policing are to be achieved. The hub metaphor provides a way of thinking about the activities of diverse policing agents in a way that shows how together they may contribute to tackling crime, maintaining order and providing a sense of security. The participants in the hubs share resources, data and even personnel in an effort to perform their functions, as a result of which the boundaries between the separate institutions are increasingly dissolved. The concept of

control hubs also provides a degree of analytic purchase on how policing might develop in the future. What may emerge is a form of 'total policing' system, wherein the police function is focused around tasks of crime control, order maintenance and security provision, but there is a division of labour for these tasks, where they are performed by situated combinations of public, private and hybrid agents.

Summary

As a mode of social control, the logics and practices of policing are shaped by, and shaping of, what Ian Hacking (2000) dubs 'the social matrix' – that is the key social, economic, political and cultural institutions that collectively function to produce and reproduce social order. By tracing the key components of some of the most important contemporary perspectives in policing, what is made evident is the ways in which policing can be used to identify some of the key changes that are taking place in late-modern societies in terms of how social control is conceived of and conducted. Importantly, such an analysis demonstrates that the patterns of development in policing are not all necessarily in the same direction, or wholly compatible. For example, community policing embodies the desire to encourage community participation in crime control, and is thus illustrative of the ways in which one of the key movements in contemporary social control practice is to establish stronger connections between formal and informal mechanisms of social control. Contrastingly, the plural policing perspective perhaps demonstrates the limitations of such attempts – in that private policing agents have increasingly been employed to perform the security functions that public police agencies might have been expected to perform. As such, the development of the plural policing perspective is illustrative of the trend towards the commodification of security and also the formalization of security functions.

Alongside such developments, shifts in the role of the public police associated with ZTP and ILP perspectives are indicative of separate and some might argue contradictory trends. ZTP and ILP respectively embody trends to encourage unambiguous formal social controls of both comparatively trivial disorders (on the understanding that they impact on people's 'quality of life'), and more serious types of crime, respectively. Thus we can see how policing encapsulates trends for intense and systematic forms of social control. It has been directed towards order maintenance and security providing functions, at the same time as being encouraged to tackle more serious types of crime.

Punishing

The idea of punishment

Confinement

Total institutions?

Mass imprisonment

Transcarceration

Community based sanctions

Restorative justice

Summary

Punishment, understood as the imposition of some form of censure or sanction in response to a deviant act, obviously constitutes an important mode of social control. As with policing, the most visible forms of punishment are probably those that are enacted by the state through the criminal justice process, but punishing also involves communities and individuals seeking to regulate the conduct of others through more informal methods. Either way, whether we are talking about formal or informal punishments, we tend to assume that the selection of a particular form of punishment will reflect societal norms concerning the perceived seriousness of the deviant act concerned. Thus, in a similar fashion to policing, practices of punishment need to be understood as being imbricated in a social matrix, shaped by and shaping of, wider master-patterns in the conduct of social control.

My purpose in this chapter is therefore to explore how punishment can be understood as a mode of social control, and how, in examining the workings of punishment, the nature and conduct of social control more generally is clarified. In addressing such themes, my focus is principally upon issues of penalty, defined as the complex of ideas, institutions, rules and practices pertaining to punishment.¹ I commence my exploration of penalty by first providing an overview of the ideas that fundamentally shape how we think about punishment and its aims. Following on from which, I will switch focus to examine some of the key methods by which punishment is performed.

The idea of punishment

Analysing punishment as a mode of social control necessarily involves exploring how punishment should be performed and how it is performed. As Hudson (1996) notes, 'ought' questions are typically posed in jurisprudence and the philosophy of law, whereas the discussion of how punishment is actually practised, is more typically the focus of sociological enquiry. However, what is effectively a technical issue of how to punish, is itself premised upon the more fundamental ethical question of 'why punish?'

