

space in which to gaze untroubled at the 'other', discursive zones haunted by shades of censorship and spectacle. From this perspective, Jacobson-Hardy's collection is a visual soliloquy, which seeks to communicate the gross injustices of imprisonment in the United States through a less than translucent medium to an ambiguous audience. The irony of this pursuit is best captured in the final photo of the collection where, lying motionless on her bunk, an African-American woman, a prisoner at MCI-Framingham, averts her gaze away from the camera through the grilled frame of her window, looking to and for no one.

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The community justice ideal: preventing crime and achieving justice, Todd Clear and David Karp. Boulder, CO: Westview Press, 1999. 176 pp. plus index. ISBN 0-8133-6765-4 (hbk); 0-8133-6766-2 (pbk).

The local governance of crime, Adam Crawford. Oxford: Clarendon Press, 1997. 313 pp. plus appendix and index. ISBN 0-19-826253-1 (hbk); 0-19-829845-5 (pbk).

The politics of community policing: rearranging the power to punish, William Lyons. Ann Arbor, MI: University of Michigan Press, 1999. 185 pp. plus index. ISBN 0-472-10953-7 (hbk).

It is hard to come to terms with the state. This is true both for ordinary citizens and for social scientists, particularly those with an interest in crime control. On the one hand, the state possesses the coercive power to police and punish, to capture and contain, to exclude and exterminate. This is a power drenched in moral purpose: the state seeks to cleanse the street of criminogenic evil, to protect the unassuming by incapacitating the predatory. The state is thus particularistic in its pursuit of its vision of the good. On the other hand, this moral expressiveness is tempered by the modern state's need to guarantee civil rights to individuals and to recognize social groups. The same state that labels us as good or evil must also recognize each citizen as generically identical, possessing inalienable and ostensibly equal rights. These rights enable citizen capacity *against* the state by providing a political space in which to organize and advocate. Here, the state is obligated to take a more neutral stance: it steps back to allow direction from the populace. The state is thus compelled both to create distinctions and to erase them; it marks and punishes, and it unmarks and empowers.

Indeed, legitimacy imperatives compel the state to move in each of these directions. The state's mandate to create order means that the criminal justice system must seem to be effective; social disorder necessarily spells state disrepute. The unruly are labeled impure and exposed to coercion and confinement. A set of state institutions – police, courts, corrections – exist to ensure order and develop self-perpetuating rituals and practices. But the modern state is also steeped in liberalism and should therefore respect individual and group rights; authoritarianism is as illegitimate as impotence. Thus, the challenge for the state and its subjects: to render order without dismembering democracy.

This challenge becomes apparent when one considers efforts to mobilize 'community' in criminal justice efforts. Nothing can be more democratic-seeming than community. The term evokes images of neighborliness, tolerance and consensual decision-making. In community settings, order presumably emerges organically from below, in the informal spaces of everyday life. To enlist the community in social control efforts should therefore empower citizens to exert control through meaningful and respectful interaction. Order and democracy could thus be fused, and communities could cohere in the process. From this perspective, state responses to crime can hinder communities as much as help them. Overly harsh policing and excessive punitiveness may disrupt bottom-up systems of ordering.

The preservation of these informal control mechanisms lies at the heart of the contemporary community justice movement. Community justice encompasses a range of new and old (but repackaged) programs designed to increase citizen involvement in criminal justice practices. These developments are drawing considerable attention from academics, none of them more thoughtful than the authors reviewed here. Each of these works is attentive to both theory and empirics, and each is cognizant of both the promise and perils of community justice practice. And, while each work focuses primarily on community, they all willy-nilly end up back at the state. As each demonstrates, reducing the state's influential role in social order is easier said than done. The legitimacy imperative of crime control and the self-justificatory practices of criminal justice institutions remain important forces, even in the face of the rhetoric celebrating community preservation. Further, states shape the larger socio-economic dynamics that most fundamentally determine the life world and political viability of communities. The state cannot go quietly, if indeed it should.

