Comment on Pat O'Malley, 'Post-Social Criminologies'

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In his paper Pat O'Malley offers a view of the contemporary scene which describes a space in which criminologists work, one which is both unfamiliar measured by previous standards, and increasingly marketised. O'Malley appears concerned here, not simply to draw attention to the changing political rationalities which order governance in our own time, but also to articulate a political rationality in which criminologists can increasingly engage in the activities of government in ways some previously eschewed. So much has changed since the fall of the Berlin Wall and the collapse of the old oppositions which were the touchstone of political debate through the previous two decades and longer. As recently as 1989, in fact, Carson and O'Malley had recounted the foundations of Australian criminology in a way which measured the progress of the local discipline against its capacity to join the 'modern mainstream of critical, radical and more theoretical criminology research' (Carson and O'Malley 1989:333).

O'Malley describes concisely the transformation of the rationalities of government in an age in which, he argues, there has emerged a 'post-social' condition in which primacy is given to the roles and responsibilities of individuals; and in which the rhetorics and utility-maximising exchanges of the market replace the supportive and distributive mechanisms of the social, with its predilection for order in the service of the collective good. Before we accept this description as a basis for a subsequent change in ethical disposition or political action, however, we need to assess how adequate an account it actually is of the times we live in.

While O'Malley's version of the present can be read in some ways as of a kind with accounts of the post-modern condition, it should be made clear that my subsequent comments are not aimed at such a reading. A paper which takes seriously the business of governing, with a specific attention to ways in which the rhetorics of governing have an identifiable impact on the lives of people in such categories as victim or offender, shares little with attempts to describe contemporary life as one simply characterised by the anarchic or de-centred epiphenomena of mass media or cultural consumption. Nevertheless some of the weaknesses of accounts of post-modernity are, it seems to me, shared by O'Malley's description of the post-social. Above all I suggest this arises in relation to the cogency of this account as a historical description of our present condition.

This position might be best illustrated through taking account of some current issues in criminal justice policy and administration in Australia. Let us take some random examples.

For some 18 months the New South Wales police have been subject to searching public scrutiny through the investigations and hearings of the Royal Commission into the New South Wales Police Service. That Commission has proceeded down a path which measures

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policing according to fairly entrenched public standards of accountability and administration in which the primary rhetoric is one of police serving the community, or the public, in a relationship of trust. Against that standard the police are seen once again to have failed the communities they serve. Whatever the shifting modes of policing in the various common law jurisdictions, the public police is an extraordinarily embedded governmental institution which maintains a monopoly of control in the exercise of last resort authority in the current nation-state. True, this authority can be tested and questioned, but few in the 'post-social' political arena have advanced the possibility of the abolition of the police, and little has been achieved by way of substantial privatisation of police services. Private policing exists, indeed is a large industry, but stands alongside the public police, which in Australia at least has been steadily increasing in numbers and expense since the Second World War. And instead of a shift from public and state-centred policing to a de-centred, localised and more self-governing policing, we have the spectacle of those (Thatcher in Britain, Kennett in Victoria, Borbidge in Queensland — choose your own example) who advocate the rhetoric of the market in other areas of government while insisting on the virtues of a strong and well resourced public police. So what we have in the experience of the last decade or so of the advance of market models of governance is instead in the area of policing a continued marginalisation of the contractual language of 'customers' and 'partnerships'. In the organisation of policing do we have left a 'residual state' (O'Malley 1996:7), or instead a still residual community, so unaccustomed to policing itself that it is unable or unwilling to make 'community policing' a reality?

A second example. In the wake of a change of government in Queensland we have seen, just as I write, announcements of new policies for the policing and punishment of juveniles (*Australian* 16 March 1996). True it is that included amongst these new policies are gestures to the post-social techniques noted by O'Malley, for example, in some acknowledgment of a role for family or group conferencing (O'Malley 1996:10). But these techniques are marginalised in a law and order rhetoric of a tediously repetitive kind, in which most attention is focused on harsher sentences, segregation, rehabilitation in 'work camps' as the media dub them, that is, a list of penal strategies which belong firmly in the tradition of the 'social', whether in its classical or neo-classical variants. These law and order politics, a familiar part of the scene since Thatcher's rise, require a state which does not take a back seat but asserts its duty to speak for the public interest and to back that with force. The opportunities for a different kind of law and order which have been opened up by interventions of innovative regulators, legal professionals, academics, community workers, and which are closer to the model of 'post-social' techniques of governance described by O'Malley (with their models of the responsible and self-governing individual, community or corporation) have been limited in terms of their longer term impacts — though I concede that it is too early to spell the failure of such innovation, and agree with O'Malley that what we might also be witnessing here is evidence of a contestation (O'Malley 1996:15). Whether that contestation is in fact one taking place on 'new and distinctive sites' is another matter. The crucial point is that when we argue that the role of the state in the current order is one shaped only for a residual space, I think we ignore the profound evidence for the persistence of the state as expression of the social. The tide rises and falls on the shores of state action but in the democratic jurisdictions a great deal of a government's political fate still rests on a commitment to programs in which the state delivers identifiable resources to individuals and communities.