The starting point for a discussion of why use punishment as a method of social control, is the often overlooked fact that, aside from a few radical critiques calling for the abolition of punishments imposed by the state, the majority of debates have assumed that some form of punishment for deviant acts is necessary. As a consequence, what has tended to be debated are the aims, justifications and methods to be employed. This signals a sense in which, almost intuitively, we feel that punishment, if it is appropriately designed and implemented, should work. As children we have all experienced being admonished by our parents and other adults, and being subjected to a variety of punishments. Although at the time we may have felt the imposition of punishment to be unfair, and experienced the shame and guilt associated with it. Looking back, most of us would probably identify that the punishments administered to us during childhood are part of the reason we have grown up to be 'normal', socialized, fairly well adjusted adults. Freudian psychologists may go even further than this and argue such early socialization processes are intrinsically necessary for the regulation of otherwise destructive base impulses. From an early age then, we are accustomed to thinking in terms of the social fact that punishment is a way of controlling deviant behaviour and a method for internalizing societal norms as the basis for self-control.

Broadly speaking, philosophical theories of punishment can be distinguished between those that see the primary objective of punishment as being the prevention of future crimes and those that focus on punishing crimes already committed. Amongst the former group are the utilitarian, consequentialist and reductivist approaches. Amongst the latter are retributive and just deserts theory. In essence, the former group of theories argue that the aim of punishment is deterrence, both of the individual being punished, but also more generally, deterrence of potential offenders in the wider population. This deterrence function can happen through prevention or incapacitation, and reform or rehabilitation. In contrast, advocates of a retributivist position argue that punishment is imposed because offenders deserve it. Criticizing the notion of punishment directed by aims of incapacitation and rehabilitation, they argue that such ideas could lead to people being subject to disproportionately harsh punishments on the basis of predictions about their likely future actions. Retributivists maintain that

it is important that 'the punishment fits the crime' and that the amount of harm imposed upon the person being punished is proportionate to the harm caused by the offence committed.²

Whereas these jurisprudential perspectives on punishment have tended to focus upon issues of morality and ethics, sociological theories of punishment have tended to focus upon the social supports of particular regimes of punishment, and the cultural implications it has for society.³ Thus for Durkheim and those writing in the functionalist tradition, acts of punishment are not simply a matter of responding to deviance, they are frequently also rituals of order, where a sense of belonging to a particular group and adherence to a belief system is performatively enacted. Punishment is thus identified as a necessary condition of moral order, reinforcing the authority and legitimacy of key social institutions.

Durkheim's account is contested by the conflict theorists writing from a broadly Marxist standpoint. They argue that the how and why questions I posed at the start of this section, can only be addressed by situating the key institutions and practices of punishment in a capitalist framework. For writers such as Rusche and Kirchheimer (1939), it is the political economy of capitalist development that determines how and why particular penal regimes rather than others come to the fore. Although now considered outdated, this work subsequently influenced other ideas which cast punishment as a form of ideology engaged in the reproduction of class relations.

Although Weber, as the third key figure alongside Marx and Durkheim in the realm of classical sociological theory did not directly address issues of punishment, Garland (1990) maintains his influence can be detected in a number of key works in this area, including those by Rothman (1980) and Foucault (1977). Weber's rationalization thesis applied to the topic of punishment, points to the ways in which punishment has increasingly been thought of as an administrative undertaking that is managed by a bureaucratic apparatus. As Garland describes it:

The emergence of a penal bureaucracy as the organizational form through which penal sanctions are administered has meant that an instrumental, formal-rational style has been imposed upon a punitive process which embodies non-rational sentiments and non-instrumental aims. Actual punishments are thus always a compromise formation, being the outcome of these conflicting considerations and objectives.

(1990: 192)

Having all too briefly considered why societies seek to punish, I will now turn to the equally vexing question of how punishments are enacted.

Contemporary punishments take a number of forms, depending upon the gravity of the deviant act that has been committed. They include imprisonment, probation, and parole, through to fines, curfew orders, electronic tagging schemes and community service. But we should not

neglect the fact that part of the punishment imposed by these different techniques relates to the stigmatizing and shaming qualities they also frequently incorporate. Given the diversity of punishments available, it is perhaps not altogether surprising, that in trying to understand penalty as a form of social control, one is struck by the complexity, ambiguities and array of co-existing trends and counter-trends that are present. Therefore, in order to try and make sense of this complexity, it is perhaps useful to distinguish between punishments that are based upon confinement, those that are served in the community, and the 'hybrid' punishments that lie somewhere between these two positions.

