



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

Reasonable hopes

Social theory, critique and reconstruction in contemporary criminology

Citation for published version:

Loader, I & Sparks, R 2022, Reasonable hopes: Social theory, critique and reconstruction in contemporary criminology. in A Liebling, J Shapland, R Sparks & J Tankebe (eds), *Crime, Justice and Social Order: Essays in Honour of A. E. Bottoms*. Clarendon Studies in Criminology, Oxford University Press, Oxford, pp. 100-125. <https://doi.org/10.1093/oso/9780192859600.003.0006>

Digital Object Identifier (DOI):

[10.1093/oso/9780192859600.003.0006](https://doi.org/10.1093/oso/9780192859600.003.0006)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

Crime, Justice and Social Order

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



Reasonable Hopes:
Social Theory, Critique and Reconstruction in Contemporary Criminology¹

Ian Loader and Richard Sparks

Abstract

We argue that one abiding weakness of many attempts by criminologists to come to grips with distinctive and often alarming aspects of contemporary realities is a limited understanding of politics, and in particular of political theory. The increasing institutionalization of criminology as a ‘discipline’ often serves to exacerbate this tendency. We refer to themes in the work of Tony Bottoms as exemplifying benefits of seeking out a wider range of conceptual resources, including those provided by normative theoretical work. The work of Bottoms and colleagues on problems of legitimacy is a case in point that illuminates central aspects of criminal justice and their relations to problems of contemporary democracies. We go on to argue that the pragmatist tradition in democratic theory has much to offer students of crime and justice, especially with regard to the complex relations between expert knowledge and programmatic social change. We discuss these claims in light of Dewey’s conception of ‘inquiry’ and Unger’s arguments for ‘empowered democracy’.

Ian Loader is Professor of Criminology at the University of Oxford and Professorial Fellow of All Souls College. Ian has written extensively on policing, private security, public sensibilities towards crime, penal policy and culture, the politics of crime control, and the public roles of criminology. He has written and edited a number of books including (with Richard Sparks) *Public Criminology?* (Routledge, 2010). He is Editor-in-Chief of the *Howard Journal of Crime and Justice*.

Richard Sparks is Professor of Criminology at the University of Edinburgh. He has written and edited several books including (with Tony Bottoms and Will Hay) *Prisons and the Problem of Order* (Oxford, 1996) and (with Ian Loader) *Public Criminology?* (Routledge, 2010). Richard is Convenor of *Howard League Scotland*.

¹ We have discussed some of the ideas in this paper with a variety of audiences in the course of its gestation. These included a staff-postgraduate seminar at the Institute of Criminology, University of Cambridge in February 2014; the 2nd Tony Peters Lecture, presented by Richard Sparks, at KU Leuven in April 2014; and participants at the postgraduate ‘scuela intensiva’ at the Universidad Nacional del Litoral, Santa Fe, Argentina in March 2015. We are grateful to all concerned for their thoughtful questions and criticisms.

**Reasonable Hopes: Social Theory, Critique and Reconstruction in Contemporary
Criminology**

If I propose something distant, you may say: interesting, but Utopian. If I propose something close, you may answer: feasible but trivial. In contemporary efforts to think and talk programmatically, all proposals are made to seem either Utopian or trivial. We have lost confidence in our ability to imagine structural change in society, and fall back upon a surrogate standard: a proposal is realistic if it approaches what already exists. It is easy to be a realist if you accept everything.

Roberto Mangabeira Unger

I am not an optimist; I am a prisoner of hope

Archbishop Desmond Tutu

Introduction

In this paper we want to address some themes about the aims of criminological theory and research, especially in relation to social change. This includes the kinds of change that happen whether we want them to or not and which researchers may variously seek to describe, to interpret, to criticize and perhaps sometimes to affect by alerting others, campaigning, proposing alternatives and otherwise resisting. We are also, however, interested in the kinds of change that we might actively seek to promote – those that seem to the people concerned to represent qualitatively different and preferable ways of doing things compared to what exists

now. How do we ground or justify claims of that sort? What kinds of research, and what conceptual resources, can help people to develop those arguments? How do we distinguish between credible aspirations and vague, fanciful notions?

In our view we will not derive much help in this regard by looking for theoretical refreshment only within the traditions of criminological theorizing, whatever 'within' and 'criminology' may mean here. One reason for this, we suggest, is that criminology has generally tended to be at its most creative when its defences are down; when it is more open to perspectives arising elsewhere and not focused on policing its borders, declaring disciplinary autonomy or stipulating correct ways of doing things. Another reason, we think, one perhaps more specific to our own times, is that a good deal of recent criminology has become quite dismal in mood and declamatory in tone. To state the matter baldly much criminological work of the last couple of decades, including some of the most admired and influential, has had too little faith in the future to find it worth the effort of delineating what it might become. Where this arises (and no one need feel they are being asked to wear the cap when it does not fit) it can be a serious problem, intellectually limiting as well as morally and politically inhibiting. If we wish to overcome this situation, then, we will need both to locate it, in terms of the experiences and influences that led there, and begin to identify bodies of work that may be useful in demonstrating ways of doing things differently, or at least suggesting that this might still be a possibility.

It strikes us as highly appropriate to pursue this argument in a volume dedicated to honouring the contributions of Tony Bottoms. In the course of a career devoted to a succession of rigorous and often very lengthy empirical inquiries, Bottoms has brought to bear an exceptionally wide range of theoretical resources, often ones with which most criminologists were not previously very familiar. In this sense, while never overtly criticizing let alone attacking criminology as such, the Wolfson Professor of Criminology appears to have been

rather little constrained by it, and surprisingly insouciant about transgressing its boundaries. In particular, Bottoms has been one of the rather few empirically oriented criminologists who have thoughtfully applied moral theory and concepts drawn from political theory. The most salient example of the latter, we suggest, concerns the notion of legitimacy, which has been a central concern of his work for the last twenty five years. Since one of us had a hand in combining with Tony Bottoms and Will Hay to specify some of the criminological applications of that idea (Sparks, 1994; Sparks, Bottoms and Hay, 1996; Sparks and Bottoms, 2007) it is doubtless not surprising to find that we continue to think it important. As is well known, Bottoms has since developed these ideas much further, both in his work on theories of compliance (Bottoms, 2002) and in his joint work with Justice Tankebe on power-holders' perspectives (Bottoms and Tankebe, 2013) and on the 'dialogic' nature of legitimacy (Bottoms and Tankebe, 2012).

We have also argued elsewhere that the question of legitimacy is at the core of understanding why politics and crime matter so much for one another (Loader and Sparks, 2013a) and is thus a key component in subjecting developments in crime control and penal policies to a political frame of evaluation. For such reasons we think there are number of 'resources of hope' (Williams, 1989) in Bottoms's work. It matters little in this regard that Bottoms has never self-identified as a member of a radical wing or group. How far and with what effects one can press the implications of the ideas is of much greater interest.

It is because of this abiding theoretical curiosity allied to a powerful sense of civic responsibility in the choice of his objects of inquiry and practical engagements that we mentioned Tony Bottoms (alongside John Braithwaite) as exemplifying some of the virtues that we associated with the figure of the 'democratic under-labourer' in our book *Public Criminology?* (Loader and Sparks, 2010). Since that term, no doubt in part through our fault, but also we think at times perversely or obtusely, has been poorly understood in some responses

to our work we take the opportunity to return here to the question of the relationship between criminology's civic missions and virtues and its specifically theoretical and conceptual tasks. In our view these matters are not just things that accidentally co-exist sometimes. Rather they are integrally, indeed constitutively, related.