No better case can be made for a less intrusive state than that provided by Todd Clear and David Karp. According to Clear and Karp, the state's adversarial stance toward criminals harms communities. In accordance with liberal practice, the state treats suspects as individuals who possess certain rights. The battle is thus between an order-seeking state and a rights-bearing individual. But, to frame the issue this way, Clear and Karp argue, is to ignore the offender's role in a community, and the damage his/her acts cause to communities. Further, a state that exerts order through aggressive arrests and lengthy incarcerations weakens its own legitimacy as well as local institutions. Better, therefore, to involve citizens in policing, punishment, and reconciliation, to treat offenders and victims as members of communities who can together repair the damage caused by criminal acts.

Suspects and victims are thus not just individuals whose rights deserve state respect, but they are neighbors who exist in communal relations. This more thick depiction of the self leads Clear and Karp to envision redirecting criminal justice practice toward greater respect for communal interaction and preservation. Offenses should be treated as community problems resolvable through community processes. The state should establish the basic framework and provide the necessary resources for community justice, and then retreat into the background; the state should not be 'the principal defender of law and order but merely a consultant and manager to the community, which bears ultimate responsibility for the justice process' (p. 92).

But Clear and Karp are too thoughtful to imagine this a simple process. They openly discuss the complexity of communities, and the challenges of creating cohesive,

egalitarian, tolerant and fair communal interactions. They also recognize the important role that individual rights play in contesting the power of both the state and the community; majoritarian rule is not always a pretty and fair process. And they note that communal political groups are not always representative and can easily chart a parochial path. The state cannot therefore simply retreat, but must ensure that community political action is representative and fair.

Despite their concerns, Todd and Clear remain enthusiastic about community justice and point to some successes in places like Boston and Vermont. Such sanguinity is lacking in the accounts of Crawford and Lyons. Each of these authors is similarly interested in theories of community justice, but diverge from Clear and Karp in two important respects. First, each of these authors is considerably more critical of the empirical record, seeing greater evidence of the subversion of democracy in the name of community. And, second, each bases his conclusions upon exhaustive empirical research. Crawford did observations, interviews, and surveys to assess community policing and community mediation efforts in several sites in England, while Lyons conducted extensive interviews to reconstruct the recent history of community policing in Southeast Seattle.

Of the two works, Crawford's is the more exhaustive, both theoretically and empirically. He ranges widely across the theoretical map – from organizational sociology to political philosophy, from theories of the risk society to neocorporatism. This gives the book a sometimes encyclopedic feel, but bears witness to Crawford's thoughtfulness and thoroughness. He tacks well from wider theories of politics and social action to summaries of his empirical work. The range of the book complicates an easy summation, but Crawford resolutely sees community justice in terms of broader political dynamics, most importantly the quest for state legitimacy. He also casts a probing eye onto its actual practices and discovers all sorts of complications. Criminal justice institutions resist change; they resist inter-organizational coordination; they adopt a narrow view of communal groups and their political efficacy; they resist accountability for their actions. Here is where the issue of legitimacy becomes imperative. Driven to demonstrate obvious effectiveness, criminal justice agencies pursue more insular strategies which they can control and for which they can claim complete credit. Incentives to cooperate with either other agencies or citizen groups weaken in the face of the need for self-justification. Though couched in the good feelings of democracy, community justice in practice reinforces the power of state agencies.

This is much the same conclusion drawn by Lyons, who cogently traces the development of the 'stories' of community policing in Southeast Seattle. The story that prevailed there was a state-centered one, which protected police capacity to name problems and compose solutions. Community-centered stories suffered in this discursive contest, and thus citizen power was rendered peripheral. In the Southeast Seattle contest, the only citizen voices that resonated were those that emanated from the Chamber of Commerce, and thus commercial property crimes received most police attention. Citizens who were focused on the concerns of neighborhoods possessed little political capital and thus received less police attention.

As Lyons persuasively demonstrates, state-centered stories of community policing reinforce the professional posture of the police. This is ironic, because community policing is designed to obliterate the legacy of the professional movement. Lyons shows

that policing remains a heavily centralized operation, and that officers remain impervious to any citizen input that challenges preferred police practices. Under the guise of community policing, then, officers accumulate even greater power, thereby becoming even more significant in the ultimate allocation of punishment.