Confinement

As a method of punishment, confinement, most usually through incarceration in a prison, tends to be reserved for what are deemed to be the more serious forms of deviant behaviour, and the more dangerous and problematic offenders.

Over the past three decades the use of imprisonment in Western societies has shown an unrelenting trend towards expansion. As a method of social control imprisonment has become increasingly important. Almost paradoxically though, accompanying this expansion, there has been increasing pessimism about the efficacy of prison as a method of control. Confronted by high crime rates and research evidence suggesting that about two-thirds of those who are imprisoned go on to commit further offences, it has been commonplace to hear popular commentaries that 'prison is an expensive way of making bad people worse', or that they are little more than 'schools of crime'.

The result of this situation has been that the idea that imprisonment can reform or rehabilitate an offender, has increasingly given way to the more modest aim of incapacitation. In effect, the prison as a site of punishment is no longer justified as a means of reform, rather it is portrayed as a mechanism for separating criminals from non-criminals. This reconfiguration has been justified on the basis that, at least by separating criminal deviants from the law-abiding majority, even if it performs no other role, it promotes the security of the latter group.

In what follows, rather than treading the well-worn path of discussing how imprisonment is conducted and managed by the authorities and experienced by inmates, I want to try and show how, by studying this particular form of social control, we can learn much about how social control works more generally. As will become apparent, although the political rhetoric that tends to accompany discussions of the use of incarceration has frequently portrayed it as the ultimate form of social control, in fact, control in prisons is far more contingent and negotiated than these rhetorics imply.

Total institutions?

In liberal-democratic countries incarceration is the key punishment used by the state to respond to serious acts of deviance. But it was not always so. As Ignatieff (1978) explains, prior to the end of the eighteenth century, prisons were somewhat chaotic institutions used to 'hold' deviants until the time when their actual punishment could take place, which tended to be transportation, or some form of corporal or capital punishment. It is important to remember that this confinement function continues to be performed in contemporary penal systems. For example, in the American system, the infamous death row is still used to confine prisoners until the often lengthy judicial appeal process is exhausted and they are executed by the state. Nevertheless, despite the persistence of such practices, most histories of penalty suggest that the transformation of the prison from a place of confinement prior to the punishment being carried out, to the punishment itself, represents a key change in the social functions of imprisonment. There are essentially two interlocking dimensions to punishing through imprisonment. The first is the disciplinary regime of the institution, involving the control of time and space through monitoring and timetabling the conduct of those subject to the regime. The second dimension is the separation from the outside world and all that it involves.

In his history of practices of incarceration, Michel Foucault (1977) traces why the practices of discipline that we associate with imprisonment as a form of punishment were developed and instantiated within the routines of prison life. The sorts of technologies and apparatus associated with the modern prison were, he argued, designed and implemented in order to engage in 'soul training', inducing conformity at the same time as repressing deviant motivations. According to Foucault, the prison was one of a number of institutions that emerged during the modern epoch with the purpose of instilling discipline and thereby producing 'normal' behaviour.

In his study of mental asylums, Erving Goffman (1961) identified that the kinds of 'soul-training' technologies and apparatus described by Foucault, constituted the basis for a number of what Goffman dubbed 'total institutions'. According to Goffman, what these social establishments had in common were similar principles of organization, in that those subject to the regime had their behaviour closely monitored and regulated by the staff of the institution in a systematic and intense fashion. He defined them:

... as a place of residence and work where a large number of like-situated individuals, cut off from the wider society for appreciable period of time, together lead an enclosed, formally administered round of life.

(Goffman 1961: 11)

This approach aims to tease out the common characteristics and features shared by asylums, prisons, some religious orders, schools and some factories. For Goffman, the arrangements in such establishments are deliberately designed to allow for a form of social control that is, at least in principle, almost all-encompassing, or 'total'. The distribution and range of controls in such bounded settings appears on the surface at least to be pervasive, intense and systematic, directed both at the control of outward behaviour, but also regulating the inner-social self. Tellingly, Goffman saw prisons as exemplifying the traits of a total institution.