In our view criminology's 'political frame of evaluation' (Loader and Sparks, 2016) is underdeveloped by comparison with the sophistication of some of its empirical techniques and its descriptive capacity. This has contributed to the dismal-ness and lack of focus on the future that we attribute to much of the field. It has given us some potent depictions of current problems and predicaments but few really persuasive ways of thinking beyond them. We all experience the weightiness of the present, in our everyday lives as workers, viewers, voters and so forth as well as through our research and inquiry. We see how resistant current practices and institutions are to change. We understand the interests that sustain them and hold them in place. By contrast, criminologists lack much in the way of good theories about how to 'unfreeze' (Unger, 2005: 184) the present. We therefore think it makes sense to do as creative people like Bottoms, Braithwaite and others have long been doing and look further afield for inspiration and assistance. We think we may have found some of this in the form of some themes from the pragmatist tradition in political theory, which we briefly introduce with reference to two of its commanding figures: John Dewey and Roberto Unger. It is indicative, we suggest, that these major figures of, respectively, twentieth and twenty-first century social and political thought are little known or cited in criminology.

To think about the problems with which criminology grapples through the lens of pragmatism provokes a pronounced change of perspective, we suggest. It requires a refocusing on questions of democracy and democratization on one hand, and on knowledge, expertise and inquiry on the other, and proposes some particular ways of thinking about what relationships we should seek to promote between them. Seen in this light, the fixity that criminologists

attribute to contemporary conditions may be a theoretical failing as well as a political distraction. We might begin to ask some different questions. Not, ‘why is everything terrible, yet nothing can change?’, but rather: ‘what is the best for which we may reasonably hope?’

The poverty and promises of theory

Theory has a curious and ambivalent place in criminology. Or perhaps it is more accurate to say that criminology has an odd and ambivalent relationship with theory. Most textbook accounts of the subject – and textbooks have proliferated enormously in recent years, in tandem with the institutional embedding of criminology as a disciplinary category – are arranged in terms of a familiar succession of theoretical positions. We begin, generally, with classicism and positivism. We encounter Durkheim, who may or may not have been a positivist, but whom we suspect was a functionalist. Marx may be mentioned at this point; or he may be postponed until later when critical criminology enters the scene. Once Criminology (now with a big C) naturalizes in the United States it begins to seem more credible to speak of *criminological* theory as such, and so the line-up gets more solid: social disorganization; strain theory and its successors; interactionism; control theory and its recent variants. These are all positions that students can name-check, even if our accounts of them are quite reductive and make rather little reference to whatever the original proponents now assigned to these categories actually thought or said. At a certain point (it is not always made clear exactly why these points occur when they do) some fairly serious people, often in fact much more ardently engaged with Theory (with a big T), turn up demanding admission. Thus radical or critical criminologies, feminism, green criminology, cultural criminology, latterly post-colonial and critical race theories, each present their challenges to the dominant narrative. Some of these generate substantial bodies of research and carry significant implications for practical interventions in

the world, yet somehow disrupt the solidity of the standard story less than might thereby be expected. Genuine attempts at integrative theoretical work are quite rare.

These are caricatures of course, at least to some degree. Why then trouble to rehearse them here at all? One reason is the oddity that these traditions appear to continue to matter at some level. In some other disciplines – psychology perhaps – while the history of the subject may be a recognized special interest for some, for most practitioners once a theory has been falsified or otherwise superseded it ceases to matter very much. That raises questions about what would constitute progress in criminological theory and about when or how theories become obsolete (Dooley and Goodison, 2019). More positively, the way in which we handle the history of theory in criminology could be seen as suggesting a due recognition that contemporary ideas about crime, including those that are mainly designed for purposes of practical intervention, have antecedents and affinities, and are capable of being described or modelled as belonging in one or other family of ideas.

Theory, we might say, is compulsory; but like many obligatory things is not always embraced by everyone with conspicuous enthusiasm. Every degree programme has courses in it. Every conference has streams of sessions about it. Every PhD student is greeted by the injunction to theorize their research or state their theoretical position. Yet, in the mainly fairly applied and often policy-focused sphere of criminology, it is the genuine enthusiasm or special interest of relatively few professional scholars, despite the fact that so many students who encounter criminology are switched on by ideas and their transgressive conceptual potential. Moreover, the tendency for those textbooks and conference sessions and courses to focus on ‘criminological theories’, rather than on theorizing as an activity, risks imposing intellectual limits upon the explanatory, interpretive and contextual resources that people are able to mobilize in designing or reporting their research. In this regard, the teaching and learning of criminology as a distinct body of theories, with most of the institutional accoutrements of a

discipline, even where that status is widely denied by its practitioners themselves, is problematic. It stands to insulate it from the wider currents of sociological, legal, psychological and other traditions of thought that originally animated it and constituted it as a point of intersection and creativity (Garland, 2011).

We would like to lodge a series of further challenges to some of the standard ways of thinking about theory that seem to obtain among some criminologists. In particular, we present some arguments about the kinds of effort involved in getting to grips with contemporary economic, political and cultural change – which is what the best of social theories have always done for their own times - and hence about the kinds of theoretical work that seem to us most necessary now. We have argued elsewhere that the chronological succession of paradigms or positions is a poor way of thinking about the history of ideas (Loader and Sparks, 2004). Our argument was that there was a need for investigation of the generative relationship between political responses to crime and criminological knowledge. This, we suggested, demanded an approach that sought to situate criminology's lines of intellectual development in the context of the institutional settings within which it took place, and the broader social, cultural and political contexts that shaped it (cf. Garland 1992). We also argued, further, for an assessment of the ways in which particular forms of criminology have been taken up and used by political actors, inscribed in political discourse and professional practice, become embroiled in political and cultural struggles. Our subsequent book *Public Criminology?* was in part an attempt to make good on those aspirations, as some of our other efforts have also been (Loader and Sparks, 2012a, 2013b). We cannot situate criminology properly without both thinking theoretically about 'it' as an object, and thinking historically about its uses of theory. This suggests a particular way of thinking historically about criminology's uses of ideas and the uses of those ideas in the articulation of practices and interventions. Perhaps the most fully realized attempt to achieve this in practice is Dario Melossi's *Controlling Crime, Controlling Society* (2008),

but the concern arises everywhere throughout the history of prisons, probation, social work and so on.

In this respect our argument in *Public Criminology?* was not primarily directed towards the current preoccupations that scholars have, and are ever more strongly encouraged and enjoined to have, with publicizing their work and with bringing it into public discussion through blogging, tweeting, appearing in the media and so on (the importance and value of which however we have never denied – it’s just a slightly different set of questions). Rather, we were concerned with the necessary public-ness of research work whose concepts and assumptions inevitably and continuously fall back into the circulation of discourses and professional practices. We have been roundly criticized by some readers who wanted to see much more of the former (for example Wilson, 2010), and we happily acknowledge the importance of those concerns for all contemporary knowledge-workers, ourselves included. However, in our view this also risks missing the point we were making, which is a more basic one about the sociology of knowledge and practice in respect of crime control.

There have been many attempts, of course, to capture the constitutive nature of the relationships between the production, circulation and application of social scientific knowledge on crime and punishment in modernity (a point we develop at more length in other places: Loader and Sparks, 2010: ch. 2; Loader and Sparks, 2012a; Loader and Sparks, 2013b). Indeed, teasing out just how ideas, ‘findings’ and inventions enter the world of practical action is exactly one of the points on which social theory has a precise bearing on applied subjects like criminology. So, in earlier work we made reference to Giddens’s point that the relations between social scientists and their objects of study are characterized by a ‘double hermeneutic’ in virtue of which ‘lay’ and ‘technical’ concepts have a two-way relationship. On this view ‘the concepts of the social sciences are not produced about an independently constituted

subject-matter, which continues regardless of what these concepts are. The “findings” of the social sciences very often enter constitutively into the world they describe’ (Giddens 1987: 20).

