

Part I
**Crime, Justice, and
Societies**



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The Social Nature of Crime and Deviance

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No *Companion to Criminology* in the twenty-first century would be a truly sociable companion unless it explored the meaning and value of “the social” in an age of suspicion and distrust. Most of the contributions to this volume are sociological in nature, reflecting the predominance of sociology within global criminology. They deal with phenomena often described by sociologists as socially constructed but usually seen, conversely, by the public as the antisocial activities of antisocial individuals. This difference of standpoint suggests a problem.

Criminologists are concerned with the ways that social conditions and institutions produce or construct crime and deviance. Many argue that psychological, psychiatric, legal, medical, and other perspectives based upon the individual as the root cause of social phenomena are not the best ones for understanding or explaining crime and deviance, while accepting that they may have more to offer in the practical day-to-day handling of individual offenders. Criminologists concerned with explanation rather than detection or treatment tend to take the view that collective or aggregate phenomena are the result of collective or aggregate conditions, just as Durkheim saw consistent suicide rates over time as a direct index of persistent social realities (1970 [1897]), or as Marx saw forms of law as a reflection of predominant social relationships (see Marx and Engels 1968). For most criminologists, social facts require social explanations.

Therefore, it might be useful for criminology students to explore what this means: to know, or to think critically about, what is social about crime and deviance. Too often the meaning of the social nature of crime and deviance is taken for granted and the professional usage of the term “social” has become sloppy, with the result that it is too often unclear that anything specific is being gained by describing crime and deviance as “social” problems. This essay seeks to outline and clarify what we have understood as the social construction of

crime and deviance and to bring out what has become problematic about this understanding.

THE GROWTH OF THE “SOCIAL”

If crime and deviance are social constructions, what does that mean at the beginning of the twenty-first century? Does it have the same value or meaning as an idea as it did in 1946 when Mannheim published *Criminal Justice and Social Reconstruction*? In that book, Mannheim talked of “the crisis in values” which “confronts the criminal law” and described criminal law as “a petrified body, unable to cope with the endless variety of problems created by an ever-changing world and kept alive mainly by tradition, habit and inertia” (1946: 3). He argued that, after the devastation of World War II, the public, democratic, and “scientific” elements in the penal system needed extension in order to achieve greater representativeness and efficiency, at the expense of the private, the vested interests of elites, and the inconsistent, amateurish prejudice too often displayed.

Criminal law, for Mannheim, had to represent society, as a collection of diverse classes of people with divergent interests, and the construction of a democratic social order required the scientifically informed criminalization of “antisocial behavior.” If the behavior was not antisocial it should not be criminalized, Mannheim maintained, warning, however, that not all antisocial behavior should be criminalized and that many such behaviors were better regulated outside of the penal system. For Mannheim, the social dimension of criminal law was the extent to which it democratically expressed the interests and needs of a broadly defined public. In short, social objectives were paramount and were to be achieved at the expense of the private, the sectional, and the purely procedural.

The key objective in 1946 was the (re-)construction of a social order which had public legitimacy, not an open playground for the vested interests of either the free market or the closed shop of establishment technocrats. The cost to the public purse was not the key issue. Society, Frank claimed in his *Society as the Patient* (1948), was the problem not the individual, and society had to be reconstructed as a healthy, efficient entity for the benefit of the majority, or even, ideally, all. Within the dominant ideologies of that time, the “social,” however variously understood in the UK, Germany, the USA, or the USSR, was synonymous with social democracy, collective interests, scientific planning, welfare-statism or at least the good of the people, and the prevention of any reoccurrence of mass gangsterism, free-market selfishness, widespread poverty, and national degeneration. Social construction demanded that social policy and social issues be uppermost in a scientifically informed program of legislation.

During the period from 1946 to 1965, when quantitative analysis of factors correlated with “delinquent behavior,” or delinquency prediction based on official statistics dominated criminological methods, even some psychiatrists inclined to see the main causes of criminal or delinquent behavior as “sociological” (e.g., West 1967). By the heyday of the labeling perspective in sociology, from around 1965 to 1975, which analyzed criminal or deviant acts as

the products of authoritative social groups and institutions labeling it as such, it was becoming axiomatic that crime and deviance were statuses constituted by social definitions, pressures, milieux, institutions, interactions, factors and choices; by basic collective features of human association which make up what we think of as society. The rise of socialist, feminist and postmodern criminologies, from 1968 to the present day, anchored this standpoint firmly, while developing the caveat that societies were very much ruled by dominant classes, men, and powerful discourses. Today, even biological or constitutional criminologies, dating back to the 1880–1940 era, have become “sociobiological” in their approach.

The ideal of “the social,” or a planned collective development of communities, had emerged much earlier than the twentieth century. Writers like Hobbes, in the seventeenth century, had understood that without some kind of “social contract,” or collective compromise of interests for the common good, the greedy world of business and commerce would lead to poverty and powerlessness for the economically marginal or dispossessed, and thus to extensive urban crime and political disorder (see Taylor, Walton, and Young 1973). Foucault (1967, 1977) observed that this early phase of commercialization and urbanization had generated the elements needed for the later birth of criminology in the nineteenth century – as part of the scientific armory of the “social administration,” or state management, of large populations by tiny but powerful economic, political, and military elites. These elements included the fear of urban crime and disease, political instability, the rise of a Protestant work ethic, a militaristic approach to public order, the ascendancy of the new rationalist or “natural” sciences in both technology and the study of human behavior, and a growing awareness of the close relationship between moral health, political order and a prosperous economy (see Sumner 1990b). For Foucault, the field of “the social” was the territory governed by “biopolitics,” or the “scientific” administration of populations for the health of the economy and the nation.

The emergence of mass-manufacturing capitalism and mass society by the early twentieth century accelerated social, social-administrative, social-ist, social-scientific and social-welfare tendencies as movements for the reform or mitigation of the worst effects of capitalism. A “social” world or “society” was increasingly not just a vision of a healthy collective order but also a fact of modern capitalism, institutionalized within new political parties and legislation aimed at the diminution of mass poverty and political chaos. Concomitantly, we witness the long decline of the old idea that crime and deviance were behaviors expressing the power of an extraterrestrial Evil through weak and deficient, ultimately godless, individuals who had to be constantly suppressed by the godly and truly good institutions of law enforcement.

In this modernist view, crime was a “social fact” (Durkheim 1938 [1897]), not an individual aberration; a fact resulting from the condition of our society. It was a normal feature of social life, reflecting the forms and levels of our social development. It was not something mysterious which spewed strangely from hearts of darkness, but rather something more prosaic and earthly which directly reflected the extent, form, and success of our attempts at social integration. Some convicted criminals, Durkheim observed, may well be disturbed individuals but the typical rates, patterns, and forms of crime were demonstrably

related to the level of social integration; the degree to which particular social groups were integrated into the norms of society via organized and interconnected social institutions. This was the vital factor: too little integration caused crimes underpinned by normlessness, moral disarray, or social isolation, too much caused the crimes brought about by dictatorship, excessive suppression, and overregulation (see Sumner 1994: ch. 1). For example, the official statistics, he argued, clearly showed that a Protestant, unmarried male in an urban area was far more likely to commit suicide than a married Catholic female in the countryside; similarly, but conversely, a prisoner trapped without hope or prospects was more likely to commit suicide than someone with aspirations and possibilities. For Durkheim, it was ultimately a question of a systemic balance between the needs of the social and the needs of the individual. In this perspective, the behaviors we define as crime are not already “out there” but are those which outrage the collective sentiment today and in that way are relative to contemporary social norms and the social mood to enforce them. The “social” world, the realm of society, does not just produce offensive behaviors but also perceptions of offensiveness, and thus crime and deviance are always doubly socially constructed.

Both of these aspects of the social production of crime and deviance were, for Durkheim, facts of life in any society, and in a new or modern world with new scientific methods and philosophies they were to be studied within sociology and planned out in social administration, with the same degree of unemotional, scientific logic as we would expect in the field of particle physics. Indeed, during the time Durkheim was writing, Einstein published his theory of relativity, a theory which added to our understanding that even the physical world only appeared to us in forms relative to our standpoint (for more on this, see Sumner 1994). From a modernist position, crime was primarily a social problem and could best be tackled through the new sciences of society. It contained no secret about “criminal minds,” but was the outcome of mundane social circumstances and systems.

