

# editorial

new developments in criminal justice

**Andrew Sanders and Barry Loveday set the issue in context.**

The pace of change in Criminal Justice seems to be ever-increasing. This is handy for textbook writers, who make money each time their new editions come out, but bewildering for practitioners and on-lookers. Much of the change has been evolutionary. Since New Labour was elected in 1997 the government has passed the *Crime and Disorder Act*, created the Youth Justice Board, and put Restorative Justice into the mainstream. We have a national Probation Service and major police and CPS re-structuring. The Macpherson report (on the Stephen Lawrence case), the Auld Report on criminal courts and the Halliday Report on sentencing have all been published in the last couple of years, and are likely to lead to further important changes. A third edition of the *Victims' Charter* is on its way, which will further increase the rights of victims.

It would be easy to get the impression that everything is in flux. But we need to stand back from the detail and ask whether these changes are fundamental or not. If the previous governments' policies were populist, authoritarian and ideological, does it necessarily follow that those of New Labour are progressive and evidence-led? On the one hand we have the rhetoric of government and of the authors of the many reports and policy documents. On the other hand, writers such as Garland stress the continuity of the criminal justice policies of the last decade or so (Garland, 2001). Indeed, we can go back further. One-nation Conservatives such as Lord Windlesham may bemoan the

unprincipled barbarism of the Michael Howard years of the early-mid 1990s (Windlesham, 1996). But, as one of us has argued, much of PACE 1984 and the CJA 1991 were barbaric too, and they paved the way for the authoritarianism that Windlesham deplors (Sanders, 1998). Garland argues that these policies are largely shared by Labour and the Conservatives and are not so much unprincipled, as differently principled: that 'punitive segregation' (along with other policies and strategies) may make little sense criminologically, but they make a lot of sense politically.

## **We need to stand back from the detail and ask whether these changes are fundamental or not.**

We hope that, in commissioning a wide range of articles on new developments, it will be possible to stand back from the detail to consider these questions across the whole criminal justice spectrum. We have deliberately asked writers who, in addition to their expertise, embody a wide range of positions on the policy and political spectrum. We have some articles on government policy from different political and criminological standpoints. We also have articles on police and criminal legal aid reform, illustrating the importance of some of the less headline-grabbing processes.

Most of the articles in this issue are sufficiently detailed to allow readers to make up their own minds about who they agree with: Garland, the government spokesperson, or neither. So, on the Auld report, for example, the

three articles occupy very different positions. To some extent this reflects the aspects on which the writers choose to focus. One of us editing this issue (Andrew Sanders), and Lee Bridges write about the parts of the report we do not like, while Penny Darbyshire writes about the parts she does like. If Auld's recommendations are implemented, as most are likely to be, the changes will be as substantial as those brought about by the Runciman Commission in the 1990s. Unimpressive though that body's reasoning and recommendations were (see, for example, McConville and Bridges 1994), at least it was a broad-based body with a substantial research budget. What is a supposedly evidence-led government doing asking a judge (with no criminological training or experience) to suggest wholesale re-structuring without providing a range of expertise, a principled framework within which to

of the deck-chairs on Lab-Con's Titanic criminal justice system? Barbara Hudson, in her article, is too polite to put it in these terms, but she highlights how the Report's all-things-to-all-people approach makes it unlikely that it will lead to a reversal of the rise in mass imprisonment.

Future issues of CJM will, we hope, pick up some of the threads outlined in this issue, particularly in relation to important topics such as drugs and victims which are touched upon hardly if at all here. We also hope that readers will be spurred to contribute articles that take issue with what we, or our contributors, have written. In this way, CJM can provoke and host a lively debate about the intentions and likely effects of government policy. However pessimistic we the editors are, we do believe that authoritarianism is not inevitable. It is, however, likely to intensify unless the silent liberal majority speak out - with reason, evidence and passion.

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