One scholar whose work frequently and intensively addressed the implications of this condition for criminological knowledge and its relations to the worlds of power and policy was the late Richard Ericson. Ericson accepted that for various reasons to do with the differing priorities, needs, vocabularies, time and resource pressures of the actors involved, the direct and visible impact of social science research on policy may often be slight, but this is a secondary matter compared with their constitutive role in modern societies. Thus:

As Giddens (1990: 16) remarks, ‘the practical impact of social science and sociological theories is enormous, and sociological concepts and findings are constitutively involved in what modernity is’. Sociology originated, developed and sustained legitimacy as part of the modern, liberal, social imaginary of producing data on populations that contribute to governmental programmes of security, wellbeing, prosperity and self-governance (Taylor, 2004). As such it has always been integral to policy, defined simply as principled courses of action. Moreover, as analysts of principled courses of action, sociologists cannot escape making choices among preferred principles and thereby contribute to policy. (Ericson, 2005: 367-8)

If theory matters as much as we suggest then it also matters which theories we deploy, to which ends, and just how we go about developing and using them. We argue here, drawing some of our inspiration from Bottoms’s work in ways that might slightly surprise him, that at least one important task of theory, in criminology as elsewhere in the social sciences today, lies in what

we call *reconstruction*. Theoretical work in this mode, we argue following Roberto Unger (2014), does not aspire only to explain what goes on in the world but also to illuminate the ‘penumbra of possibilities’ that surround any current course of action. Good theory may not thereby go quite so far as to ‘show us which way to move’ as Raymond Geuss once put it (1981: 54), but it may serve to sharpen our awareness of constraints and possibilities and illuminate some part of what lies within the space of (Unger again) ‘the adjacent possible’ (2007: 86). If we are right about this then we need to draw upon a different and more plural set of theoretical resources than those that are currently most familiar to criminologists, namely theories that have something to say about agency, decision-making, democratic deliberation, priority-setting and thus about politics. Our argument is that, following a period characterized by something of a dearth of political creativity and theoretical imagination amongst mainstream criminologists, and indeed by a sometimes over-generalized and disabling pessimism, conceptual tools of the kind we advocate can provide what Raymond Williams illuminatingly termed ‘resources of hope’ (1989).

In order to defend, and then build upon, these claims we need first to spend a little time explaining quite why some of recent modes of writing and theorizing in criminology, including some of those that we regard as among the insightful and interesting, have been quite so dismal and often so lacking in respect of political or normative guidance. Elements of this story are already well known, and we too have commented on it before (see in particular Loader and Sparks, 2012a), so we try to be brief here. Nevertheless, outlining the nature of the conditions that have provoked these responses, and the precise ways in which they strike us as inadequate or unhelpful, is an important step. In the remainder of the paper we then seek to sketch what we see as some preferable alternatives to this state of affairs. One strand of that argument is that criminology, in common with other descriptive and policy-focused social sciences, could benefit from sharpening up its ideas about politics. Another is that if we can do that to effect

then we can begin to move beyond a rather repetitious set of restatements of the problem towards, if not answers, then at least more fully engaged and strenuous responses to it. At this point, competitive distinctions between theoretical and practical or applied approaches to problems always let one down, since often enough what is felt as a need (cf Mills, 1959) by people engaged in severely practical activities are some conceptual tools for re-describing and re-thinking their predicaments and some action-guiding principles for re-shaping them.

Paradise postponed: criminologies of disappointment

At the end of our book *Public Criminology?* (Loader and Sparks, 2010) we suggested that one of the aspirations of students of crime and punishment (criminologists for want of a better term) should be to help create the conditions for a better politics of crime. Their special contribution to that objective, we suggested, took the form of trying to raise the prevailing quality of political argument about crime and social ordering. The ways in which they do this, we suggested, include but are certainly not limited to those of correcting misinformation, weighing evidence about existing policies and practices, and designing alternative interventions. Those certainly do seem to us to be basic, indeed central, obligations for social scientists; and the rigour, persistence and respect for evidence with which they are pursued are central to what distinguishes their investigation as topics for social science, in quality if not in kind, from other kinds of opinion. However, these objectives, extremely demanding though they clearly are, don't seem to us to be quite enough to capture either the specific responsibilities upon or the opportunities open to people working on problems of crime and punishment. The alternative conception that we presented there (Loader and Sparks, 2010: Ch. 5) involved cultivating a set of practices and dispositions that we called 'democratic under-labouring'.

Those who want to insist upon the view that criminology is primarily concerned with empirical and pragmatic questions at the expense of normative or political ones risk placing an unnecessary and inhibiting limit on their conception of criminology's civic role, we believe. Those limits that have to do with an inability to *explain* how criminological knowledge in fact fares in settings of contemporary policy formation and what often seems like an undefended desire to somehow *replace* politics with what Bruno Latour calls 'calculative devices' (Latour, 2004). Instead, we think there is much to be gained, not from treating criminology as an expert antidote to democratic politics, but from trying to think afresh about criminology's relation to problems, and promises, of democracy. Democracy in this sense is both an established mode of social organization that all of us who live in the affluent countries of the global North are familiar with (and often disappointed by) and an unfulfilled set of aspirations and possibilities across a range of sites and institutions, including some that have a strong bearing on criminal justice. Among the questions that we took this to raise are: What in a democracy is the public value of criminology? What is the collective good that criminological enquiry seeks to promote? What modes of intervention – and what institutional arrangements - can best realize that good?

The consequences of thinking along these lines, we argued, included a clearer sense of the need for 'argumentative' (Hoppe, 1999) or 'intelligent' (Sanderson 2009) rather than simply 'evidence-based' public policy-making. On this view criminology is committed both to participating within, and to facilitating and extending, institutional spaces that supplement representative politics with inclusive public deliberation about crime and justice matters, whether in local, state, or federal arenas - or across emergent transnational spaces. In giving this disposition a name – that of democratic under-labouring - we certainly did not imagine that we were inventing anything, let alone stipulating how everyone ought to behave. But we did and do believe that it was a fairly apt way of trying to draw out some key features of the

practices of many thoughtful and engaged people (who by no means all belong to a single school of thought, or generally agree with one another, nor for that matter with us). For such people – people like us, and we suspect most readers of this book - it is an important challenge to try to reconcile an earnest commitment to scholarship and knowledge-generation with an equally sincere and sustained desire to change the world.

Exactly how the world should be changed – how radically, how comprehensively, how quickly, and by which means? – being the stuff of politics, is inherently and chronically contested, between criminologists just as between other citizens. The stuff in question, moreover, is particularly hot and volatile. As the late Jock Young so concisely stated: ‘The study of crime is not a marginal concern to the citizen but plunges us immediately into fundamental questions of order and morality in society and to the examination of the very basis of the civilization we live in’ (1981: 307). In somewhat similar vein Richard Ericson, writing here with Patricia Baranek and Janet Chan, once observed:

Deviance and control are not marginal to society, but rather of central significance. They are key elements in everyday life, used by all of us to define who we are and what we might become. This is increasingly so in modern, complex societies because moral boundaries are equivocal and constantly shifting in accordance with ongoing negotiation among different interests. The nature of these negotiations...who participates in them, what is at stake, whose definitions prevail, and who is affected by them and how – is an essential topic for social research, as it contributes to an understanding of social stability (our sense of order) and social change (Ericson et al., 1987: 7)

It is small wonder then if debate about such topics sometimes turns a bit intemperate, given all that is at stake. For much of its history, but perhaps especially since about 1970, criminology has been a 'hot spot' for intellectual and political debates that ranged across the social sciences. This is not the place to rehearse, even in summary form, the multiple points of disagreement and dispute between radicals and liberals, feminists and proponents of 'conventional' theories and methods, positivists and constructivists. There has been much of deep significance at issue. As we have attempted to summarize it elsewhere proponents of different criminologies have disagreed about theory, methods, agency, institutions, topics, curricula, priorities, affiliations, diagnoses, objectives, and so on (see Loader and Sparks, 2012a). In these respects, criminological theories may not all *be* political theories (often they are all too ignorant of the claims of political theory properly so-called - Loader and Sparks 2010: ch. 5). Yet they all, without exception, find their uses and applications in circumstances that are shaped and conditioned by the realm of politics and they carry implications from and for that world.