Although writing from a different theoretical perspective, similar themes to those identified by Goffman are mapped out by Foucault (1977). Foucault argues that the prison constitutes a focused example of how control functions permeate the everyday routines and structures of modern societies. In effect, he uses the prison as a metaphor for wider transformations that he sees as taking place in modern societies. Through his development of the concepts of 'panoptic surveillance' and 'discipline', he details how, within the walls of the prison, pervasive and penetrating regimes for monitoring the conduct of inmates aim to induce a form of reflexive self-monitoring of conduct. These disciplinary technologies and the potential for surveillance that are integrated into the temporal and spatial organization of prison life, provide an almost unparalleled opportunity for exercising a systematized form of control over the regime's subjects. He describes how the inmate's day is structured not according to individual needs or wants, but according to the rhythms imposed by the operations of the social system that is the prison. By charting how control is exacted through the regulation of time and space within the prison regime, Foucault seeks to show how those subject to the unremitting discipline are pressured into conforming to the external demands placed upon them.

There are then, obvious similarities between the accounts provided by Goffman and Foucault, which help us to understand the nature and role of imprisonment. However, Goffman goes further, for as well as seeking to map the practices of the controllers, he also undertakes to explain how these are experienced by those subject to them. Although Foucault's conception of power allows for resistance on the part of inmates, he does little in the way of developing an account of how this is actually done. And, therefore, reading his works, one gets a sense of an almost unchallengeable, penetrating, systematic and intense style of control in operation.

In contrast though, Goffman attends quite carefully to what he terms the 'underlife' of total institutions. What he is able to show is that individuals, even when subject to seemingly all-encompassing regimes of control, are able to actively develop strategies to inure themselves to the regulatory system so as to preserve a sense of self and personhood. Although the system of control may appear seamless from a distance, up close there are cracks and interstices which can be exploited, so that albeit only in small ways, the regime is subverted and resisted.

In developing this theme Goffman distinguishes between 'primary' and 'secondary' adjustments to the control regime. Primary adjustments are those made by the individual in order to meet the demands and expectations of the ordering regime. In contrast, secondary adjustments are the unauthorized habitual adaptations developed to act or think in a way contrary to the regime's expectations. Importantly, there is a distinction that can be drawn between those types of secondary adjustment that disrupt the routines of the organization, and those that become tacitly accepted as part of the normal day-to-day running of the organization. In part, this acceptance or otherwise of secondary adjustments, depends upon the nature of the organization. As Goffman himself notes, the irony is that:

Establishments that oblige the participant to 'live in' will presumably be rich in underlife, for the more time that is programmed by the organization, the less likelihood of successfully programming it.

(1961: 183)

In the mental institution, inmates facilitated the process of secondary adjustment through the use of what Goffman labelled 'make do's'. These were objects whose use and meaning were transformed by the user to accomplish different ends:

Obvious examples come from prisons, where, for example, a knife may be hammered from a spoon, drawing ink extracted from the pages of Life magazine, exercise books used to write betting slips, and cigarettes lit by a number of means – sparking an electric-light outlet, a homemade tinderbox, or a match split into quarters.

(Goffman 1961: 187)

The use of 'make do's' in this fashion was, then, a way of accomplishing practical tasks. But for Goffman there was a deeper significance to such adaptations for the person concerned. The refashioning of objects was a form of resistance that signalled that their social self and sense of identity had not been totally lost to the regime. Make do's provided a way of 'doing self with things' in a manner similar to that which takes place outside of such establishments (Perinbanayagam 1990).

In liberal democratic societies imprisonment effectively constitutes the ultimate form of social control that is routinely deployed to control deviant behaviour. What Goffman demonstrates is that even in such circumstances, there are limits to the control that can be exacted.

This theme of the limits of control can also be detected in Gresham Sykes's (1958) classic study of an American maximum security prison. Sykes notes that in such institutions, where all prisoners are working through comparatively long sentences, there are peculiar problems of controlling behaviour that have to be overcome. He was careful to convey the sense in which the social order of the prison was contingent and negotiated between guards and inmates. Control in such establishments is not just formally enacted, but involves the use of informally based rewards and

punishments. Prisoners were allowed to participate in various forms of 'minor' deviant behaviours by guards, in return for a 'quiet' institution. In other circumstances though, inmate deviance has been more systematically enacted as a form of political protest. In Northern Ireland, political prisoners engaged in hunger strikes and dirty protests, transforming their bodies and cells into instruments of protest to mark the contested legitimacy of their imprisonment (McEvoy 2001). As Sykes (1995) reflected, a prison is a complex social system, and any such system cannot run on force alone, rather it requires a degree of legitimacy and co-operation from those being ruled over. This sense of negotiated order is also present in Sparks et al.'s (1996) more recent discussion.