The age of moral absolutes, of the Manichaeian vision of clear differences between right and wrong, was rapidly being eclipsed by an age of moral relativism. It was becoming clearer, as Nietzsche (1969 [1887]) observed, that good intentions could produce very bad results and vice versa, and that one man’s nobility is another’s cynical exploitation of inherited power. Earlier, Marx’s *Capital* (1970 [1867]) had asked who was the criminal and who was the victim in a world driven increasingly by the search for vast profits and transnational powers. Who was the vandal (see Stone 1982): the working-class youth who damaged public monuments or the industrialist who destroyed the environment to make money and then erected monuments to himself in public? What was moral and healthy, or immoral and sick, was becoming deeply ambiguous in a fast-changing commercial world which, to paraphrase Marx and Engels (1968: 38), was revolutionizing all existing social relations and vaporizing the rural traditions of pre-capitalist economies. Not only was crime a social fact but it was a rapidly changing one; moving with the changes in our emotions, circumstances, and customs.

The mass slaughter of the Great War of 1914–18 led to the discovery of “shell shock” or post-traumatic stress disorder, and the rise of a sociologically aware

psychiatry of social disorganization. The gap between individual human weakness and unnatural social disaster was narrowing; the former seemed understandable in the circumstances and the latter became the bigger problem. Radical developments in post-impressionist art after 1900, such as the cubist work of Picasso or the visceral screams of Grosz's expressionism, reflected not just our shock at the new (see Hughes 1981), but also our realization that reality was not simply out there to be painted, that the view was relative to the viewer, and that what we saw was coming from within our increasingly tormented souls (see Sumner 1994: ch. 3). The savage within began to accompany the savage without. Our nascent utopias of a social world were threatened by historical psychological baggage. Jung feared that all our grand ideals, whether they be "the solidarity of economic interests" or "international social democracy," had "failed to stand the baptism of fire – the test of reality" and the "gnawing doubt" of "modern man" had left him (and maybe her) in search of a soul, in a state of "almost fatal shock" at the sight of the "catastrophe" of modernity (Jung 1933; see Sumner 1994: 74).

With the rise of fascism in the 1930s, in both its national (Germany) and social (the USSR) forms, and of social democracy in America and Britain, social blockages in the old world were swept aside by undammed waves of long-suppressed popular aspirations. The search for social ideals and the drive for their realization was conducted in distressingly uncertain as well as depressingly difficult economic and political conditions: who was to say any more that the crimes that mattered sprung from individual hearts of darkness or from social states of disorganization? Individuals seemed mere pawns in social history and the latter lay in the hands of individual rulers, powerful states, and huge corporations more powerful than mere kings, queens, bishops, and knights ever were. The social and the individual were becoming intertwined and blurred in the madness of the age. How else could the later atrocities of the 1939–45 war be explained?

Relativism and relational thinking grew apace in many fields of work and thought. It was increasingly clear that what we expressed, whether in the sublime work of art or the sublimations of criminal activity, was a reflection of our relation to the social world or society, what we wanted from it and what it was doing to us. In this vision of the interactivity between individual and social circumstances, the field of criminology in the 1930s, through the work of the School of Sociology in the multicultural "melting pot" of Chicago, absorbed the notion of the social and converted it fully into a cause of crime, viewing the patterns and rates of crime as expressions of social disorganization. The definition of action as criminal was increasingly seen as related or relative to the standpoint of both the offending subject and the community, the legislator or the police officer, with their specific economic, political, or cultural interests, needs, and perceptions. Crime and deviance were now understood as products of "social intercourse." The social was becoming not just the external societal but the interactive field of all human relations. The value and meaning of the criminal law was increasingly understood as relative to the social problems it addressed and its ability to ameliorate them. The crime or deviance of an individual was now grasped as a clear reflection of the individual's experiences of society and social circumstances.

Several major historical events and processes in the rest of the twentieth century finally fixed this interactive sociological standpoint as the fundamental assumption, or *Grundnorm*, for any rational or scientific study of crime and deviance. In brief summary, these events and processes included:

- the further growth of great cities and more urban migration bringing new waves of widespread petty delinquency and organized crime;
- the growth of huge multinational corporations able to bend, create, or flout the law at will and thus to make a mockery of the claim of equality under the law;
- the Depression of the 1930s and widespread poverty in the Third World ever since, forcing many to scavenge unlawfully, but understandably, for survival;
- World War II, with its mass killing by both sides in the name of a free society under the rule of law and the Holocaust, with its bureaucratic annihilation of millions of alleged deviants, scapegoated mainly on a racist basis; the later criminalization of genocide;
- the post-1945 construction of corporatist welfare states dedicated to “planning out” the roots of deviance, degeneracy, and dissent in relative deprivation and institutional disorganization;
- the growth in affluent societies in the West of deviant or delinquent subcultures between 1955 and 1975, evidencing apparently incontrovertibly the power of the link between “bad company” and “bad behavior”;
- the violent suppression, externally and internally, of decolonization and other nationalist or “terrorist” movements by old and new imperial powers, posing complex new questions about the social value of violence;
- mass social deviance, or individualistic and hedonistic self-expression, via the “revolution in manners and morals” (Allen’s phrase, referring to the USA of the “roaring” 1920s: Allen 1969) and the “cultural revolution” of Europe in the late 1960s, challenging the necessity or value of many conservative aspects of existing capitalist culture;
- the rise of feminism(s) after 1970 confronting the idea of a “natural” order of things with the notion of a violent male order derived from a centuries-old patriarchal culture of domination;
- the massive rise in official “volume crime” rates, during the whole post-1945 era in most Western societies, sitting grinning in apparent contradiction to growing affluence and burgeoning law-enforcement industries;
- the rise of political “dissidence” in both East and West on such a grand scale as to result in a questioning of both capitalist and communist societies and, indeed, of the very nature and purpose of state societies at all;
- the rise of huge regional economic blocs, treaties, and organizations, such as the EU, the NAFTA, and the OAU, which, alongside the multinational corporations, began to undercut the power of the nation-state and forced many to question “who rules” and whose norms actually defined crime and deviance;
- the colossal labor migrations, globalization of labor markets, and expansion of travel generally, raising sharp issues about the validity or applicability of the national or moral basis of laws and blurring the distinctions between crime and rights, deviance, and cultural diversity;

- the massive environmental destruction following the increasingly global penetration of the economic order, confirming our worst fears about the lack of social regulation of capitalist economies.

All of these huge changes conspired and converged to confirm that crime and deviance are doubly socially constructed, as practical or behavioral responses to social conditions and as social censures reflecting the emotions, ideologies, and values of powerful social groups.

Today, in a new century, we still understand the world as an interactive field of human relations and impersonal forces within which individuals and groups do make choices, but only within the great swirl of social change and within the contexts, constraints, and pressures of huge institutions, structures, and processes operating on a global scale. The “dead hand of the past,” as Marx called history, remains ever-present around and within us alongside visions of the future. As always, the social combines past, present, and future in a series of dialectics between the individual and the collective. In that sense, it is still a social world. To paraphrase Durkheim (1970 [1897]) from a hundred or so years before, even when, in our individualistic world of “alternative lifestyles,” we think we have escaped the social bond, we remain inextricably within its clutches. However antisocial the criminals or deviants, or even the lawmakers, they too are social beings, “hot-wired” into society’s circuits and networks.

Nevertheless, what the rest of this essay will bring out is that within this very broad understanding of the “social” there are actually several competing meanings with significant differences of emphasis. Already, aware readers may have inferred that the social can be used to mean the general, the aggregate, the public, the collective, the shared, the democratic, the cultural, the societal, or the official and state-sanctioned. These terms carry very different connotations and can import sharply different meanings to the idea that crime and deviance are social phenomena. For example, it is very different to suppose that crime is a collective problem needing collective solutions than to take it as a cultural issue needing cultural answers or as a state problem requiring state attention. My main objective is to elucidate the historic meanings of the social within criminology, and, secondarily, to begin to indicate a problem in the meaning and valuation of the social which criminology in the twenty-first century will have to confront. As such, the essay will raise far more questions than it answers and may well be uncomfortable for those who want a one-line dictionary-style definition. A good companion is one who asks questions, not one who constantly reiterates well-worn answers.

THE SOCIAL IN EARLY CRIMINOLOGY AND SOCIOLOGY

Before 1914, most commentators did not see crime as a social form, although we should not forget the number of writers who saw social conditions causing crime in the nineteenth century, such as Quetelet, Dickens, Marx, Mayhew, and Booth (see Mannheim 1965: chs. 19–21). Early criminologists, such as Goring and Lombroso, tended to examine convicted criminals as if engaged in a “a zoology of social sub-species” (Foucault 1977: 253; see Beirne and Messerschmidt 1991).