For all the side-taking and sometimes bitter mutual name-calling, it may also be possible to argue that the proponents of these various positions frequently had a great deal in common. One thing they often shared was a relatively optimistic orientation towards the future. They might berate one another for undue caution, on one hand, or unbounded radical zeal on the other. Yet seen in a slightly longer and wider historical perspective they often appear to have been disputatious members of a single tribe rather than outrightly opposed parties – occupants of 'adjacent rather than antithetical positions', as Garland once suggested in a related context (Garland, 1995). This is not in any sense to suggest that the arguments were, or are, fictitious; nor that the points of contention were not highly significant. In many cases they went not merely to conceptual and epistemological disagreements but to questions of liberty, legal protection, life chances and the social distribution of resources (including resources of safety

and danger) that posed policy questions, and indeed questions of larger political strategy, of the first importance, domestically and globally. We should accept as a starting point, therefore, that the relations that subsisted between different intellectual and political commitments of both academic criminologists and their kinfolk in the worlds of professional practice and political activism were both complex and frequently contentious, and fully deserving of serious and respectful historical recovery (Loader and Sparks, 2004).

Nevertheless, the world has changed in ways that turned out to be disruptive of the hopes and expectations of both the ‘mainstream’ and the radical factions. Thus, although challenged in some degree from the Left, though largely within the fields of academic knowledge and professional practice rather than in the wider arena of national electoral politics, crime control was – until the 1970s – characterized by what seemed an entrenched matrix of institutions and ideas. The result was an apparently quite stable complex of institutional sites, dispositions and practices – what Garland (2001: ch. 2) has termed ‘the penal-welfare state’ (Garland, 2001: 46; see generally, Young, 1999; Hobsbawm, 1994: ch. 9; Hay, 1996: chs. 2-4).

Since the 1970s, this field of control institutions and mentalities has been profoundly called into question and transformed - undone by a perfect storm of rising crime and shifts in political culture. The massive escalation in recorded crime rates between 1945 and the mid-1990s saw criminal victimization move from the margins of social life to ‘become a routine part of modern consciousness, a standing possibility that is constantly to be “kept in mind”’ (Garland, 2001: 106). This, according to Jock Young (1999: 35), represents ‘the central motor of change’ in post-war criminal justice and crime control. This process has exposed the limitations of simple social democratic accounts of crime causation (wherein better social conditions should mean less crime) and seen the ‘discovery’ of hitherto hidden offences and unknown victims (domestic violence, sexual and physical abuse of children, stalking,

environmental pollution . . .). It has also given the crime question (and crime imagery) a prominent, noisy and hotly disputed place in everyday life and political discourse (Hope and Sparks, 2000; Garland, 2001: ch. 6).

For some observers, these transformations represent the extinction of many of the values for which they have hoped, studied and striven. Thus, for example, the later work of Robert Reiner (as we have discussed at more length elsewhere: Loader and Sparks, 2012b) has increasingly assumed the form of a lament for social democracy's lost and defeated principles (Reiner, 2006). In part, this is straightforward homage to a better past. Recalling the views of authors such as Eric Hobsbawm (1994) and Tony Judt (2010), Reiner writes that: 'I have been persuaded . . . that the 1950s and 1960s were a sort of golden age in objective terms, and that in the early 1970s something happened to set in train a general – though not unambiguous – decline in the quality of life' (Reiner 2011: xxviii). But this orientation can also be detected in the absence of 'any real confidence' (Reiner 2010: 261) in the capacity of social democracy to exercise much influence under current conditions, even after the 2008 financial crash, or of concrete ideas for how it might begin to do so.

This is a strong form of the argument, but we suggest by no means entirely unrepresentative. Pat O'Malley has, in this regard, argued that 'critical criminology is deep in one of its more pessimistic phases' (O'Malley 2010: 81) and that its exponents 'rarely suggest any way out of the nightmare they depict' (ibid.: 6). There may be cogent reasons why observers might see their contribution as in the first instance a defensive one. For example, Wacquant speaks of his interlocutors in Latin America as seeking to create 'civic firebreakers' (2009: 166-7) in the face of a conflagration. The civic project is in this light one of trying to shelter existing institutions from an overwhelming threat. It has been very difficult for progressive observers to discern a more appealing future beyond them. Criminologists have become, as John Braithwaite puts it 'pessimists and cynics' (Braithwaite, 1992: 1). In similar

vein, David Brown draws together a list (each fairly familiar in itself, but quite powerful for being collated in this way) of reasons that liberals and progressives on matters of crime and punishment have had to not be cheerful. They include the long rise of prison populations, the demotic public discourse, the intensification of risk-based reasoning and managerialism, and so on (Brown, 2013: 28).

Criminologists, for a range of reasons, among which are the disappointment of a certain set of political aspirations combined with an increasing sense of exclusion from major centres of decision-making, have become adept at charting the many things that they, frequently rightly and eloquently, identify as alarming and dismaying. They are often less proficient at framing any convincing sense of alternative political possibility (see also Matthews, 2010). In this regard the impulse towards critique, though frequently developed on the basis of quite powerful empirical evidence, is not matched by equivalent sophistication with respect to normative argument or novel political strategic thinking. Far from suggesting in which direction to move, critique emphasizes how stuck we are. Lucia Zedner (2002) has pointed to the danger that critique severed from a sense of social possibility or moral commitment reduces to commentary: ‘self-consciously indifferent’. This may well have something to do with a growing dissociation between academics who affiliate to critical schools of thought in their work (for which they – we might better say here we – may be well rewarded in professional terms) and the campaigns and struggles of actual oppositional movements, as Tony Platt (1991, and personal communication), among others, has argued.

Let us suppose for the moment that there is something in these suggestions. One consequence might be that there were few inhibitions against and often some handsome rewards in professional terms for, proposing accounts of social change that overwhelmingly focused on the negative, even the dystopian, with no corresponding obligation to imagine how the world could be otherwise. That might well produce a discourse fluent in vigorous, eloquent

and often persuasive critique but not necessarily one that was particularly creative in respect of policy or possibility. Such tendencies would look fairly intelligible in light of Pierre Rosenvallon's (2008) account of what he terms 'counter-democracy'. For Rosenvallon counter-democracy is something of great importance, a cultural counterpart to the development of the institutions of representative democracy themselves. It consists of the activities of placing democracy under critical inspection through the three-fold mechanisms of 'vigilance', 'denunciation', and 'evaluation':

By 'counter-democracy' I mean not the opposite of democracy but rather a form of democracy that reinforces the usual electoral democracy as a kind of buttress, a democracy of indirect powers disseminated throughout society - in other words, a durable democracy of distrust, which complements the episodic democracy of the usual electoral-representative system. Thus counter democracy is part of a larger system that also includes legal democratic institutions and extends their influence, to shore them up (Rosenvallon, 2008: 8).

Nevertheless, Rosenvallon argues, in the present, which he characterizes, as an age of 'generalized distrust' marked by a pronounced populist temptation (2008: 265) and a 'utopia of transparency' in lieu of substantive political goals, counter-democratic oversight can degenerate into 'a banal form of opposition': 'today's negative politics marks a painful and energy-sapping shrinkage of that activity' (2008: 190). Critical counter-democratic work has become oppositional without also being 'propositional'.

In our view, then, there is a properly theoretical difficulty underpinning these problems of engagement and vision. This is that by contrast with the increasingly high development of their analytical and interpretive tools, social theories of crime and punishment have a rather weak sense of politics, and in particular a weak grasp of normative political argument. For these reasons the project that seems to us most necessary now is one that strives to draw productive linkages between accounts of the problems of contemporary democratic politics - such as the vagaries and extravagancies of punishment in advanced capitalist countries today - and efforts to sketch how these matters might be theorised, approached and done differently. This implies a change of perspective and vantage point. It demands, among other kinds of change, a much closer collaboration between those working in criminology and those for whom democratic politics as such is the primary object of inquiry, and indeed of practical intervention. So, just how should we go about reacquainting democratic theory with the situated investigation of the institutions and practices of crime control?