The message that comes through from Sparks et al.'s research within British maximum security prisons, is that for the prison staff, the key issue is not that of how to effect punishment over the inmates, but how to ensure the orderly running of the prison on a day-to-day basis. As the authors note, in such establishments levels of surveillance and the managed control of activity is inherently high. Nevertheless, even within this situation where high control is comparatively normalized, 'control incidents' occur, which at least partially or temporarily threaten the established order and as a consequence must be dealt with. In such instances, control ultimately resides on the capability of the regime to exert superior levels and types of physical coercive force to restore order.

A second feature of the empirical findings of this study worth commenting on, is that by contrasting the penal orders in Long Lartin and Albany prisons, the authors show that even within one system of maximum security imprisonment, there are important differences in terms of how order and control are enacted. At a broader more general level of analysis, a similar point is made by David Downes (1988) in his comparative study of attitudes towards, and methods of, imprisonment in Holland and Britain. As Downes shows, the cultural and historical context that surrounds a penological situation manifestly shapes how imprisonment is imagined, practised and justified. This supplies an important corrective to Foucault's influential genealogical analysis of the causes and consequences of carceral regimes.

First, Foucault's account privileges the development of disciplinary practices within carceral institutions. He maintains that the key feature of the development of imprisonment in modernity was the progressive refinement and rationalization of techniques for the structuring and ordering of the imposition of power. This differs from Sykes who maintains that the 'pains of imprisonment' are less to do with the structuring and ordering of space and time, than the physical separation of the deviant from those to whom he or she has emotional bonds.⁴ This element of Sykes's account is particularly important in the light of a number of the recent analyses of the master trends in social control, which argue that one of the key ingredients of current social control practices, is a shared orientation to control via exclusion – that is the separation of the law

abiding from the deviant sections of the population. For Foucault, the imposition of discipline and the ordering of time-space was part of the orientation to 'soul-training', and the (re-)normalization of the aberrant person. And whilst Foucault doesn't wholly ignore the significance of the sequestration of the deviant individual in practices of punishment, certainly many of the interpretations of his work have seen this as a less significant aspect of his analysis, than the technical qualities of the administrative and regulatory practices.

The second corrective to the Foucauldian literature relates to the Goffmanesque sense that there are limits to the effectiveness of control in practice. Reading passages of Foucault and those who have sought to develop his ideas, one could form the impression that the design of prisons afforded the opportunity for an all-encompassing form of disciplinary control to be carried out. Of course this is not the case. Criminologists, prison governors, prison officers and inmates have long known that there are a lot of criminal acts that take place within the walls of the prison, as well as outside of them. To be fair, Foucault himself recognized the limits of control. Indeed, the notion of 'functional failure' is pivotal to his explanation of how, in failing to rehabilitate inmates, the penal system effectively created the conditions for its own expansion. This system level explanation of functional failure continues to be applicable in the contemporary context and indeed has been deployed in accounts of the contemporary phenomenon of mass imprisonment.

Mass imprisonment

The idea that there are limits to the control that systems can achieve over individuals, even in environments that are characterized by comparatively intense, pervasive and systematic control measures, is further evidenced by the high reconviction rates amongst former inmates. What Foucault demonstrates though, is that historically, the failure to rehabilitate the majority of inmates has not led to the idea that imprisonment constitutes an effective form of punishment being revoked. Rather such problems have been addressed by claims that what is required is a succession of 'technical fixes', slight improvements to the control regimes, which it is posited, will improve the operations of the system. In effect then, the problems associated with imprisonment create the sufficient conditions for the expansion of the penal system.

One of the remarkable features of contemporary society has been that although there is an increased sense of resignation about the fact that, as a method of social control, imprisonment can only be said to be effective in terms of temporarily incapacitating offenders, both Britain and America continue to incarcerate more and more people. In addition to this, there has been the introduction of a wide range of alternative forms of

punishment – an issue I will address in due course. But the problem of high imprisonment rates has become particularly acute in America, where the term ‘mass imprisonment’ has been coined to describe the situation (Garland 2001b). As Tonry (1995) and Mauer (1997) have documented, approximately one-third of all young black males in America are at any one time in prison, on probation or subject to parole.