They, and their followers within a positivist criminology based on the natural science methods of that time, analytically dissected the moral constitution of captive criminals in prison as degenerate forms of the human species, claiming to find that they possessed constitutional abnormality, mental deficiency, weak moral conscience, and emotional deficits. Anatomical criminology was moving on: two centuries before, surgeons had physically dissected the actual corpses of executed criminals in medical science's search for the symptoms of evil. Even as late as 1919, Giddings, an early American sociologist, was claiming that there were "seven devils": the depraved, deficient, deranged, deformed, disorderly, dirty, and devitalized (Sumner 1994: 40). Criminology was born out of social change, yet with a belief in the pre-social nature of the criminal: the "man-beast" in famous novels about Count Dracula, Frankenstein, and Dr. Jekyll, raging carnally in popular urban demonology in the same rogues' gallery as the "uncivilized savage" of the overseas territories colonized during that period (see Pick 1989; Gilman 1985). Anthropology, popular literature, and medical science combined with a bastardized Darwinism to produce the idea of the "other," the strange, foreign, criminal, and alien as a degenerate subhuman form not worthy of humane treatment: a precondition of the series of savage, inhuman, strange, criminal, and "animal" massacres, incarcerations, tortures, executions, and genocides from 1880 onward as Europe colonized the world. America had already completed the genocide and bantustanization of its "first nations."

A new age of imperialism and internal colonialism was underway. Accompanying the formation of an industrial capitalist mass society, was a view of all those who did not or would not fit in with its relentless expansion as in some way "not human" and therefore as expendable as animals or insects. In line with its times, early criminology tried very hard to prove that criminals were constitutionally defective. At this stage, they were portrayed as pre-social. Describing them as antisocial came later, in the mid-twentieth century; once a sense of society had been forged in the ruling imagination.

At the same time, there was the jurisprudential argument that the declining traditional forms of regulation were natural or pre-social. Ross, the American sociologist, in 1901 described them as automatic, spontaneous, and instinctive (Ross 1969). This supposedly "natural control" was founded on tight family, interpersonal, and communal bonds and a moral consensus. It was the regulation of the community by the community, of like-minded people by like-minded people, and as such it treated conforming or even deviant people as its own, as fellow humans struggling to keep in tune with the great spirits, and seriously nonconforming people as nonhumans divested of spiritual communion, or as aliens lacking the qualities of the community. "Social control," that key concept of twentieth-century sociology, was, on the other hand, for Ross, a form of regulation which was planned, conscious, and scientifically informed (see Sumner 1997a). It combined natural control with a machine-like, mass legal system. It centered on the principle that true rule or effective order could only really occur through the consent, participation, and commitment of most sections of society. Social control, with its very American insight into the "melting pot" of fast-changing multicultural societies, recognized everyone, conformist or criminal, in principle as an ontological, legal, and political part of the social whole and capable of either supporting or destroying the social fabric of goodwill and

loyalty. Deviants, criminals, or dissenters were to be seen as human but at odds with the project of the society and its desired social norms, and the term “anti-social” gradually emerged to describe the status of their offenses.

Ross understood that the processes of industrialization were creating a new form of society, a highly diversified and differentiated form, which could sweep away valuable bonds and norms of traditional human interaction unless the forms of regulation were also modernized to become forms of social control unifying the disparate sections of the territory with “equal rights” and “due process.” The binding of living tissue, in Ross’s terms, was being replaced by “rivets and screws,” in other words what we call today the machinery of criminal justice. This new system had to be imbued with social values appealing to and protecting all or most sections of society, or else it would be merely an impersonal machine helpless to prevent the excesses of economic individualism or to promote the welfare of the many.

The savagery of the colonialists’ violence, whether in the USA itself or in Africa and elsewhere, had, Ross observed, destroyed the indigenous natural community-based controls of the colonized (and, it is arguable, of the dispossessed everywhere, namely the working class and women) with the result that not only had the colonizers lost their innocence as self-proclaimed disseminators of an egalitarian rule of law representing a collective will, but they had also created a demoralized and deregulated mass of potential resistance fighters. Social control was essential for the new society to hold together domestically and internationally – both to rein in the excesses of the powerful *and* to incorporate the new dispossessed within the new wealth of nations. This of course remains very poignantly true today, although resurgent free-marketeers frequently forget its wisdom and social policy experts have to remind them equally frequently of the value of “social capital” (see Putnam 1995, 2001). Social control was and is a modern form of rule which had to be integrative, representative, and fair, while also involving an impersonal machinery of justice which could mass-process large numbers of people at a low cost. Today, we still try to maintain this difficult balancing act, but what Ross’s great insight shows is that the idea of the criminal or deviant as an evil demon beyond the pale of humanity is not at all a required ideological tool of modern social control but actually a throwback to an age of pre-social control. We can expect it to disappear one fine day when we have finally absorbed Ross’s lessons about the requirements of social control such as community participation and integration. It seems that we are still learning them.

One of the first, and still, powerful components of the modern field of population management, and therefore practical social control, was immigration regulation, a subsystem which suggests that modern societies prefer the cheaper option of exclusion rather than a costly inclusion. In 1921, Harry Laughlin, working for the US Eugenics Record Office – an auspicious location, like today’s equivalents, vitally involved in official classifications of “all types of individuals who require social care or attention of one sort or another” – defined the “socially inadequate” as including:

- (1) Feeble-minded, (2) Insane, (3) Criminalistic (including the delinquent and wayward), (4) Epileptic, (5) Inebriate (including drug habitués), (6) Diseased

(including the tuberculous, the syphilitic, the leprous, and others with chronic infectious segregated diseases), (7) Blind (including those with greatly impaired vision), (8) Deaf (including those with greatly impaired hearing), (9) Deformed (including the crippled), and (10) Dependent (including children and old folks in “homes,” ne’er-do-wells, tramps, and paupers). (Laughlin 1921: 56)

This list reveals the perceived extent of the “antisocial”: Laughlin quotes sociology professors of the time as defining the list as “public charges” and “social debtors.” It reminds us that, as Foucault (1967, 1977, 1980a) and others have argued, “social” administration was set up to manage the unproductive sectors of society, those fragments of population who do not produce wealth. The “antisocial” was in 1921 in practice still those population sectors costly to the state. Social control was expensive: the way of free-market society – “free trade, liberty, and gunboats” – where the rich get richer and the poor die early or in prison, was increasingly deplored in the liberal conscience, but it was at least cheap for the state.

The desire for “social welfare,” or better state care of public charges, grew fast after 1900, but it was in constant conflict with a desire to remove the costly “public charges” from sight, one of whose most portentous expressions was the pseudo-science of eugenics, an early sort of “ethnic cleansing” theory. In the New World, the costly, dangerous, and diseased elements were frequently screened out by immigration policy, although we should not forget the internal ethnic and class cleansing achieved through such legislation as the sexual sterilization laws (see McLaren 1990). In the old world, as we saw from 1939 to 1945, some of the perceived enemies of the “pure” society, desirous of purity in body and mind, were forcibly eliminated in large numbers. McLaren argued, in relation to early Canadian social policies, that:

the rise of eugenics symptomized a shift from an individualist to a collectivist biologism by those who sought to turn to their own purposes the fears raised by the threat of “degeneration”. Individualism, materialism, feminism, and socialism were said to be rampant. The purported surges in venereal disease, tuberculosis, alcoholism, divorce, and labor unrest were pointed to by the nervous as evidence of the erosion of traditional values. Early Victorian science had reassured the middle class of the harmony of religious and scientific truths and the possibility of social peace and industrial harmony. This vision had been momentarily lost. (1990: 27)

This insight helps us understand why Hitler’s hit list of “costly” elements included not just Jews but communists, intellectuals, homosexuals, and avant-garde artists, as well as no small number of foreigners in general. Like Stalin, he saw the “big issue” of the “social” as the problem of cleansing out the various threats to the order of the diseased national-social state. Biologism, the belief in the biological or ethnic basis of crime and other individual weakness, had, indeed, been collectivized.

This is a reminder of how words can mean many different things. The “social,” even in the hands of socialists, feminists, or nationalists, did not yet mean much more than a collectivized and mythical ethnic purity of body and mind or an obsessively patriotic elevation of core indigenous characteristics to an almost sacred status (McLaren 1990; Amatrudo 1997; Sumner 1994: ch. 2).

As such, its progressive features were all too often contained within an ethnified totalitarianism of vested national interests and the new religion of moral purity. Today's excesses of both "political correctness" and its opposite, England-for-the-English-style racism, thus had their forerunners, and they were forged in the violent vortex of authoritarian nationalism, nation-state formation, and the ethnic persecution of foreign elements. We are instructed in a very important lesson: what the social means at any point in time is very much an expression of its historical milieu. It may well be that the social has no transhistorical meaning; maybe nothing but our jaundiced attempts to make things better for ourselves.

