

editorial

community penalties

Our last issue on 'Millennium Justice' identified tensions in New Labour's attempts to be tough on crime and also deal with its root causes. This issue focuses on community penalties and restorative justice initiatives that crystallise these tensions. The current punitive climate highlights the plight of victims rather than of offenders. Hence, the success of community based alternatives requires persuading sceptics that these developments are not simply 'soft options' that collude with offenders' excuses and signal a return to offender-centred, 'welfarist' approaches to crime control. Right wingers view them as echoing the permissiveness that led to a criminogenic collapse of authority. The dilemmas of professionals working with offenders illustrate a sharpening of the tension between New Labour's endorsement of a classical model of crime and justice, emphasising free will and the moral responsibility of the offender, and alternative, welfarist deterministic models.

Variants of determinism offered probation officers and social workers explanations that ranged from a focus on family dynamics to an emphasis on social inequalities, anomie, and forms of oppression. However, New Labour follow the New Democrats' raiding of the intellectual armoury of the new right in the US, facilitating their shift from crime-inducing welfare to work-fare. The virtues of labour distract devilish, idle hands. This complements a 'communitarian' (and Christian socialist) emphasis on responsibilities rather than rights and the need to foster the 'moral sense': the bolstering of good

parenting, positive mentoring and the individual's capacities for impulse control, moral reasoning, and altruism. The resultant 'workfare' rather than 'welfare' state requires a new style of professional moral engineer. The Home Office is likely to deploy the managerialist disciplines of 'Best Value', performance indicators and targets and constant scrutiny, to shape professional training and practice and drive this programme forward. There are, however, as **Mike Nellis's** discussion of probation training shows, still considerable tensions over how to relate the underpinning knowledge with training regimes.

However, **Jeremy Cameron's** denunciation in our last issue of the pressures on probation officers and the failure of New Labour to tackle inequality reflects the continuing commitment by many probation officers and social workers to welfare explanations and solutions. Here, **Paula Donohoe** provides a robust defence of the new probation moral philosophy and practice. She argues that there is a need to challenge offenders' impulsive behaviours and encourage them to take responsibility for and understand their chaotic, life circumstances.

There is an affinity between this political and professional agenda and the fashion for evidence based, cognitive-behavioural professional techniques originating in North America. However, from Canada, **Kelly Hannah-Moffat** and **Margaret Shaw** offer some critical reflections on the evidential basis of this approach and its suitability for women and minority offenders. **Anne Worrall** contends

that although the content of cognitive offending behaviour programmes is proving suitable for use with women, the responsiveness of women differs. She argues that programmes designed specifically for women would contain additional elements making them more intrusive and raising questions of proportionality. **Frances Ablitt** also argues for specific provision for women and further research into effective practice. She fears that restrictions on the development of programmes suitable for specific groups may stifle the development of innovative work with women. **Diane Campbell** and **Georgia Johnson** of the Association of Black Probation Officers take issue with the suitability of existing offending behaviour programmes for Black offenders, arguing for, and describing how, a Black perspective could be introduced.

The need to convince an apparently sceptical public that community sentences are no soft option has resulted in a ratcheting up of the amount of control such sentences exert over offenders' movements and activities. **Dick Whitfield** charts the evolution of electronic monitoring in this country and bemoans the failure to target this measure effectively or to integrate it with programmes designed to engage with the causes of an individual's offending. He also describes the level of control and surveillance technological advances are likely to offer in the near future. **Marion Janner** of the organisation Payback, established to 'market' community sentences in a punitive climate suggests that the public may not be as punitive as they are usually supposed to be. She argues that both sentencers and the public need more information about sentencing practice and what community sentences actually entail. This view is shared by **Michael Calvert** who provides a magistrates view of the changes which have taken place in community sentencing and the work of the probation service.

Community service is often seen as the punitive face of community sentencing - offenders involved in tough and demanding work for the benefit of the community. The idea that community service workers may derive the opportunity to learn positive lessons about interacting with others from the experience is proposed by **Chris Mackett** who describes the development of pro-social modelling in community service in Cambridgeshire.

If demanding community sentences are to be credible, the argument goes, then they have to be rigorously enforced. **Thomas**

Ellis places the current emphasis on enforcement in a political context, arguing that there is little evidence on the effectiveness of punitive measures in raising compliance levels. **Carol Hedderman** and **Mike Hough** voice their concerns about the proposals currently before Parliament, that would make imprisonment for breach of a community sentence mandatory in all but exceptional circumstances.

The idea that the relationship between offenders and the communities they live in may be a crucial element in determining whether they continue to offend is not new. But recently, with increased opportunities for victims of crime and others affected by an offender's criminal activity to become involved in the criminal justice process and the growth of mediation schemes the local community has an increasingly important role. **Rob Allen** feels that this could be developed further and argues for a role for the community in decision-making, supervision and support for offenders. **Penny Fraser** describes the results of a pilot victim-offender conference service and **Kathleen Daly** describes restorative justice schemes in Australia and New Zealand. Although victims have greater access to information than in the past many remain dissatisfied. **Adam Crawford** and **Jill Enterkin** report on a study of the way victims are provided with information about offenders and the dilemmas associated with making sure that both victims' and offenders' needs are protected.

The move away from a welfare model in probation work towards an approach, which demands that offenders meet strict requirements, may undermine the view of offenders as service users with something to contribute. **Anita Gibbs** argues that current practice adds to offenders' experience of exclusion and disempowerment. An alternative approach to the acquisition of basic skills is described by **Lucy Perman** who describes the work of Clean Break, a voluntary sector organisation working in partnership with prison and probation services on programmes which also offer women qualifications in theatre skills.

Our Comment piece is provided by **Stephen Shaw**. Prisons Ombudsman and until recently Director of the Prison Reform Trust, who writes about the way his role change caused him to re-examine the experience of prisoners.

Kevin Stenson and Una Padel

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