Crawford and Lyons thus draw several identical conclusions. One is that 'community' is so plastic that it can be invoked in projects that undermine resident empowerment; beneath the legitimating veneer of the term, state power persists. A second, and related, point is that genuine democracy is simply too indeterminate and contingent to be tolerated by the state. The logic of managerial accountability, as Crawford points out, mandates results from criminal justice institutions. By contrast, the logic of democratic action defines no crystalline goals and resists easy evaluation. How, then, can a state bureaucracy that trumpets its actual support for democracy demonstrate its success? To what precise outcomes can it point?

And, each of these authors asks, can communal organizing around crime succeed in the first place? Because the construction of 'order' necessarily implies drawing distinctions between peoples, can its pursuit be the mechanism for tolerant solidarity? How can definitions of order be harmonized across a population, and further harmonized with state institutions? Does not crime only unify by dividing?

For Crawford and Lyons, then, efforts to invoke community tend to reinforce the state's attempts to legitimate itself through aggressive and punitive criminal justice practices. This return to the state is even more understandable because of the role the state plays in creating the socio-economic reality that communities confront. This is a point addressed in all three works: that economic and political capacity, and consequently informal social control capacities, are inequitably distributed. It is one thing to provide an institutional framework in which citizens can mobilize, quite another to provide them with the social capital to make things happen. To the extent that the state thwarts equal opportunity by neglecting economic redistribution, it undermines the possibilities of effective community justice in many urban neighborhoods. Even if criminal justice officials were willing to share governance, many citizens could not take full advantage because of their social disadvantage.

We thus confront in these three works not just communities, but the state that surrounds and shapes them. It is a state with different mandates and different potentialities. Crawford is right to emphasize the importance of legitimacy in compelling state action. But legitimacy can be attained in various ways, not all of them complementary. In the contemporary period, the state seeks legitimacy through aggressive and punitive criminal justice practices. Indeed, as Crawford and Lyons document, this compulsion short circuits attempts to cast the state in a different but potentially legitimate role: as an institutional support for organic social control. This is the scheme mapped by Todd and Clear, where the state acts as a referee to ensure that community justice develops in fair and equitable fashion. But even they acknowledge that community justice flounders if the state refuses the additional role of ensuring basic economic opportunities across the social landscape. Political capital fails to accrue where economic capital is absent.

If these three works provide no simple means to understand the role of states in shaping communities in the pursuit of justice, one can hardly fault the authors. The confusion is endemic to the self-justifying institutions that comprise the state and which

act in contradictory ways in its name. To seek to empower communities to counteract the state necessarily brings one around to recognizing the indomitable power of the state to create or destroy the conditions in which community power can flourish. The challenge of coming to terms with the state is heightened, not lessened, by seeking to provide justice through communities.

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Moral panic: changing concepts of the child molester, Philip Jenkins. New Haven, CT: Yale University Press, 1998. 320 pp. including index. \$30.00. ISBN 0-300-07387-9.

During the 1990s, those identified as sex offenders were uniquely targeted for harsh and unusual punishments in the United States. The kinds of policy measures that have been proposed and enacted for this category of offenders in recent years include chemical castration, dramatically lengthened prison sentences, post-sentence preventive incapacitation, broadly applicable offender registration and notification requirements, and even capital punishment for child molesters. The impression one gets from the popular and political discourse about the problem is that those who commit violent sex crimes, especially against children, are suddenly lurking around every corner, and that the only hope to stop them is through such extreme penal measures. This book examines this most recent social construction of the sex crime problem by exploring its origins, in the end demonstrating that the contemporary construction of the molester/predator threat is not completely novel, and that the current brand of penal 'solutions', which seem to have similar predecessors, do little more than expand the reach of the criminal law and feed the ongoing panic. While the book is not exclusively concerned with the punishment of child sex offenders, it has much to offer those interested in the social history of penal responses to this group of offenders in the United States.