Resources of hope: Legitimacy, pragmatism, democracy

To seek after a more hopeful, future-oriented criminology is not to take refuge in a naive, unworldly optimism. It does not mean forgetting all the hard-won and sometime battle scarring lessons about the conflicting interests, institutional inertia or unintended consequences that litter the histories of criminology and of reform movements in crime control and penal politics. To have documented and understood these, stands among the most important intellectual contributions of criminologists. The career of the late Stanley Cohen, for example, provided eloquent counsel against gimmicks and enthusiasms of every kind - notably in the brilliant but too-little referenced nowadays *Visions of Social Control* (1985). It is generally just not very good social science to imagine that social arrangements are easy to change, or to suppose that

there is an historical tide running in favour of what we happen to prefer. Criminologists of all people should not fail to notice that good intentions frequently produce perverse outcomes. In short, optimism is a poor guide.

But optimism and hope are conceptually and practically quite different. Hope, for example, requires elements of commitment that are alien to the sunny disposition of the optimistic. As Christopher Lasch argues:

Hope implies a deep-seated trust in life that appears absurd to those who lack it. The worst is always what the hopeful are prepared for. Their trust in life would not be worth much if it had not survived disappointments in the past, while the knowledge that the future holds future disappointments demonstrates the continuing need for hope. Improvidence, a blind faith that things will somehow work out for the best, furnishes a poor substitute for the disposition to see things through even when they don't. (Lasch, 1991: 81)

As this makes clear, optimists have no need to be hopeful – they already think things are going to turn out for the best. Hope by contrast is a worldly sensibility, grounded in recurrent experiences of disappointment and a sober analysis of the world as one finds it. To maintain hopefulness in this sense is to refuse to call off the search for future possibilities even in the face of rigorous and dis-illusioned analysis of the weight of the present.

If hope is thus quite different from optimism, it is equally distinct from the pessimistic conviction that nothing much can change or that the acuity and insight of social science has at best a defensive purpose. We certainly do not wish to argue that criminology is mainly or only

about either technical interventions designed to enhance the efficiency of existing systems, or about problem-raising, or about damage limitation or about nostalgia for lost political worlds (see further Loader and Sparks, 2012b). Whatever their differences, those orientations have in common that they disclose no coherent vision of possible futures; nor do they venture any clue as to how to think about getting from here to there. For this reason, even when sharply critical of the existing way of doing things (latterly, this means the ubiquitous ‘neo-liberalism’) they cede the initiative to it. As O’Malley points out (2008) neo-liberalism is highly inventive: it operates in large part by providing incentives to produce new ‘moral inventions’. One danger therefore that is exacerbated by the absence of hopefulness in our conceptions of crime control or penal politics is that we are invited to accept innovation as a surrogate for aspiration. So how can we begin to fashion of more hopeful orientation to the politics of crime? In the remainder of this essay we suggest that there are (still) good reasons for thinking that a better politics of crime needs to be both robustly democratic and explicitly egalitarian in its commitments.

Among the most important, aspects of legitimacy according to Bottoms and colleagues (Sparks et al., 1996, Sparks and Bottoms, 2007, Bottoms and Tankebe, 2012) is the view, that a person’s acceptance of a decision or provision that affects their interests is likely to be grounded in shared beliefs and in the giving of reasons that they can reasonably be supposed to accept as valid. Bottoms and colleagues argued that this applied to the decisions of penal agents (such as prison or probation officers) and their reception by people undergoing penal sanctions (such as prisoners and probationers) just as much as to everyone else. Beetham (1991) argues that all distributions of power seek to legitimate their actions and decisions. The simple fact that a prison is a prison, for example, does *not ipso facto* take it outside some conception or other of what it means to act or decide, to impose demands or withhold benefits, legitimately. Something of this sort is clearly implicit in the gradual extension of rule of law values into penal institutions in the UK and elsewhere in Europe since the 1970s (whereas at

least in Britain up until then the courts had largely declined to interest themselves in questions of prison discipline or the application of prison rules). Latterly and increasingly, this has of course taken the form of actions in respect of international human rights instruments (van Zyl Smit and Snacken, 2011; Murphy and Whitty, 2013). But beyond the fairly rare and unusual issue of recourse to law, the point is that members of democratic polities tend to develop certain fairly firmly held expectations of their treatment by others – such as to be addressed in a civil way, or not to be subject to arbitrary or prejudicial behaviour. Such expectations are not all suspended just because the other people involved happen to be a police or prison officer.

We take it that the relevance of these concerns has now been fairly well established in (we may say ‘even in’) relation to people’s experiences of and responses to encounters with criminal justice, such as in policing (Tyler, 2004) and prisons (Sparks et al, 1996; Liebling 2004, 2007). However, it also seems possible to connect these ‘special’ concerns to much wider considerations regarding our views and requirements of criminal justice and crime control as citizens (and thus also as onlookers, readers, viewers, voters, consumers, tweeters, taxpayers and so on - cf. Jackson et al., 2012). In their extension of accounts of legitimacy in criminal justice ‘beyond’ the procedural paradigm, Bottoms and Tankebe argue that legitimacy is best thought of as a matter of ongoing dialogue (2012: 139). It involves, they suggest, a continual dynamic of claim and response, and is thus ‘more like a perpetual discussion’ (Bottoms and Tankebe, 2012: 110) than a single assertion of power or command.

We think this is an important insight, but one whose implications we need to press further if we are to fully gather its implications for the development of a better politics of crime. Thus, Bottoms and Tankebe also suggest that understanding the idea of legitimacy in terms of dialogue means transcending the idea that legitimacy has mainly to do with compliance and obedience (ibid.: 139). Indeed, it may have much more to do with change and transformation, than with order and stability. We would argue that, more especially, it also has to do with

contemporary people's expectations of voice or participation in important public questions that affect their lives (Dzur, 2019). It is this view that we intend to develop here with regard to the insights of the pragmatist tradition in political theory as resources of hope.

If legitimacy is, for some purposes at least, an idea that suggests dialogue, then legitimate social arrangements might be ones that make space for debates and discussions that inform actions or policies. Those debates and discussion might be expected to involve as many of those affected by the outcomes of such actions as possible, either directly or by some representative mechanism. This further raises the question of what kinds of knowledge the people concerned bring into such discussion, or how knowledge becomes available to them in the course of it. The latter point is, we suggest, at least incidentally interesting as it raises once more the prospects for some degree of mediation between the more scientific versions of criminology (such as 'experimental criminology') and other, more overtly 'political', wings. Pragmatism, as we shall see, expressly foregrounds the questions both of the social and political value of conversation and the benefits of experimentation (albeit in a slightly specialized sense of the term 'experiment').

Dewey, experimentalism and the epistemic powers of democracy

In his long and exceptionally active life (1859-1952) John Dewey produced an expansive corpus of work grounded in an organizing commitment to democracy as a moral ideal. For Dewey democracy was not solely or simply a form of government but a way of life. It was also more particularly the 'precondition for the full application of intelligence to the solution of social problems' (Putnam, 1990: 1671), where intelligence means the use of 'inquiry' in the search for an 'inevitably provisional solution to the practical and intellectual problem that sparked inquiry'. Inquiry in this sense is a collective activity, not just a property or disposition

of individuals: it is seen as problem-solving, as historical and progressive, and as communal. 'Inquiry' is something undertaken by actors seeking solutions to problems: 'part of an existential struggle to cope with an objectively precarious but improvable environment'; or as Dewey put it: 'Prophecy for the future, but one disciplined by serious thought and knowledge' (Dewey, 1918: 3).