THE STATE CONSTRUCTION OF SOCIAL DEVIANCE: THE SOCIAL NATION OF NEW-DEAL SOCIOLOGY

It makes less sense historically to talk of the social construction of crime and deviance between 1900 and 1945 than to speak of the state deployment of categories and administrative systems to construct crime and deviance as "social" problems confronting the "nation" or "the free world." As in the post-decolonization Third World after 1960, crime control was a primary means for defending the nation-state against its supposed enemies and social control a means of keeping a constant eye on deviants, dissenters, and other potential threats to the state. Nation-building using crime control and public administration is not new, nor particularly social. In fact, given the nature of the capitalist state, especially in its imperial forms in colonial and "puppet" societies, such practice was and is usually autocratic, partisan, and bigoted along class, ethnic and gender lines – anything but social or collective. Nation-state building or rebuilding has frequently been a form of antisocial exclusion; a form which ideologically inspired the Holocaust, many genocides, much ethnic cleansing, and, in its less violent forms, a whole range of class-based, gendered, and racist institutional practices and visions which supposed that the ethnic ghettos of social deviance, like Vietcong villages, continuously reproduced themselves. These images may seem florid but they also reappear in the dry prose of today's positivist criminology: see, for example, Farrington's recent statement that "[I]t is clear that problem children tend to grow up into problem adults, and that problem adults tend to produce more problem children" (1997: 400). Such positions express no more than the archetypal fear of the ever-procreating devil present in unwanted, resistant, or expensive sections of the population: the eternity of evil and therefore the eternal enemy of the state.

Nation-building, with its mythical or ideological legend of the nation as an ethnically pure singularity, has involved a process of naming, shaming, and excluding its costly, offending, and threatening elements as foreign impurities, degenerations, or instruments of the devil – rather more than a process of recognizing them as the unwanted offspring of their parent body politic who needed care, integration, rights, and recognition, not only to preserve the moral integrity of that parent as a spiritually viable and sustainable whole but also to give them their due as their parents' progeny. The gain of the twentieth century in this respect seems to be the dubious one that exclusion is more internal than

external: frontier borders have disappeared and internal “exclusion camps” of all kinds have multiplied. The social in twentieth-century practice was distorted by and often turned into the sectional.

Durkheim (1938 [1897]) was a forerunner in trying to teach us that deviant elements in the body politic were there to teach us something, namely, as Frank (1948) was later to articulate, that society itself was imperfect, dis-eased or full of tensions. By the mid-twentieth century, we were describing labeled criminals and deviants as “social problems” and “social issues”; we had begun to take some responsibility for our offspring. This new, if fragile and distorted, sensibility was becoming a central feature of what we still today call social democracy.

The new society of the 1930s’ US New Deal still understood itself to a certain extent within the language of a medical model, but the core of its thinking was the new managerial-administrative planning essential to social democracy and the new social control. Wirth (1931) had called for a “clinical sociology” linked to child guidance work; some US sociologists had observed Hitler’s social planning within Germany with no little respect; frontier culture was criticized in favor of an intellectual urban liberalism which would match the gangsters with strong state management, social security, and incorporated trade unionism. A federal welfare state began to emerge in the USA to match Hitler’s national socialism and Stalin’s union of soviet republics. The concept of social deviance was born in 1937, combining psychoanalysis, social policy, and sociology in a potent union (see Sumner 1994: ch. 4), conveying the idea that one could study scientifically the manifest behavioral symptoms of social disorganization and neutrally classify them generically as deviations from social norms.

The new US scholarship of the 1930s, influenced by the systemic failures of Prohibition, sleaze scandals, and the Depression, recognized that if *so many* were forced to work for the Mob or hustle for survival the root of their “sin” could not be their individual personalities but the collective failure to provide jobs or social security and to regulate society with honesty and sensitivity. Bad boys were no longer failures evidencing personal deficiency, and bad girls still had not been scientifically discovered, but in the writings of labor historians such as Tannenbaum (1938) they became products of over-zealous moralism, punitive thinking, and over-heavy policing, scapegoats for collective anxieties about the future, vehicles through which social frustration articulated itself aggressively, and even victims of a gun-ridden “frontier culture” which the parent community did nothing to regulate and everything to support. Bad boys became social products and social responsibilities. It was not a matter of liberal tolerance. Society, said Tannenbaum, through its parents, communities, legislators, and authorities, really was more to blame in the detailed causation of juvenile delinquency than the youthful perpetrators themselves. The social construction of crime and deviance could therefore only be studied logically and accurately by examining the everyday interactions between rulemakers and rulebreakers producing criminalization, namely the conflicts between elders and their offspring, authorities and their citizens, communities and their rebels.

This was no small change. It broke sharply from earlier criminology with its unilateral natural science gaze at supposedly inanimate objects. The emerging socially conscious interactionism neither saw the offender as the sole cause of his actions nor his offending act as externally driven by objective forces: it saw

offenses as products of social interaction between lawbreakers and lawmakers. Crime was no longer an individual disease but a social dis-ease, tension, conflict, or dysfunction. Tannenbaum claimed that society overdramatized crime as evil, at the expense of self-critical reflection (see Sumner 1994: ch. 5), and society gradually came to terms with the idea that crime was a social outcome which could only logically be treated with “social” work, “social” welfare, “social” planning, and sociology (the study of “the social”).

Despite the profound issues facing many societies of the 1930s, the social interactionist perspective completely downplayed or even ignored the huge role of structural conflicts, for example, between capital and labor, city and countryside, public office and individual enterprise, or between countries heading toward war, in producing the patterns of everyday interaction. The emerging concept of the social was very much a parochial one, tending to take for granted the increasingly international, master structures of economy and politics driving modern societies; a weakness which *ab initio* reduced the meaning of the social to the remaining main sector of human intercourse – the cultural. Culture was much discussed and researched in the 1930s and what was understood as “the social” was very much reduced in reality to “the cultural” or patterns of behavior involving systems of norms (see also Mannheim 1965: 422, where he observes that the concept of culture “remains so vague and ill-defined”).

Nevertheless, Roosevelt’s New Deal recognized that society produced its own problems and could therefore begin to cure them itself through social measures based upon a national–cultural consensus. “Inadequates” and “public charges” now became “deviants,” and since they were seen as socially produced, they were called “social deviants.” As Goffman later sardonically put it in his *Asylums*: “A crime must be uncovered that fits the punishment” and “the character of the inmate must be reconstituted to fit the crime” (1968a: 334; see also Sumner 1994: 206–31). The punishment by the time we reached the 1950s was to be less physical and more mental or cultural. After a long world war witnessing the practical value of loyalty, and in a period of full employment demanding labor, motivated compliance to the cultural norms of the nation-state or welfare society was prized as a vital force. Deviant motivations had to be rechanneled through “treatment,” “social work,” “education and training,” “operant conditioning,” “community development,” and of course “participation.”

“Social deviation,” as the generic category for the individual expression of society’s cultural failures and weaknesses, was studied by the “social sciences” of social administration and sociology. These were the names of the fields demanded by the logic of the thinking. In contrast, it should be noted, conventional criminology from the 1950s to the 1970s derided and dismissed much of these new sciences of the social, absorbing only those elements consistent with its acceptance of external causation driving weak individuals to crime: that is, accepting only those forms of sociology and social administration which did not introduce choice, subjectivity, symbolism, cultural meaning, reflexivity, and interaction. It could absorb those types of sociological analysis which did not take heed of the interactionist–culturalist advances of the 1930s and persisted in portraying delinquency as an effect of supposedly “objective” and “external” factors. Social science in general, from 1940 to the mid-1960s, also mostly did

just that, mainly focusing on class–status differentials, “sink” housing estates, low-income divorced parents, poor housing, maternal deprivation, and the improvement of systems of social administration.

Goffman’s later definition of deviance in *Stigma* (1968b) reminds us that by the 1960s social deviants were clearly more cultural deviants than public charges or societal products, although they were still viewed as costly, and that not much else had changed apart from the generic name of those blamed internally by the capitalist collective for its problems:

If there is to be a field of enquiry called “deviance”, it is social deviants as here defined that would presumably constitute its core. Prostitutes, drug addicts, delinquents, criminals, jazz musicians, bohemians, gypsies, carnival workers, hobos, winos, show people, full-time gamblers, beach dwellers, homosexuals, and the urban unrepentant poor – these would be included. These are the folk who are considered to be engaged in some kind of collective denial of the social order. They are perceived as failing to use available opportunity for advancement in the various approved runways of society; they show open disrespect for their betters; they lack piety; they represent failures in the motivational schemes of society. (1968b: 170–1)

Sociology in the United States had grown rapidly after the war and we saw a partial cashing-in of the logic of the new sciences of the social within mainstream, functionalist, sociology. Social deviants were now fully cast as cultural rejects in need of counseling, probation, a haircut, or national service to revive their lapsed motivational compliance to society’s norms and to emphasize the nonviability or dysfunction of any alternative lifestyle. The products of faulty socialization, not social inequality or discrimination, they simply needed resocialization and the “social problem” would be resolved. Not all sociologists fell in with this new postwar conservatism. Interactionism retained a critical edge. Edwin Lemert (see Sumner 1994: ch. 8; Lemert and Winter 2000), for example, noted the fact that cultural definitions of deviance rarely seemed to apply to bankers, politicians, generals or industrialists and remained the expressions of elite values, and Goffman (1968a) acutely observed the detail of society’s cynicism in searching for (what Cohen [1973] later called) “folk devils” to quench its thirst for an enemy and action. Goffman argued, for example, that certified madness is more a matter of contingency or bad luck than anything else, pointing out that most mad people live outside of the mental institutions and that there are many who are not mad when they enter mental institutions but are when they leave. Many regimes in mental hospitals over the last two centuries today look insane in their methods, if they were meant to be curative of madness rather than productive of it, and some very disturbed people, with official records of psychiatric treatment, became leaders of nations in the twentieth century.