Jenkins, a historian, traces the origins of sex crime legislation and penal policy in the United States since the turn of the 20th century, situating the outcomes of social hysteria over sexual 'perverts', 'pedophiles', and 'predators' in a richly drawn context of the social and political atmosphere surrounding each panic. He relies upon a fascinating, disparate set of primary source materials, including medical and psychiatric texts, scholarly manuscripts, general interest periodicals and newspapers, novels and films, and government reports and legal materials, to flesh out his genealogy of the modern American sex offender.

The book begins by situating the risks of random sexual violence and murder faced by today's children in its proper context, which is in relation to the much more pervasive forms of physical abuse, maltreatment, and neglect that children suffer at the hands of family and relations, while still acknowledging the potential for psychic and physical harm to victims of sex offenders, and the horror of sex-related child murders like Megan Kanka's and Polly Klaas' in recent years. He distinguishes for the reader the actual threat posed by sex offenders over the past 100 years and the perceived threat, which appears to him to have peaks and dips as a function of broader social conditions.

With this as the backdrop, the book proceeds to describe the emergence of the modern 'sex crime' as a social construction at the end of the 19th century, which appeared to directly precede the first moral panic. During the first wave of hysteria about 'sex killers' and 'perverts' in the earliest decades of the 1900s, a range of special legislation which aimed to control the unique threat posed by this biological 'degenerate' was enacted in jurisdictions across the country. These early interventions have a somewhat familiar feel. They included institutional commitments of those deemed dangerous by legal procedures which mixed civil and criminal elements, similar to the kinds of preventive detention statutes recently upheld in *Kansas v. Hendricks* (1996) and physiological interventions, particularly sterilization.

Jenkins identifies two more periods of moral panic about sex crimes in the 20th century, each with its own distinct features, yet each somewhat resembling the prior panic(s). For instance, by the late 1930s, the 'pervert' was transformed into the sexual 'psychopath' whose deviance was thought to stem less from their biological constitution than from their psychological make-up. This second panic, over the sexual psychopath, ran from 1935 to 1957, and brought with it the enactment and vigorous enforcement of criminal laws that targeted any kind of sexual 'deviance' including adult homosexuality, on the theory that any indication of sexual nonconformity potentially escalated to sexual violence and murder. Thus, according to Jenkins, the earlier defective delinquent laws were expanded upon in a number of jurisdictions, by authorizing broad detention powers to the state and forced psychiatric treatment for a wide range of accused and convicted sex offenders.

By the final panic, which begins to build in the late 1970s and is full blown in the 1990s (and in which we appear to be still immersed), Jenkins suggests that we have come 'full circle' in the intensity of the panic and in the demonology of the sex criminal. While the sexual 'psychopath' gives way to the sexual 'predator' in our current language, they are still driven by internal and insatiable deviant urges. And, in this current construction, only extreme measures will stem the threat posed by them. Thus, we see the revival of preventive detention statutes, physiological interventions, and expanded criminal statutes aimed at an array of sex offenders, particularly those who may lurk on the internet. Jenkins concludes with an insightful discussion about some of the potential underlying reasons for these waves of panic and subsequent lulls over sex-related crime. In particular, his analysis of the role of gender relations, and the shifts and strains within those relations, which appear to underlie these moral panics, is both engaging and convincingly argued.

But the book's greatest strength is the degree to which it is able to pull together in a cohesive narrative the myriad cultural, political, medical/psychiatric, and legal threads which have influenced the construction of the sex offender problem over the past century. In doing so, Jenkins is able to cover a huge expanse of detailed history without the book being pulled in too many directions and without sacrificing critical analysis in the process. Indeed, *Moral panic* addresses much more about the social and legal constructions of sex crime than its title implies, which leads to my only criticism of Jenkins' work here. The title of the book is not a great fit with its contents, so it underplays much of what the text has to offer potential readers with an interest in crime and punishment. While focusing in good part on the child molester, the book also examines all forms of the constructed 'sex offender' and, while quite clearly addressing