The key to the finding of such better solutions, for Dewey, is a certain conception of scientific method and an openness to experimentation. It involves the commitment to 'testing one's ideas in practice and maintaining an attitude of fallibilism towards them' - within a 'critical community of inquiry' (Shapiro and Glicksman, 2003: 16) whose membership extends well beyond the preserve of specialists or technicians. Thus for Dewey the application of scientific method to social problems was not something reserved to a separate cadre of technically accomplished experts, however important the contribution of such people might be in providing the resources to inform such deliberation. Rather it presupposed experimental inquiry combined with 'free and full discussion' in as inclusive a way as possible - which means maximising the capacities of citizens for proposing courses of action, testing them and evaluating the results. As Anderson (2006: 14) puts it:

John Dewey offered an experimentalist account of the epistemic powers of democracy. He characterized democracy as the use of social intelligence to solve problems of practical interest. . . . This requires abandoning dogmatism, affirming fallibilism, and accepting the observed consequences of our practices as the key evidence prompting us to revise them. Dewey took democratic decision-making to be the joint exercise of practical intelligence by citizens at large, in interaction with their representatives and other state officials. It is cooperative social experimentation.

In its regard for fallibilism and the testing of propositions this view of course bears a more than merely passing resemblance to the aspirations of those who seek to make criminology and crime control policy more ‘experimental’ (e.g., Sherman, 2009). But Dewey’s express coupling of scientific method with free and full discussion among citizens has far-reaching implications for how we think about experimentalism and its applications to crime control.

First, it means much more than relying on experts – and therefore more than simply introducing more and better evidence to the process of policy-making, as daunting as that in itself can be. Experts, for Dewey, belong to privileged classes and ‘all special privilege narrows the outlook of those who possess it’ (Dewey and Tufts, 1908: 18). For pragmatists, ‘the capacity of the wise to discern the public interest tends to be distorted by their position’ (Festenstein, 2014: 4). Dewey further argues that ‘A class of experts is inevitably so removed from common interests as to become a class with private interests and private knowledge, which in social matters is not knowledge at all’ (Dewey, 1927: 208). Experts also tend to be accustomed to telling people what to do and for Dewey social problems cannot be solved by telling people what to do. So expert knowledge has a vital place in the experimental method, but cannot be the only voice or determinative of what is to be done. Rather, the key question is how to infiltrate the results of inquiry into social and political deliberation (Knight and Johnson, 2014).

Second, experimental method for Dewey is incompatible with social arrangements that rationalize entrenched privilege and deny the underprivileged the opportunity to develop and use their capacities. The ramifications of this is that any experimental approach to finding better solutions to crime questions needs to do more than privilege certain methods or forms of knowledge. Rather it requires exploration and development of the institutional preconditions

for the full application of social intelligence to these issues together with an experimentalist orientation to the creation of institutions that can give effect to it. Some commentators influenced by these views note that the inclusive, deliberative activities recommended by Dewey and other pragmatists are important *because of* rather than despite the fact that consensus may be rare, conflict frequent and divergent interests endemic in human affairs (Smith, 2011; cf. Misak, 2000). This is an intriguing point for criminologists, whose work so often relates to the aftermath of hostilities or abuses, or to institutional divisions and controversies. In other words, it may be that a more hopeful politics of crime demands a more robustly deliberative conception of democracy – one which calls for its reform and expansion rather than simply defending (or seeking a shield from) its existing forms.

Unger and democratic experimentalism

Dewey helps us to build a better bridge between criminological analysis and thinking about (better) democracy and its conditions of possibility. But even Dewey's keenest admirers admit that his work lacks attention to institutions, and suffers from programmatic vagueness (Bernstein, 2010: 87; but see Ansell, 2011; Sabel, 2012). A contemporary thinker whose work may offer further assistance in thinking about democratization, experimentalism and desired social change is Roberto Unger.

Unger's work is far too extensive for us to do more here than make reference to a few propositions that appear particularly germane. In earlier work (Loader and Sparks, 2010) we noted that criminologists tend to express dismay at the extent to which public discourse and political contests around crime have become 'hot' in recent decades. On the whole, our collective response to such heating up is to associate it with rhetorical display (which we frequently call 'overheated') and gestural politics and with (all too evident) excess in ways of

punishing and responding to crime. Many practicing criminologists actively seek ways to ‘cool’ things down.

Unger is somewhat unusual among contemporary political writers in that he uses the idea of ‘heat’ in a positive way. Unger (2007) suggests that an ‘empowered democracy’ would be a hotter, more energetic place than contemporary social democratic or neo-liberal societies. But then, he argues, the value of social theory lies in waking people up rather than calling them to order (Unger, 1987). Among Unger’s most notable contributions to social theory is the idea of ‘false necessity’. In a notable interview he summarizes the position thus:

The great revolutionary idea in classical European social thought, in the tradition that began with thinkers like Montesquieu, was the conception that the arrangements of society – the regime of society – is not a natural phenomenon; it is made and imagined. And you could radicalise this idea in the following way by saying the structures understanding them as both the institutional structures and the ideological structures are a kind of frozen politics; they arise as the result of the temporary interruption or the relative containment of practical and visionary strife over the terms of our access to one another. And then they appear to us as though they were *things* – as if they were a *fate* rather than what they really are which is our own creations naturalised. (Unger, 2014; emphasis in original)

In Unger’s view such an understanding of ideas like ‘structure’ and ‘institutions’ is imaginatively, and hence politically, limiting. He warns against what he calls structural fetishism – denying that we have the power to change the quality as well as the content of our

practices, and institutional fetishism – the assumption that our institutional ideas (democracy say) correspond to a single set of institutional forms (Unger, 1998: 25-26). By these means, Unger argues, we systematically understate our capacity to alter the structures that we ourselves create, and we can only imagine a certain limited range of institutional arrangements in terms of which we might organize our collective activities. Unger argues that the social sciences today have contributed to the sense of stasis and lack of vision that he identifies. He alleges that they are in this respect guilty of ‘deficiencies at once of hope and insight’. He continues:

The fundamental problem with the social sciences today is that they have severed the link between insight into what exists and imagination of what might exist at the next steps – the adjacent possible.... The vocation of social science is to help us understand how we came to be in this present situation, in such a fashion that our understanding of our circumstance, rather than putting us to sleep and inducing this fatalistic superstition, awakens us to the imagination of the adjacent possible. (Unger, 2014)

The term ‘the adjacent possible’ is used by Unger to subvert the commonplace distinction between putatively ‘revolutionary’ transformation and ‘mere’ adjustment or reformist ‘tinkering’. In Unger’s view every current circumstance is surrounded a ‘penumbra of transformative opportunity’ (ibid). Unger’s incitement here is to encourage us to develop a richer programmatic/institutional imagination – not make a sharp distinction between our political ideals and the institutions through which we seek to enact them: ‘institutional choices are how we work out our plans’. We are inclined to respond to this as an invitation to open up criminological theorizing to thinking in our field about the conditions of possibility for

democratic experimentalism. What are we to do with such an invitation? How shall we even begin to respond to it?

Crime control and democratic hope: An experimentalist agenda

We do not have a list. Rather, we have identified certain problems. In criminology today, there is a tendency to think about politics primarily as something negative that introduces difficulties and disturbances into the crime control field from outside, rather than to think of crime and politics as constitutively related. One consequence of this, we have argued, is that much criminological thinking is either rather glum and fatalistic, or else excitedly apocalyptic, in content and tone. Neither of those registers, we suggest, are the most helpful or incisive ones with which to think about the future. ‘Innovation’ on the other hand tends to have been ceded to colleagues of a more commercially opportunist or more technocratic turn of mind; and there is little by way of searching reflection upon ethical or political questions from those quarters.

We think, by contrast, that one purpose of criminological argument is to help define a better politics of crime. We argue that in the wake of certain major and very disconcerting forms of social and cultural change, criminologists have produced some influential accounts that are simultaneously quite persuasive as narratives of decline and fall, and distressingly weak as political analysis, especially from the point of view of guiding intervention. We have also suggested that social analyses of crime and punishment in particular, but theories of democratic politics too, are enriched by greater mutual contact and impoverished by disciplinary separation.