What Goffman grasped was that, in a highly differentiated, culturally diverse society, we could all always anytime be labeled as deviant in some way or other if we were unlucky, and that it is therefore a case of “there but for the grace of God go I.” The question whether there is something common to, and individually different about, those labeled as socially deviant, on his analysis, really misses the point, just as it would be silly to research what it was that lottery winners had in common that produced their success in buying a winning ticket, other

than the fact that they bought the ticket. What social deviants had in common was that they had been selected for labeling as such; they were awarded losing tickets. The power of the social to produce crime was thus, in Goffman's writings, forcefully delivered – through the idea of symbolic power exchanges within social interaction or a highly culturally loaded allocation. Individual peculiarity, Goffman understood, was real, but in a culture that praised and fostered it as a birthright it could hardly be the cause of official censure or certification as deviant or criminal. The “social question” for such, later very influential, American sociologists of crime and deviance of the 1960s concerned the social features which culturally labeled deviants had in common as people who had been through the same labeling process; in the same way that we can sensibly study what happens to lottery winners during and after their success but not whether their idiosyncrasies made them buy a winning ticket. You cannot knowingly buy a winning lottery ticket, unless the game is “fixed.” It was now a question of what society did to people in labeling them as criminal or deviant.

The even more radical ideas that you could unconsciously or consciously buy what was very likely a losing ticket and that the whole game is completely corrupt and fixed from the outset were only to be fully resurrected by the critical criminology of the 1970s.

The “social” in Goffman's work, and that of other leading symbolic interactionists such as Becker (1963) and Matza (1969), had become the cause of scapegoating and discrimination. It had become a batch of institutions set up to “manage” all those categories of people censured and symbolized as deviants or as threats to “civilized society,” and thus it dutifully produced them through its bureaucratic processes. In that sense, society had become a villain, and the only villain we could rationally apprehend and interrogate. Most scientists of “the social,” whether orthodox or liberal, overlooked the fact that so-called social deviants usually did not reject but actually expressed conventional capitalistic values – norms of property acquisition, aggressive upward mobility, competitive selfishness, and geographical mobility – and all too frequently acted in league with authoritative institutions. This “oversight” was the root of many analytic problems later. It rather betrayed the fact that “the social” was now, in truth, officially at odds with unrestrained capitalism, or, put another way, that capitalism itself generated huge internal conflicts between its individualistic core logic and the collective aspirations it encouraged.

Tending to assume an eternal welfare state and an immutable normative-political consensus marking “the end of ideology” (Bell 1960), sociology as a whole developed an amnesia toward what had just happened on a collective global scale, namely the Holocaust and mass slaughter (Sumner 1994: ch. 7; Bauman 1989: 3). Communism and fascism were now allegedly history, and mainstream sociology, in what became known as social theory, proceeded to forget that history and to develop a theoretical language which declared that everything was now social, including biology, science, and history itself. Talking of social relations, social norms, social roles, social interaction, social forms, and social systems, “social” theory often took the form of an elaborate abstraction which encoded the social in a massive blandness (Mills 1970), turning a mere pipe dream, the hope for a truly social world, into a universal fact of

life – everything had now become social and not a little vacuous. The social was everywhere but was largely vacant – of history, economics, jurisprudence and the blood and thunder of the harsh realities of social inequality. Little was said in postwar social theory up to 1968 about what Gouldner (1975: ch. 2) called “the master institutions” of political economy, the state, and imperialism, and their deeply antisocial logics and effects. The core drivers and destroyers of the social world (or culture) had been evacuated: sociology’s discourse became correspondingly empty and the social had lost its political edge and economic roots, becoming merely cultural.

If everything was covered by “welfare,” there could be no reason for delinquency – so social deviants, in both social administrative and interactionist sociologies, became “rebels without a cause” (Bell 1960; see Sumner 1994: ch. 7) or mere (sub-)cultural stylists. The antisocial official violence of the twentieth century, with its wars, colonialisms, barbaric cruelty, economic disasters, autocratic states, and numbing bureaucracies were for a while forgotten. Hope overcame realism. Instead, we were given a long sentence in the punitive pedagogy of social science: social deviations were said to be the result of the breakdown of social norms in social interaction, brought about by faulty socialization into social roles and institutions by weak parents and by a lack of social integration into well-defined communities. Everything had become social or cultural, but capitalism and the state still got off scot-free, and students could be forgiven for producing statements like “crime is a product of social, cultural and political contexts,” which blurred the meaning of the social and undermined its distinctiveness. For what is economics or politics if everything is social? Indeed, the disciplines of economic and political science receded as the tide of sociological supremacism tended to turn everything into a branch of sociology. Economies became social relations of production and distribution; political institutions became the social organization of power; and culture the artifacts of social consciousness. Neither economics nor politics could apparently teach sociology anything, since its captive scientific specialty was the social and that was all there was. The world had suddenly, and quite mysteriously unless we take into account Bretton Woods, the World Bank, the United Nations, and the Marshall Plan, become a society and its contents were all social: animalism or ethology, biological needs and drives, human nature, economic laws, political realism, and the historically impossible had all been banished by the mid-1960s. Everything had become merely social, in the sense of cultural; every entity reduced to a semantic point in a consensual sea of cultural differences.

In the late 1960s and throughout the 1970s, the non-cultural returned with a vengeance. Deviant sociologists like Mills pointed out the very antisocial behavior of economic and political elites; ethologists like Lorenz observed the ways in which we behaved like unconscious animals; radical psychoanalysts, such as Fromm and the Jungians, claimed the persistence of primeval patterns of being; Marxists contended that a truly social world could only be created on the basis of the socialization of the means of economic production; and philosophers attempted to articulate the eternal and absolutely meaningless of existence, social or otherwise. The social, however, in becoming everything, had lost its specific historical significance.

THE RESURRECTION AND LATER DEVALUATION OF THE SOCIAL IDEAL IN CRITICAL CRIMINOLOGY

With the rise of a more structural–historical or “critical” criminology by 1970, and the subsequent flourishing of a range of critical criminologies right up to the present day, we registered a remembrance of class struggle, imperialism, the Holocaust, propaganda, and what it felt like to rebel. We remembered Tannenbaum’s insistence that society was very much a hope, a dream, inchoate, ill-formed, often hijacked by private or selfish interests, and altogether at odds with the sustained drive to wealth, power and domination. We remembered his insight that those labeled deviant, delinquent, and criminal were often rebels – and rebels with good cause. “All along the watchtower” the rebels came into view: workers, the colonized, women, homosexuals, avant-garde artists, communists, nationalists, ethnic minorities and, of course, youth. The deviants rediscovered their political history and resisted their medico-psychiatric treatment by the clinicians of the welfare states (see Pearson 1975). Their deviance was now, in their eyes, mere difference and pathology a mere social attribution by unsympathetic observers. Critical criminologists put new topics onto the map: most notably domestic violence, corporate crime, crimes of the state, rape, “social crime,” and political crime. A critical sociology of law emerged exposing the links between social divisions, power and law. Much of this critical work examined the inequities of social structure, some explored the positive aspects of deviant consciousness and subcultures, and much was historical.

History was back on the agenda, along with Marx, politics and political economy (see Thompson 1975). Fights, strikes, wars, divorces, unilateral declarations of independence, reclaim the night marches, and scuffles all broke out. Poverty and genocide were rediscovered all over the planet, there all the time in our midst. Inevitably, this return of history and materialism meant a revision of the social.

Some critical criminologists embraced revolutionary socialism and a complete overhaul of the state. *The New Criminology* (Taylor et al. 1973) criticized sociological criminology, both orthodox and interactionist, and called for a fully “social theory of deviance”; crime became part of the political struggle, a response to unacceptable social norms and conditions. The social world was turned upside down. Social deviants became heroes in exhibiting antisocial attitudes; they became the healthy ones faced by an unhealthy society. Simultaneously, the state acquired the attribute of being antisocial, as the sponsor of evil and as the maker and defender of boundaries on maps which divided people against each other. Welfare was declared a “con,” a sham incorporating and pacifying the lower classes. Rights were dismissed as ephemeral masks concealing recalcitrant “structural inequalities” and the fact that “might is right.” Later, the state was further denounced as the defender of the twin faiths of patriarchy and racism, and the central agency of the unintelligence involved in the destruction of the environment.