Simon (2001) argues that mass imprisonment has come about as a result of three key factors. The first is a change in political culture, where what Bottoms (1995) describes as ‘populist punitiveness’ has become the dominant sentiment. Faced with high crime rates, and a fearful electorate composed of increasingly visible and vocal victims rights groups, politicians have been encouraged to introduce legislation that increases prison sentences for particular groups. Amongst the most notorious examples of this trend is the ‘three strikes and you’re out’ approach. Aimed at recidivist offenders, this law means that if you are convicted of three offences, even if the third is for something comparatively trivial, the courts have the power to sentence the perpetrator to a long period of incarceration.

The second factor that Simon (2001) identifies is the ‘war on drugs’, where attempts to deal with America’s drugs problem through the criminal justice system provided an almost limitless supply of arrestable and imprisonable offenders. The third factor he identifies is the increasing interaction between criminal justice agencies, which in turn he argues, has created strong internal pressures for growth and expansion of the system. For Simon (2001) these three factors interlock and interact, reinforcing each of the individual trends.

The consequences of this situation are, it is argued, potentially profound. As Garland (2001b) suggests, mass imprisonment is not simply a matter of high rates of incarceration, it exists when:

...it ceases to be the incarceration of individual offenders and becomes the systematic imprisonment of whole groups of the population. In the case of the USA, the group concerned is, of course, young black males in large urban centres.

(Garland 2001b: 2)

The normalization of the prison experience amongst this group, may have serious long-term consequences for communities and societies when they are released from their often quite lengthy periods of incarceration. At the moment we can only guess at what form these consequences might take.

More immediately though, Downes (2001) persuasively argues that we need to contextualize the phenomenon of mass imprisonment and in particular relate it to the conditions of late-modern capitalism. Drawing upon a range of evidence, he details how the US prison population amounts to about 2 per cent of the male labour force and has therefore, throughout the 1990s, reduced official unemployment figures by between 30 and 40 per cent. In effect then, not only is a free-market society highly criminogenic,

but it exploits this quality to promote an ideology of its apparent macroeconomic success.

Transcarceration

In his diagnosis of the causes of mass imprisonment, I noted that Simon sees a significant factor as being the increased interlocking of the various criminal justice agencies. Mapping the dimensions of contemporary social control though, one is struck that although Simon is correct, he is also slightly restricted in the purview of his analysis. For it is not just within the criminal justice system that there is a broadly integrationist movement. Perhaps one of the most important trends that can be observed is the increasing connections between the criminal justice system and the welfare system.

Clients of welfare agencies are, in many cases, also the offenders and victims dealt with by agents of the criminal justice process. Consequently, through the use of multi-agency working groups, processes of data sharing and reconfigurations of the key welfare agencies, social control functions have increasingly been integrated into the mission of welfare provision. One particular dimension of this has been the increase in 'transcarceration' (Lowman et al. 1987).

Developing the idea that control by exclusion has emerged as a key strategy for controlling economically and politically marginalized persons in late-modern societies, the transcarceration concept aims to capture how particular problem groups are increasingly locked into a cycle of control, shifting between different carceral regimes over the course of their life. For example, an individual may shift from being raised in local authority care, to time in young offenders' institutions, to periods in and out of prison in adulthood, interspersed with spells in hospital for mental disorders.

The idea of transcarceration is therefore potentially useful in terms of how it signals the increasingly blurred boundaries between control functions and welfare functions. Both Scull (1987) and Blomberg (1987) illustrate this trend by reference to the proliferation of 'diversion' schemes that have been introduced over the past two decades. For at the same time as there have been dramatic rises in prison populations, there has been an accompanying development involving the introduction of a vast array of community based correctional schemes. Ostensibly the aim of such schemes is to divert young people, first-time offenders and less serious offenders away from contact with the formal criminal justice system, and the longer-term negative impacts this entails. But the overall impact has been, as Scull (1987) describes, the diversion of people into and within the system, not away from it. It has expanded the reach of the control system, so that interventions now routinely take place not just with offenders, but also those young people who are calculated to be 'at risk' of offending at

some point in the future. The result of this is an increasingly decentralized criminal justice network whose controls increasingly penetrate civil society (Blomberg 1987).