Some people, of whom Tony Bottoms is very much one, have pursued more challenging and illuminating lines of inquiry. We have begun to try to press certain of their ideas – specifically here the relationship between legitimacy (of criminal justice institutions) and

questions of their democratic qualities. To cut a long story short, we suspect that for 21st century people, in and beyond the criminal justice system, outright refusals to explain, consult, engage or involve (or simple failures to do so) inhibit legitimacy.

We therefore took a step back and away to recover some themes within the political thought of John Dewey and the pragmatist tradition of democratic theory that he inspired. These seemed to us to offer some refreshment, especially around the view that democratic legitimacy might be enhanced by, on one hand, a certain conception of experimental inquiry and on the other by a quite demanding and expansive stipulation about public participation and deliberation. Roberto Unger's account of 'empowered democracy' is in key respects a contemporary development of this idea. We think these authors offer some resources for developing – in our view, much needed – reconstruction in theories of crime and its control. It will not, however, have escaped the attention of readers that the resources we have so far found are far from brand new. Indeed, in respect of Dewey's work in particular, they are not only quite old ideas but ones which in some other contexts (most obviously in education in this case) have already been massively influential. Yet their impact in criminology, and perhaps especially in recent criminology, especially in the Anglo-American worlds, has been rather slight. The particular interest, from our perspective, in encouraging renewed attention to the pragmatist tradition in political thought, lies in part in its abiding interest in democratization (and its insistence on the connection between democracy and the quality of decisions) and in its resolute sense of social possibility.

Despite the dismal tone that we attribute to much recent criminology we also observe a rekindling of interest in scholarship that seeks to investigate and theorize alternatives (for example Dzur, 2019). The predominant focus of such work has, understandably enough and for some time now, been in the domain of restorative justice; and at least for some working on those questions that work has maintained an open connection to projects of social

transformation (Walgrave, 2008), deliberation (Aertsen et al., 2006) and republican politics (Braithwaite and Pettit, 2000). Indeed, it sometimes appears that restorative justice has provided the primary, if not the sole, repository of hope in what is otherwise regarded as a forbidding and barren landscape. However, other sightings of the adjacent possible can also be discerned, whether in some of the work on justice reinvestment (Schwartz et al., 2012), participatory accounts of criminal justice institutions (Fung, 2006; Dzur, 2013), the long and deep interest of feminists in women's self-organization and empowerment (Nelund, 2014); and in theories of transitional justice, to name but a few. Our own emphasis in thinking about how best to develop these lines of inquiry further - as we hope to have made clear in this essay - is to encourage deeper and more frequent interaction between those who self-define as criminologists and colleagues working on questions of deliberative or participatory democratic theory. This is one of the points of interest in Bottoms and Tankebe's work, as we note above. It is also a connection that is the focus of our own collaboration with Albert Dzur and others (Dzur et al., 2016). It offers, in our judgement, the firmest ground upon which to develop an agenda of reconstructive theorizing, research, and engagement in crime control; an agenda which seeks – in the words of another great twentieth century pragmatist, Albert Hirschman (2013: 22) – to 'widen the limits of what is or is perceived to be possible'.

References

- Aertson, I., T. Daems and L. Robert (eds.) (2006) *Institutionalizing Restorative Justice*.
Cullompton: Willan.
- Anderson, E. (2006) 'The Epistemology of Democracy', *Episteme*, 3/1-2: 8-22.

- Ansell, C (2011) *Pragmatist Democracy: Evolutionary Learning as Public Philosophy*.
Oxford: Oxford University Press.
- Beetham, D. (1991) *The Legitimation of Power*. Basingstoke: Palgrave.
- Bernstein, R. J. (2010) *The Pragmatic Turn*. Cambridge: Polity.
- Bottoms, A. E. (2002) 'Compliance and Community Penalties', in Bottoms, A., Gelsthorpe, L.,
and Rex, S., *Community Penalties: Change and Challenges*, Cullompton: Willan
- Bottoms, A. E. and Tankebe, J. (2012) 'Beyond Procedural Justice: A Dialogic Approach to
Legitimacy in Criminal Justice', *The Journal of Criminal Law and Criminology*, 102/1:
101-150.
- Bottoms, A. E and Tankebe, J. (2013) 'Voice Within': Power-holders' Perspectives on Authority
and Legitimacy. In J. Tankebe and A. Liebling (eds.) *Legitimacy and Criminal Justice:
An International Exploration*. Oxford: Oxford University Press
- Braithwaite, J. (1992) 'Reducing the Crime Problem: A not so Dismal Criminology',
Australian and New Zealand Journal of Criminology, 25/1: 1-10.
- Braithwaite, J. and P. Pettit (2000) 'Republicanism and Restorative Justice', in H. Strang and
J. Braithwaite (eds.) *Restorative Justice: Philosophy to Practice*. Burlington, Vermont:
Ashgate.
- Brown, David (2013) 'Mapping the Conditions of Penal Hope', *International Journal for
Crime, Justice and Social Democracy*, 2/3: 27-42.
- Cohen, S. (1985) *Visions of Social Control*. Cambridge: Polity Press.

- Dewey, J (1918) 'Philosophy and Democracy' in J. Boydston (ed.) *The Middle Works of John Dewey, 1889-1924*. Carbondale: Southern Illinois University Press.
- Dewey, J. (1927) *The Public and its Problems* Athens: Shallow Press.
- Dewey, J. and J. H. Tufts (1908) *Ethics*. San Francisco: University of California Libraries.
- Dzur, A. (2013) *Punishment, Participatory Democracy and the Jury*. Oxford: Oxford University Press.
- Dzur, A. (2019) *Democracy Inside: Participatory Innovation in Unlikely Places*. Oxford: Oxford University Press
- Dzur A., I. Loader and R. Sparks (eds.) (2016) *Democratic Theory and Mass Incarceration*. Oxford: Oxford University Press.
- Ericson, R. (2005) 'Publicizing Sociology', *British Journal of Sociology*, 56/3: 365-372.
- Ericson, R. P. Baranek, and J. Chan (1987) *Visualizing Deviance: A Study of News Organizations*. Toronto: University of Toronto Press.
- Festenstein, M. (2014) 'Dewey's Political Philosophy', in E. N. Zalta (ed.) *The Stanford Encyclopaedia of Philosophy* (Spring 2014 Edition). Available at: <http://plato.stanford.edu/archives/spr2014/entries/dewey-political/>
- Fung, A. (2006) *Empowered Participation: Reinventing Urban Democracy*. Princeton: Princeton University Press.
- Garland, D. (1992) 'Criminological Knowledge and its Relation to Power: Foucault's Genealogy and Criminology Today', *British Journal of Criminology*, 32/4: 403-422.

- Garland, D. (1995) 'Penal Modernism and Post-modernism' in T. Blomberg and S. Cohen (eds.) *Punishment and Social Control*: New York: Transaction.
- Garland, D. (2001) *The Culture of Control*. Oxford: Oxford University Press.
- Garland, D. (2011) 'Criminology's Place in the Academic Field', in M. Bosworth and C. Hoyle (eds.) *What is Criminology?* Oxford: Oxford University Press.
- Giddens, A. (1987) *Social Theory and Modern Sociology*. Cambridge: Polity.
- Giddens, A. (1990) *The Consequences of Modernity*. Cambridge: Polity.
- Geuss, R. (1981) *The Idea of a Critical Theory*. Cambridge: Cambridge University Press.
- Hay, C. (1996) *Re-Stating Social and Political Change*. Buckingham: Open University Press.
- Hirschman, A. (2013) 'Political Economics and Possibilism', in J. Adelman (ed.) *The Essential Hirschman*. Princeton: Princeton University Press.
- Hobsbawm, E. (1994) *Age of Extremes: The Short Twentieth Century, 1914-1991*. London: Abacus.
- Hope, T. and R. Sparks (eds.) (2000) *Crime, Risk and Insecurity: Law and Order in Everyday Life*. London: Routledge.
- Hoppe, R. (1999) 'Policy Analysis, Science and Politics: From "Speaking Truth to Power" to "Making Sense Together"', *Science and Public Policy*, 26/3: 201-10.
- Jackson, J., B. Bradford, M. Hough, A. Myhill, P. Quinton and T. Tyler (2012) 'Why do People Comply with the Law?: Legitimacy and the Influence of Legal Institutions', *British Journal of Criminology*, 52/6: 1051-71.
- Judt, T. (2010) *Ill Fares the Land*. Harmondsworth: Penguin.