The social had returned to being an aspiration rather than a vacuous fact; the hard fact was the US military-industrial complex relentlessly bombing Vietnam, and just as hard were the discovery of Stalin’s labor camps, the genocide in

Cambodia, and the dissolution of the socialist soviet republics. The achievement of the social and the true nature of the social itself were no longer identified with social administration, social welfarism, or socialism; all these were now discredited as antisocial state strategies for the maintenance of the powerful. Indeed, the general political drift was that we could somehow magically become social in a world without a state. The social had now for many become “the good life,” where “all you need is love” and “authentic” human action for there to be peace and harmony. Getting in touch with the true self, and real feelings, was a recipe for a “new age,” providing one ignored the anger, frustration, fear, and envy.

Other critical criminologists, probably the majority, from 1970 to the present, produced a stream of research and analysis amounting to a materialist deconstruction of the social state, exposing and describing the many ways in which it had failed to deliver and in which it concealed massive social divisions and inequities (see Chambliss and Seidman 1971; Beirne and Messerschmidt 1991; Garland 1990; Taylor 1999). The term “social” in these writings became a neutral reference to aggregate conditions brought about by history. It lost much of its positive normative weighting. Its rhetorical force as signifier of desired change was fragmented into manifestos for specific causes, such as those of the working class, women, anti-racism, anti-imperialism and local communities. All of this produced a devaluation of the present social. Critical criminology, inevitably with its exposés and critiques, reduced the “social” dimension of social relations to its specific economic, political, or cultural elements as lodged within specific historical and geographical settings, and thereby devalued the inherited meaning of the word. The meaning of the social, for many, was in abeyance but nobody, to my knowledge, actually rejected its use in principle. Whether the social world was portrayed in terms of class divisions, or divisions of gender, ethnicity, nationality, region, or age, the point was that it was being deconstructed into its fragments. The fragmented picture produced was the fragmented world we critical criminologists saw. It was a world where crime, realistically, was a sign of problems and conflicts and a destructive and unhelpful, individualistic, antisocial blight on our hopes for progress; and where deviance was as much a sign of difficulty as of creativity. We remembered that Marx and Engels described petty crime as the parasitic acts of a demoralized lower working class, and critical historians of the 1970s even developed the idea of “social crime” to mark off that small sector of volume crime which actually benefits the community. The world we saw was not one of moral consensus based upon a universal morality, but one of division ordered by amoral force and the moralistic censure of the crimes and deviations of the lower classes. Crime in this way became more of a censure authorized by the powerful than a behavior peculiar to the poor (see Sumner 1990a: ch. 2) – in an antisocial world no behavior has uncontested meanings and disapproval is more a sign of powerful interest than moral purity.

This devaluation and fragmentation of the concept of the social has been accelerated by the celebration of political economy, the cultural, the specific, the local, the historical, and the subjective in the analysis of crime and deviance. The grand abstractions of modernist sociology were, like “The Wall,” being taken down brick by brick. Feminist work also challenged the erection of

inflexible, ahistorical, broad abstractions as a masculinist form of thought and thus openly devalued the general in favor of the particular. The various feminist criminologies since the 1970s have shared much with critical criminology in general, but there have been some key disagreements over the social nature of crime and deviance. The big area of convergence is that many feminist criminologies regard patriarchy as a *social* form of domination, not a biological or natural one; their view of the social world has been that it is so dominated by a self-interested patriarchy that law did not represent the interests of women and was therefore sectional not universal (see Smart 1989; Gelsthorpe and Morris 1990; Howe 1994; Dobash et al. 1995; Daly and Maher 1998). In this way, for feminist criminology generally, the “social” as a field of consensus, positivity, and constraint on established power was still to be constructed. The existing “social” left too many female victims unprotected. Feminism brought the victim back into criminology in a big way, especially the victims of domestic violence and rape. Forms of crime and criminal justice were consistently portrayed as expressions of male power and as discriminatory. The key concept in this picture has been the sociological one of gender: the idea that the roles, capacities, and rights of each sex, and the norms governing relations between the sexes, are historical and cultural in origin and have been passed on through socialization processes. Gender and gender relations are thus themselves social or cultural constructions and amenable to political change.

The significant area of disagreement lies with the more anarchic tendencies within criminology and concerns the utopian view of the social world resurrected in the late 1960s. Feminists overall have rejected the anarchistic view of the future social because it said little about the reconstruction of gender relations and roles needed to give women equity with men. While there is much ambiguity within feminist criminology, as in socialist criminology, about the value of using the state or legal reform to achieve greater equality and of using the concept of equality as a justification or goal for women’s causes, feminist work in recent years has implicitly been geared to change in the present rather than in some distant future. Indeed, its position has been that the utopian vision of the social needs considerable reworking before it can ever happen; a position shared with most socialist criminology. In addition, an important part of feminist criminology has moved away from critical criminology on the issue of the roots of existing social forms: these writings suppose a transhistorical sociobiological propensity of males toward aggressive domination and of females toward a passive nurturance (e.g., Brownmiller 1975; Daly 1984). This tendency demands a revolution in the power balance between men and women before a truly social world can be constructed; no “socialist” revolution could take place before this. When we add in the anti-racist view, expressed in more recent times, that the class and gender revolutions cannot be truly social advances without the removal of divisions of ethnicity, it is clear that the critical criminologies were calling for a thoroughgoing reconstruction of the existing social world.

Critical criminologies over recent years have in effect devalued the supposed social dimension of human relations, deconstructing it as a concealment of sharp divisions of class, race, and gender. In so doing, they sometimes forget the role played by socialists and feminists in constructing the social in the first place, notably within social democracy, socialism, social work, and social policy.

History rarely goes backward or forgets for long, and it may be that all we are seeing now is not so much a demolition of the social as its reworking; a deconstruction and a rebuild. Certainly, no critical criminologist is advocating the progressiveness of the free market or a return to “a natural order.”

The tendency of critical criminology to denigrate the existing “social” was given a boost during the 1980s by postmodernism, following or interpreting the work of Foucault, whose work on crime in many respects mirrored that of the late 1960s’ “new” criminology with its celebration of deviation from the social. At home with things being upside down, inside out, or even nonexistent, postmodernists were soon announcing, with all-too-ready enthusiasm, that socialism was dead and that “the social” was merely talk, a discourse amongst other discourses, simply a means to domesticate the healthily wild lower orders (cf. Henry and Milovanovic 1996; Stanley 1996). They were also generally quick to decry forms of thought and talk in general as mere strategies of domination. The “social” became simply a dominant-class discursive tactic for the defleing of the “dangerous classes” so that they did not spread any more contagious diseases (Foucault 1977, 1980a, 1980b). Crime and deviance in postmodernist thought became discursive categories of control within a panoply of dominant scientific, medical, and legal discourses which, when invested in powerful campaigns and maneuvers, served in the regulation of the populace and to deliver healthy workers every Monday morning; key terms in the rationalization of rule.

The socialization of the population into “civilized” habits, in the eyes of Foucauldian sociology, was simply rendering it into captivity. “Civil” society was denied its status as a field of fierce debate and was portrayed as a system of normative institutions which attempted a humane containment of that many-headed hydra, the people. Prisons were no more an instrument of humane containment than the university, the hospital, or the family; the police no more a means of policing the masses than the television set. The difference between a radio, a baton and a marriage disappeared – they were now all part of the wallpaper of domination. The difference between humane and inhumane systems of power vanished in Foucault’s work: both the moderate monitoring of “disciplinary” systems to induce motivated compliance, such as the new managerialism or surveillance systems, and the terroristic penalty of spectacular executions, such as the public stoning or hanging, were portrayed as mechanisms of population management. Somewhat inconsistently, at the same time as postmodernists dismissed differences of this sort, they celebrated the “differences” of socially deviant groups. Power was seen as ubiquitous and eternally negative; difference as ubiquitous but eternally positive.

“Difference” in fact became a hallmark of postmodern “cool” after about 1985. Postmodernists hailed society as a vast sea of differences, all of which should be respected, except of course those they themselves disapproved of. The distinguishing qualities of women, blacks, and other previously suppressed groups were positively valued; whereas it is hard to remember any essays on “the difference” of neo-Nazi skinheads. Nevertheless, the postmodernists were in line with popular thinking, at least among the young. Deviance was now being revalued generally and the merits of the social were devalued in one further respect. The social world became identified with prison. It was a straitjacket, somebody else’s tired old moral clothes, an excuse for discipline through moni-

toring, audit, review, examination, surveillance and retraining, and therefore control or suppression.