For Wacquant (2001), the most important dimension of the development of 'transcarceralism' is that it has become a surrogate policy for dealing with the social problems caused by the racialized and deeply ingrained culture of poverty in many of America's urban areas, described in Chapter 4. That is, rather than tackling the structural and structuring causes of poverty, the dominant policy orientation has been to try and exert increasing levels of control over the destitute and marginalized. In a period of history that privileges the role of the free-market, governments have become increasingly concerned to tackle the problems caused by those whom market systems have failed on the basis that they threaten the system. Thus the value of welfare provision has been increasingly eroded and increasingly it is used as a tool to ensure that recipients do not misbehave. As Wacquant reiterates, the inhabitants of the urban ghettos and the inmates of America's prisons are increasingly the same individuals.

Community based sanctions

Accompanying the resort to the use of imprisonment as confinement, there has been a significant and important growth in the number, range and types of community based sanctions, or what Morris (1995) terms 'intermediate punishments', that are available to control a range of different forms of deviant behaviour. These alternatives to custody include fines, curfew orders, community service orders, treatment orders, electronic monitoring, and intensive probation and parole (Morris and Tonry 1990). Support for these various intermediate punishments is rarely based on the idea that they are better at reducing recidivism rates, the rather more pragmatic claims made are they are cheaper and do not appear to be any worse than incarceration (Morris 1995).

There have always been community based corrections running parallel to the use of imprisonment as a form of punishment. But the development of new alternatives has been emboldened in recent times by the difficulties associated with the economic and social costs involved in building more and bigger prisons to house the increasingly large numbers of offenders sentenced by the courts (Vass 1990).

The effectiveness of intermediate punishments may reflect, as Vass (1990) notes in his study of the operationalization of community service orders, that in practice the day-to-day workings of such punishments are based upon 'toleration'. They necessarily involve a degree of discretion on the part of supervisory officials, which produces a certain degree of elasticity in the enforcement of rules and laws.

Ultimately, the introduction of these measures extends the range of sanctions that are available to the authorities, at the same time as facilitating the penetration of control practices ever deeper into the key arenas of social life. This is because punishment is no longer separated by the prison wall. It is in this sense that the development of these methods of punishment have emboldened processes towards 'decentralized community control' (Cohen 1987).

One of the most insightful discussions of how decentralized community control has developed and spread is provided by Jonathan Simon (1993) in his analysis of the evolution of the parole system in America. Simon explains how the introduction of parole, where a period of incarceration is followed by administrative supervision, was originally based upon the idea that through either the imposition of discipline over, or clinical assistance to the offender, the person concerned should be encouraged to attempt to adjust to 'normal life' after prison. However, increasingly the mission of parole has been subverted by a desire to manage 'problem groups' through a range of disciplinary and clinical techniques. In effect, parole has increasingly been transformed into a comparatively cheap form of punishment, reflecting the wider sense in which both the penal system and the welfare system have been increasingly concerned with 'the government of the poor'.

The 'managerial' parole model that Simon describes as coming into being from the mid-1970s to the present, is increasingly less concerned with what Foucault termed 'normalization' of the deviant. Rather it is based upon the more limited aims of meeting internally set performance standards and targets, which themselves do not aim to deal with causes of problems, but seek to control the effects of these problems as far as is practicable. As Simon explains, the continual measurement of performance of parole agencies induces a 'technocratic rationality' into their work, that tends to transform substantive evaluations (such as is he/she dangerous?) to formal procedures (is his/her drug test positive?). The significance of Simon's argument is that it is not limited solely to changes made in parole, but also describes many of the changes that have occurred throughout the criminal justice and welfare systems.