- J. Knight and J. Johnson (2014) *The Priority of Democracy: The Political Consequences of Pragmatism*. Princeton: Princeton University Press.
- Lasch, C. (1991) *The True and Only Heaven: Progress and its Critics*. New York: Norton.
- Latour, B. (2004) *Politics of Nature: How to Bring the Sciences into Democracy*. Cambridge: Cambridge University Press.
- Liebling, A. (2004) *Prisons and their Moral Performance*. Oxford: Oxford University Press.
- Liebling, A. (2007) 'Why Prison Staff Culture Matters', in J. M. Byrne, D. Hummer and F. S. Taxman (eds) *The Culture of Prison Violence*. Boston: Allyn and Bacon Publishing.
- Loader, I. and R. Sparks (2004) 'For an Historical Sociology of Crime Policy in England and Wales since 1968', *Critical Review of International Social and Political Philosophy*, 7/2: 5–32.
- Loader, I. and R. Sparks (2010) *Public Criminology?*. London: Routledge.
- Loader, I. and R. Sparks (2012a). 'Situating Criminology: On the Production and Consumption of Knowledge About Crime and Justice', in M. Maguire, R. Morgan and R. Reiner (eds.), *The Oxford Handbook of Criminology* (5th edn.). Oxford: Oxford University Press.
- Loader, I. and R. Sparks (2012b) 'Beyond Lamentation: Towards a Democratic Egalitarian Politics of Crime and Justice', in T. Newburn and J. Peay (eds.) *Policing: Politics, Culture and Control*. Oxford: Hart.

- Loader, I. and R. Sparks (2013a) 'Unfinished Business: Legitimacy, Crime Control and Democratic Politics' in A. Liebling and J. Tankebe (eds.) *Legitimacy and Criminal Justice: An International Exploration*. Oxford: Oxford University Press.
- Loader, I. and R. Sparks (2013b) 'Knowledge Politics and Penal Politics in Europe' in T. Daems, S. Snacken and D. van Zyl Smit (eds.) *European Penology?* Oxford: Hart.
- Loader, I. and Sparks (2016) 'Ideologies and Crime Control', *Global Crime*, 17 (forthcoming).
- Matthews, R. (2010) 'The Construction of "so what?" Criminology: A Realist Analysis', *Crime, Law and Social Change*, 54/2: 125-140.
- Melossi, D. (2008) *Controlling Crime, Controlling Society: Thinking About Crime in Europe and America*. Cambridge: Polity Press
- Mills, C. Wright (1959) *The Sociological Imagination*. Harmondsworth: Penguin.
- Misak, C. (2000) *Truth, Politics, Morality: Pragmatism and Deliberation*. London: Routledge.
- Murphy, T. and N. Whitty (2013) 'Making History: Academic Criminology and Human Rights', *British Journal of Criminology*, 53/4: 568-587.
- Nelund, A. (2014) 'Troubling publics: a feminist analysis of public criminology', *Radical Criminology*, 4: 57-84
- O'Malley, P. (2008) 'Neo-liberalism and Risk in Criminology', in T. Anthony and C. Cunneen (eds.) *The Critical Criminology Companion*. Sydney: Federation Press.
- O'Malley, P. (2010) *Crime and Risk*. London: Sage.
- Platt, A. M. (1991) "'If We Know, Then We Must Fight": The Origins of Radical Criminology in the US', in M. Oppenheimer, M. Murray and R. Levine (eds.) *Radical Sociologists and The Movement*. Philadelphia: Temple University Press.

- Putnam, H. (1990) 'A Reconsideration of Deweyian Democracy', *Southern California Law Review*, 63: 1671-1697.
- Reiner, R. (2006) 'Beyond Risk: A Lament for Social Democratic Criminology', in D. Hobbs and T. Newburn (eds.) *The Politics of Crime Control*. Oxford: Oxford University Press.
- Reiner, R. (2010) 'Theories of Policing: A Social Democratic Critique' in D. Downes, D. Hobbs and T. Newburn (eds), *The Eternal Recurrence of Crime and Control*. Oxford: Oxford University Press.
- Reiner, R. (2011) *Policing, Popular Culture and Political Economy: Towards a Social Democratic Criminology*. Aldershot: Dartmouth.
- Rosenvallon, P. (2008) *Counter-Democracy: Politics in an Age of Distrust*. Cambridge: Cambridge University Press.
- Sabel, C. (2012) 'Dewey, Democracy, and Democratic Experimentalism', *Contemporary Pragmatism*, 9/2: 35-55.
- Sanderson, I. (2009) 'Intelligent Policy-making for a Complex World: Pragmatism, Evidence and Learning', *Political Studies*, 57: 699-719.
- Schwartz, M., D. Brown and L. Boseley (2012) *The Promise of Justice Reinvestment*. Available at SSRN: <http://dx.doi.org/10.2139/ssrn.2078715>
- Shapiro, A. and Glicksman, R. (2003) *Risk Regulation at Risk: Restoring a Pragmatic Approach*. Stanford: Stanford University Press.
- Sherman, L. (2009) 'Evidence and Liberty: The Promise of Experimental Criminology', *Criminology & Criminal Justice*, 9/1: 5-28.

- Smith, A. (2011) *The Deliberative Impulse: Motivating Discourse in Divided Societies*. Plymouth: Lexington Books.
- Sparks, R., A. Bottoms and W. Hay (1996) *Prisons and the Problem of Order*. Oxford: Oxford University Press.
- Sparks, R. and A. Bottoms, (2007) 'Legitimacy and Imprisonment Revisited: Notes on the Problem of Order Ten Years After', in J. Byrne, F. Taxman and D. Hummer (eds.) *The Culture of Prison Violence*. London: Allyn and Bacon.
- Taylor, C. (2004) *Modern Social Imaginaries*. Durham: Duke University Press.
- Unger, R (1987) *Social Theory: Its Situation and Its Task*. Cambridge: Cambridge University Press.
- Unger, R. (1998) *Democracy Realized: the Progressive Alternative*, London: Verso.
- Unger, R. (2005) 'The Future of the Left' (interview with James Crabtree), *Renewal*, 31, 2/3: 173-84.
- Unger, R. (2007) *The Self Awakened: Pragmatism Unbound*. Camb. Mass.: Harvard University Press.
- Unger, R. (2014) 'What is wrong with the social sciences today?', *Social Science Bites*: <http://www.socialsciencespace.com/2014/01/roberto-mangabeira-unger-what-is-wrong-with-the-social-sciences-today/>
- van Zyl Smit, D. and S. Snacken (2011) *Principles of European Prison Law and Policy*. Oxford: Oxford University Press.
- Wacquant, L. (2009) *Prisons of Poverty*. Minneapolis: University of Minnesota Press.

- Williams, R. (1989) *Resources of Hope: Culture, Democracy, Socialism*. London: Verso.
- Wilson, D. (2010) 'Review of I. Loader and R. Sparks, *Public Criminology?*', *Howard Journal of Criminal Justice*, 49/5: 546-547.
- Young, J. (1981) 'Thinking Seriously about Crime: Some Models of Criminology', in M. Fitzgerald, G. McLennan and J. Pawson (eds.) *Crime and Society: Readings in History and Theory*. London: Routledge/Open University.
- Young, J. (1999) *The Exclusive Society*. London: Sage.
- Zedner, L. (2002) 'Dangers of Dystopia in Penal Theory', *Oxford Journal of Legal Studies*, 22/2: 341-366.