Foucauldian criminologists talked of “the social” as a discourse translated into power, as a rhetorical and tactical figure which put people in yet more chains and thus extended the historical reign of the will to dominate. They celebrated the subversion of dominance generally, in public or in private. Following Foucault and Nietzsche, they cheered on anything that achieved a sublime moment out of the eternity of postwar blandness and rejected the new modality of “disciplinary power” (Foucault 1977) as yet more domination. In fact, for Foucauldians, it seems, disciplinary power was worse than power expressed through spectacular public terror in that it required our consent and self-subjugation to the rhythms of modernist industrial warehousing and management in all its forms. Those of us, even during the late 1960s, who never developed any excitement for being publicly mutilated, even though it had the great merit of not requiring our consent, may see disciplinary power as an historic improvement over “the penalty of terror,” since at least we could say “no” – which is a little difficult after being beheaded or pulled apart by four horses à la Damiens (Foucault 1977: 3). Some might even argue that the fate of the early seventeenth-century poor prior to the advent of, say, foundlings’ hospitals was far worse than modern systems of surveillant social security. The gains of social reform were forgotten. For Foucauldian criminology reform or progress was a discursive illusion: we are all so incorporated into the networks of social discipline that we do not say “no” and have therefore lost our souls and not just our heads. It also overlooked the extent to which resistance was a profound part of the very constitution of the modern “social.” Without resistance it would not exist, however limited and flawed.

To downplay resistance in the formation of societies is to ignore the crucial role played by the rejection of excess in the formation of any system of discipline or form of social regulation. This refusal to draw a line against excess left Foucauldian postmodernism unable to generate a new basis for a “social” world; a position which tended toward the anarchic, the amoral, and the indiscriminate. It was also a position which, with the benefit of hindsight, amounted to a mirror opposition to the over-controlling, moralistic, often authoritarian and discriminatory managerialist systems embedded deep in the heart of modernist forms of organization (see Clarke and Newman, 1997, on the managerialist state). Foucauldianism replaced disciplinary power with a celebration of excess. It amounted to an indiscriminate support for political and cultural amorality, overlooking Nietzsche’s cynicism (1969 [1887]) about the *ressentiment* of rebel groups and their capability of replacing one policing system with another of equal abhorrence.

THE SOCIAL AS CULTURE

As the preceding argument has explained, the “social” in post-1945 sociology has lost its economic and political meanings. It has become a neutral term devoid of its normative reforming message. It is now “off-message” in an age of spin. It connotes a bygone age of integrated communities, welfare states, militant trade

unions, and class politics. In the UK, politicians avoid it for electoral success and the public associates it with a bleeding-heart liberalism exempting offenders from individual responsibility. If it has any residual active and positive meaning in a contemporary sociology which has largely rendered it an anodyne abstraction, it refers to the *cultural* dimension of human life, standing in opposition to the economic and political. In a multicultural globalized world that means mere differences of style; no longer differences in essence. Diversity is now the anti-norm, or norm, depending on how you look at it. The social as the fabric of society, the state-backed political consensus of welfarism, has been replaced by the idea of the universality of difference or the normality of deviation. With the globalization of mass commodity exchange, the “fall of The Wall,” and the discrediting of politics in general, there is no universal political principle which commands more assent than that of respect for the specificity or identity of others. The “other,” that alien figure that gave rise to the concept of culture in the 1930s, has not only been pardoned through an historic political amnesty but hailed as a hero of progressive change: the image of Mandela is perhaps the exemplar of this trend. “Others” are now respected and it is supposed that even our economic and political relationships are mere expressions of cultural attitudes. Conversely, there is a disrespect for or suspicion of the familiar, the traditional, the fixed, and the established.

Specifics are now pivotal because they give identity in an age of postmodernity when the global expansion of capitalist social structures actually de-differentiates people and places. Commoditization on a global scale reduces people and things to commodities and therefore their value in a global market. The globally marketable is synonymous with “cool” and national-cultural artifacts or styles only survive well if they are marketable. When so many things are hybrid, multicultural, mobile, or mixed in character, sociologists downplay the pure or essential in order to be accurate. As travel, exchange, movement, and globality destroy, blur, or mix real differences, our cultures celebrate difference. Nothing is essential or pure any more because nothing and nobody are just one thing: we are all a mixed bag, a hybridity that defies fixing in official or general words; these words seem to restrict, fix, and control, whereas subcultural argot or the vernacular give control and identity. The social, in a globalized and depoliticized age of commoditized mass information, has become merely culture: a diverse, accumulated, and anonymous mix of meaning-giving attributions and talk which uses the meanings of the past and present along with allusions to a desired future. Culture can thus be anything.

When any object can be an art form, or any feeling just, or any act moral, as in postmodern culture, there is no obstacle to reversing or subverting the meaning we give to things. Anything can become anything; ironically, the perfection of the free-marketeer’s fantasy. In this context, crime can be seen by some as seductive, as a sublime moment or “buzz” in an otherwise bland, powerless, and pointless existence; a signifier of “action,” or even power, in a disenfranchised cultural desert; victims’ pain unimagined in a world that is losing its social imagination (see Katz 1988). Empathy and foresight can be difficult, or just too painful, for generations trapped in the hyperreality of a media network which frequently portrays violence as glamorous and lionizes serious crimes. Crime, alongside war, for many postmodernists and sociologists of postmodern-

ity, has become very much a media event. No longer social but cultural, crime can also be a fashion, a style accoutrement, giving identity where none exists (to rephrase A. K. Cohen's 1955 view of subcultures) and a form celebrated in the new gangster movies, simultaneously dispensing and parodying the hard masculinity of white or black working-class entrepreneurs in a materialistic culture. Philosophical materialists might say that little has changed: Chicago gangs were also models of fascination in the 1930s (and in film ever since) when organized crime was rife, stimulated profitably by the criminalization of disapproved substances which anaesthetized the pain of "the vale of tears" (Engels's phrase) with its rapid change, downright misery, and much insecurity.

Cultural studies has taken over so much of sociology and we even now have "cultural criminology" (e.g., Ferrell and Sanders 1995) which proclaims the culturalness of much to do with crime. But what of economics and politics, and "the social"? It has become common within contemporary criminology to say that crime and deviance are "cultural" phenomena. Sadly, this escape route avoids the question. The obsession with the "cultural" does little more than redesignate some things we once called "social," because they were common or collective in character, at the same time as not addressing things we really wished would be more collective in character, such as capitalism and the state, and their relation to the cultural. Too much cultural studies or sociology today is a description of popular current meanings with no discernible methodology for establishing or defending their veracity or value as facts-in-existence or their effects in general or in particular. To talk of capitalism, state, and class is on the other hand, especially if it involves statistics, distinctly unfashionable.

Nevertheless, culturalist thinking does reflect something important about our times. In the twenty-first century, it would be cretinous to suppose that the world's ills are a result of the genetic or psychological weaknesses of a few rotten apples in an otherwise healthy barrel, if only for the reason that there would be little agreement on the application and meaning of terms like ills, genetic, psychological, weakness, rotten, and healthy. Things now have different and multiple meanings, far removed from the monolithic and absolute moral syntax of any mythical "Golden Age" of monocultural, slow-moving communities, bound to the land, and tightly bonded in an incestuous parochialism. Crime and deviance are contested moral judgments, censures (see Sumner 1990a: ch. 2) that mean different things to people in practice. Breaking someone's rules or norms in a multicultural world is no longer a simple fact with no argument followed by the punishment of the offender; more likely it is the basis for a conference hosted by a university to discuss who is the victim of whose oppression. Moral norms are contested, as are their forms of enforcement. The historic lineages of moral judgment have been fragmented and challenged through exposure to political, academic, and media examination. The information age has passed through secularization and moved on to a virtual demoralization. The effect of this is to dissolve moral certainty and moral positions themselves, the very cement of "the social," without which "the social" can have no binding material foundations.

By illustration, many members of the public would today claim that censure and policing have disappeared for all practical community purposes, and that any attempt to protect oneself from crime is as likely to lead to arrest as the

original criminal act. In many of today's Western societies, crime matters *are* often upside down: no convicted criminal is executed but many kill themselves (e.g., young offenders in secure institutions); more people are killed on the roads or at the workplace than in interpersonal conflicts; many murder convictions are made despite the absence of a corpse and there are hundreds of thousands of "missing persons" annually with no crime recorded; witnesses and victims often seem to be punished more than offenders; television and newspapers feed in frenzy on the dramas of crime and trial by media often overtakes the legal process; and social deviance is so often expressed virtually yet internationally on the Net. In today's world, realistically, crime and justice *have to be* constructed or interpreted using cultural devices or knowledge – because they have acquired an immateriality and lack of obviousness, or they are just plain absent.