Two examples then, but ones which might simply illustrate O'Malley's point that the 'progress of post-social political rationalities is ... uneven' (O'Malley 1996:7). The burden of my remaining comments then rest on whether our recent experience of the changing rationalities

of governing constitutes a 'post-social' condition or simply an accentuation of the modes of governing which arose in the era of the 'social'.

As attractive as it might be to take the epigrams of Margaret Thatcher or Jean Baudrillard as constitutive of the new political order we live in, and as much as O'Malley himself gestures in a footnote to a notion of 'refiguring the social' (n 2), there is too much in O'Malley's subsequent commentary which takes for granted a view of the 'social' as equivalent to 'collectivist' or 'socialist'. The characterisation of the social as a mode of rule in which the 'principal objects' and 'ways of engaging with them' were 'constituted in terms of a collective entity with emergent properties that could not be reduced to individual constituents, or could not be tackled adequately at the level of individuals' seems to sit oddly with the modes of governing during the era of the 'overarching discourse of the "social"' (O'Malley 1996:3). For just as criminology was, as O'Malley says, always 'fragmented' (pp 15–16), so the modes of governing were less coherent and collectivist than O'Malley's view of the period 1890s to the 1980s suggests.

This is not just a matter of acknowledging that there was in play a multitude of expert discourses at work (as O'Malley notes at n 1). Rather it is important to recall that the object of such expertise in these decades was to differentiate populations precisely at the level of the individual, according to the attributes which such individuals possessed. At one extreme the object of eugenics for example was to provide means by which individuals bearing particular attributes might appropriately be made the target of state interventions to regulate their reproduction — but the possibility of such interventions could only be contemplated in the presence of techniques for identifying those individuals (sometimes as members of races or of a certain socio-economic status) suitable for such treatment. Within institutions themselves, such as prisons, the modes of governing during the era of the social accentuated, in theory at least, the classification of inmates along spectra which differentiated individuals according to their offending status, their gender, their race in some places, their sexual orientation in others. The era of the social indeed was one which gave pride of place to the capacity of modern science to individuate the offender, or the pupil, or the patient, in place of collectivist modes of governing institutions during what we might call the statist decades of the century before (Garland 1985; McCallum 1990; Rose 1990; Garton 1994). Individuation was a process in which the self-governing capacities of the individual might be nurtured — with only those incapable of exercising such a self-government becoming the subject of institutional solutions. The era of the 'social' that is carries within it the kinds of modes of 'post-social' governing which O'Malley describes.

At another level, in the development of social security or of the social wage, the unity and determinacy of the social was always a matter of contestation. Particularly in Australia this is so — for in spite of the international reputation of the place as a 'social laboratory' at the end of the nineteenth century, the striking thing about the history of social policy in this country is that there never developed a strong tradition of universal entitlement to social security (see, for example, Castles 1986). The history of universal medical insurance in Australia since Whitlam is an aberration in a nation-state which has for the most part resisted the idea of 'social insurance'.

The history of insurance itself gives us a further cause for questioning the degrees of transition which are postulated in this shift from the 'social' to the 'post-social'. For it is evident that in the Western world there have been substantial variations in the degrees of 'social services and security' such that it cannot be a matter in our own time of social security suddenly being replaced by 'individual practices of prudence, foresight, competence, responsibility and enterprise' (O'Malley 1996:6). Insurance against risk at a personal

level has been common since the middle of the nineteenth century — initially through the activities of trade and craft-based or even community-based friendly and other benefit societies, developing over time into a major financial sector which was not replaced by the collectivist measures of social insurance (whether life or medical) but continued alongside them. This suggests that the reality of the era of the social was that rationalities and modes of governing for the ordering of social and individual lives were (outside the totalitarian states) always multiple rather than singular.

If this argument is not directed at a misreading of O'Malley's thesis, then it follows that we do indeed have to peer behind the 'nature and implications of political rationalities' in order to 'locate their historical mainsprings'. O'Malley concludes that we should try to avoid such an approach — and to the extent that we should avoid dismissing new rationalities and discourses simply because they have or share certain lineages (Thatcherite for example) then I agree with him. What I have tried to emphasise on the other hand is that there is nevertheless a profoundly historical character to the forms of government which order our lives which cannot be readily transformed in a world conforming to the political rationalities of the 'post-social'. The formation of modes of government in the modern era has delivered to us a powerful state which now inflects its policies and programs in a new language but which still operates in an atmosphere of expectation of the government delivering services for the collective good. As I conclude the news agencies report that the Conservative Government of the United Kingdom, the one that still labours under the Thatcherite mantle, is having to contemplate the destruction of the nation's entire beef herds to eliminate 'mad cow disease'. What room for individual prudence or the wisdom of the marketplace, or the dominance of a 'post-social' political rationality there?

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