Restorative justice

Disillusionment with the traditional state-led responses to deviance, and the fact that either intentionally or unintentionally they lead to more and more controls, has led to an increasing number of commentators seeking out alternative methods for developing responses to deviant behaviour. The restorative justice movement has been especially influential in this respect. As a mode of social control, restorative justice is significant in that it deliberately removes the state from the equation. By this I mean that

whereas the modes of social control that involve the enforcement of law in some sense pivot around the role of state, restorative justice focuses upon the victim and offender, the harm caused by the incident and how this harm can suitably be redressed – either through an apology or some other form of reparation. Therefore, thought of as a process, restorative justice brings together all the parties directly affected by an incident, in a deliberative and consensual forum, arranged by a third party, in order to establish how to deal with the aftermath of the incident.

At a conceptual level, the idea of restorative justice can be seen to be possessed of a number of features that cohere with Donald Black's 'conciliatory' style of social control, where, '... the ideal is social harmony. In the pure case, the parties to a dispute initiate a meeting and seek to restore their relationship to its former condition' (Black 1976: 5). In his early formulation of the principles underpinning the restorative justice movement, Braithwaite (1989) drew a distinction between 'stigmatizing' and 'shaming'. By this he meant to show how traditional penological responses to deviance tended to further criminalize the deviant person and to redress the harm they had caused by harming them. The alternative according to Braithwaite, was that rather than stigmatizing, the goal should be to shame the deviant, but in the process of shaming them provide opportunities to reintegrate them into society. In this sense then, we can detect an echo of the theme of inclusion versus exclusion that is so central to debates around the conduct of social control. Restorative justice schemes seek to establish a form of social control that does not create the conditions whereby the offender is ostracized from the community, rather the emphasis is upon reintegrating the person into the community.

There has been much written upon the topic of restorative justice and many innovative attempts have been made to utilize the principles to engage in problem solving in different situations. However, for the most part, where there are established legal frameworks the impact of restorative justice schemes has, as yet, been fairly marginal, operating largely at the periphery of the highly developed criminal justice system. Where restorative justice as a mode of social control does seem to be potentially more important is in countries where the legal system lacks popular legitimacy, and where there is a deeply entrenched sense of community division and conflict. For example, in South Africa a strong restorative justice movement is emerging alongside the 'retributive justice system' (Skelton 2002). As Roche (2002) describes, in Cape Town, Peace Committees involving appointed members of the local community, have been set up to engage in 'peace-making' and 'peace-building' activities. The former involves the resolution of conflicts and disputes between community members, whilst the latter set of activities is directed more to addressing the structural conditions which are identified as the ultimate causes of many conflicts. As far as Roche is concerned, although there are acknowledged problems with the implementation of restorative justice principles, given the particular situation of South Africa, the Peace Committee

approach provides a forum for dealing with a wide range of conflicts and offences by trying to repair the harm caused.

McEvoy and Mika (2002) describe how the principles of restorative justice have been utilized in Northern Ireland, where attempts are being made to use the values and principles associated with restorative justice as an alternative to paramilitary 'punishment beatings'. Here then, community engagement in the provision of a form of informal justice is being employed in an effort to counter the problems caused by a situation where large sections of the populace are highly distrustful of the formal agencies of social control.

What then are we to make of the use of restorative justice programmes in this way, in what equates to a quasi-formal way of delivering informal social control? On the one hand such programmes extend the reach of social control down into communities, in that they enlist community members in the performance of social control functions. But concomitantly, in another sense they also limit the spread of control, by restricting the number of incidents that are dealt with through the formal mechanisms of the state. This reiterates the conceptual concerns about the formal/informal distinctions regarding social control, raised in earlier chapters.

Summary

Punishment is a primary mode of social control. Forms of punishment such as imprisonment, parole and probation directly control the actions of those subject to the regimen. In addition though, the presence of such punishments seek to prevent and deter different forms of deviance. In examining several different forms of punishment I have sought to tease out the analogies that can be identified in terms of how social control works. For example, in discussing the nature and functions of imprisonment, I showed that even in establishments where there is an intense and systematic form of social control, it is a negotiated order. This serves to show the limits of social control in terms of the extent to which a system can totally subjugate an individual.

The discussion of parole was suggestive of the fact that there has been a shift in the dominant orientations of key social control institutions. That is the aims of 'normalization' have been replaced by 'problem management', where the chief objective has been redefined as containment rather than resolution. Running throughout this discussion has been the sense that the boundaries between what were formerly distinct institutions of punishment are becoming increasingly blurred.