It is little wonder that people from non-Western societies see the West as corrupt, decadent and lacking "faith," as "Babylon," as an Augean stables in need of cleansing. The tides of history are reversed: it is "others" who now see themselves as civilized and the West as in need of moral restoration. It is not surprising in this context that armed militants should arise from the mass of "others" who feel victimized by the Western powers to begin a jihad against them. As long as the West continues to support one kind of terrorism, such as that in Israel, it will generate another, opposed, kind, such as that of al-Qa'eda.

What is censured as crime or deviance is now so obviously a political issue (see Bergalli and Sumner 1997; Sumner 1997b). Adherence to legal principle is seen by politicians as lawyers' blocking efficient justice, and politicians make decisions about the length of individual sentences. Most crime is not the subject of trials with contested arguments and evidence but is summarily processed through the expedient guilty pleas of the vast majority of charged but unrepresented persons; a process frequently not even requiring the presence of the offender, or witnesses, or lawyers, or a victim or even (who knows how often?) an offense. The bulk of real punishment is not in the form of the prison sentence or even a fine but in the loss of work, status, finance, and family, and, as such, is imposed on the offender's relatives as much as upon the offender. Perhaps in a completely postmodern control system, as Scheerer once sarcastically suggested to me (see also Scheerer and Hess 1997), the authorities would simply allocate crime convictions monthly to the whole population randomly using the electoral register – this way, a more efficient, less expensive and more democratic system could be produced without recourse to time-consuming legal issues at all. The fact is that what we now have by way of a national regulatory system, for most offenses, has by and large moved away from social control involving shared meanings, participation, representation, and assent toward a fully computerized cyber-control programmed to meet police performance targets, combined with regular media spectacles to put flesh-and-blood conviction into what would otherwise be an anonymous grind with a very low percentage of actual detections. We have, in the round, a vast amount of crime, deviance, and rule-infraction with very low actual detection rates, but we also have spectacular and vast amounts of fictional or factional crime drama on television where the police always "get their man." We have added a new, entirely virtual, penalty of terror onto modern disciplinary power. In this new all-purpose control system, the postmodern culturalist perspective makes a lot of

sense of something which appears to have little – and certainly bears little resemblance to a system of *social* control.

Culturalism points to the fact that there are often many definitions or views of “the crime or deviance situation” involving complex questions about chains of victimization and the length of lineages of oppression. It sees us now enmeshed in a network of conflicting meanings and perceptions; a fact which tempts many to think that the best view, even if profoundly uncomfortable and ultimately impractical, is a relativist one denying relevance or validity to any moral code. Morality, like the social, has become immaterial in a world that prizes the absence of moral–evaluative judgment and celebrates the removal of any kind of discrimination or discretion. Even rights, rules, and evidence seem increasingly immaterial. Justice now too often means mechanical rubber-stamping or sheer emotional pressure conforming to politically correct but ephemeral “spin,” irrespective of morality, rights, rules, or evidence. These latter terms, and the philosophies and practices they refer to, have been ditched by contemporary sociology and cultural studies into the categorical dustbin of modernist epistemology – as terms of an old discourse (see also Bauman 1989: 174–5). Discourse is all: “all that is solid melts into air” (Shakespeare) – even crime and justice. It is, however, rarely so to the general public whose common sense not only distances it from the bland talk of politicians but also the mystifications of social science. That public, as in Mannheim’s day, still needs democratic representation to enable the freedom to be different but also protection from crime, and the provision of a criminal justice system which produces social justice.

Ultimately, despite its contemporary relevance, to say that crime and deviance are cultural forms tells us little in the long run when culture can mean anything and everything; and no more than the social did when it meant anything and everything. Crime, either as a behavior or as a censure, undoubtedly has an important cultural dimension, but we need to move beyond the infinity of specifics toward some new universals which might act as guides and restraints; otherwise anything could be censured or approved, depending on the political and cultural standpoint of the decision-maker. Observing the cultural dimension of crime and deviance cannot blind us to its potential for complete anarchy – a condition which must be at the mercy of the rich and powerful rather than under the control of the poor and meek, and therefore one of potentially massive injustice. Nor can it be allowed to render us open to just any form of collective regulation, whether arbitrary, partisan, or cybernetic. To be progressive, criminology has to be reconstructive and contribute to this process of moving beyond the cultural.

This new century requires us to recognize that we do censure others and that the big issues surround the question of exactly how “social” is a censure of something or somebody as criminal or deviant. These issues are (a) whether our censures are democratically supported censures or mere partisan instruments of self-interest, (b) whether even our democratic censures will benefit anyone and produce a healthy society, (c) what social and individual health mean and how is their meaning to be constructed, (d) how censures are to be fairly applied in a mass multicultural society, and (e) to what purpose we censure. The social is now a question, not an answer.

A HAPPY ENDING?

Whether we use the word “social” in any meaningful way or even at all, today most of us believe that society as we knew it has gone. The privatization of public services is its key indicator. As one ex-health-service worker said to me, explaining why she had quit: “the feeling has gone.” No academic has summarized it more succinctly. In the UK, Margaret Thatcher once declared that society did not exist and waged a war against sociology, trade unions, and the welfare state. The return to free-market economics, the “rolling-back” of welfare, and the politics of neo-liberalism from 1979 onwards meant that we are back to a new type of Hobbesian war of all against all, with the power of commercial interests winning most battles. The “social” institutions, practices, or values which mean anything are those we have re-created or protected in our own pockets of resistance. They are the gains or conservations of a recalcitrant human desire to remain human and therefore part of a collective. The idea of a society has become a mere dream again, not a reality. The reality is a continuous struggle to maintain associations, and the values and norms of association, in an increasingly materialistic but immaterial world. Many of us understand those values, both as principles and as things of great worth, whether as forms of social capital, spiritual sustenance, or pleasure, but the world of globalized capitalism constantly pulls us in other directions toward that all-consuming black hole that is the dominance of things, individualist greed, and impersonal organization.

But we have to dream to achieve. A reconstructed “social” has to become a strong utopia again. Optimists would see it in process of reconstruction through social democracy, or perhaps the anti-globalization movement; pessimists view the reformers as stricken with the same old Nietzschean will to dominate, destroying much more social value than they create. The social cannot be sensibly used as a descriptor of societal reality today other than meaning that it has been collectively produced: but then do “we” really feel guilt for the crimes of the powerful? Were their historic sins really “our” crimes?

Crime and deviance are much better understood not as social constructions but as the dominant censures of the day, reflecting dominant economic, political, and cultural interests and preferences and targeting the groups, individuals, and acts offending those interests and preferences. A particular censure of crime or deviance, *and* the level of its enforcement, may approximate to some democratically shared “social” value to some degree, and may even contribute to some poorly defined social health, but as a whole censures and their enforcement tend to reflect the antisocial interests of capital, patriarchy, and ethnicities. In that way, the major “crimes” often remain uncensured and unpunished. The body of dominant censures in the capitalist world is barely more “social” than it ever was. Humanity in all its interdependent forms has, for example, a profound social or collective interest in the preservation of the environment and indeed the planet itself, but international authorities do little to censure or regulate environmental destruction or to support a healthy diversified survival. Disease, dis-ease, and crime also remain interlinked, at considerable expense to the wealthy nations: the cost to the USA of the crime of September 11, 2001 far exceeds

the cost needed to reduce disease in Africa to bearable levels, to compensate the scarred people of Bhopal (see Pearce and Tombs 1993), or to produce a solution in the Middle East – and this suggests that the international social policies of the United States should address causes before dealing with expensive symptoms. This fact takes us back to the early eighteenth century in Europe, just before the last rise of a biopolitics to produce a more social order, or even to Germany in 1945 just before the Marshall Plan. Faced with the potential damage of violent resistance, epidemics of disease, global deflation, and environmental tragedy, today's rulers must face the fact of interdependence in a global economy and recognize their own self-interest, let alone ours, and begin a new wave of social reconstruction. As always, crime and deviance cannot be disentangled from the social facts of collective life.

It is misleading to say that crime and deviance are social constructions when there is so much doubt, confusion, and fear about what “the social” actually is or when they are so often a response to social destruction. The twenty-first century may well demand answers to all the questions that the twentieth century left very unresolved: questions about the limits to the legal rights of the individual or the corporation over the good of the collective, the life-giving priority of our social obligations, the ethical means whereby social justice is to be achieved either locally or internationally, the nature and limit of political representation, the possibility of survival without the reconstruction of some kind of social order, and the possibility of reconstructing a social order at all. These answers will, we can only hope, produce a radical re-drawing of the map of social censures and our way of, and purpose in, enforcing them.

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