

# Four Years Hard: New Labour and crime control

David Downes regrets that New Labour did not take more guidance from academic expertise in formulating its new crime control policies.

New Labour's crime control policies have been far more ambitious than those of the Conservatives. Their definition of the crime problem and their array of measures to meet it have ranged much more widely than those of Michael Howard (Johnstone and Bottomley 1998). In some ways, such as the Macpherson Report, this has been to the good. But, in rather more ways, they have needlessly ignored both hard-won experience and academic expertise. So much so that New Labour might have based their control policies on an inversion of every criminological warning of the past fifty years. 'Net-widening' - great idea. 'Mesh-thinning' - no problem. 'Penetration' (of the state into civil society) - why not? Dangers of increasing inequality? - get real! Doing something about the 'winner/loser culture'? - come off it! (cf. Cohen 1979; Braithwaite 1979; James 1995).

It should be acknowledged that Labour have given credence to tackling some social and economic causes of crime about which the Tories maintained a steadfast state of denial for two decades, unemployment and poverty in particular. Even so, it is the resemblances rather than the differences

the minimum wage have played a part. Yet the rhetoric and policies of both Labour and Tory have read the trends as justifications for ever tougher measures, triggered at earlier stages by tighter penalties for petty if persistent as well as serious offending. Critics are decried as 'woolly minded liberals' and 'airy fairy', disturbing echoes of the Clinton era which, by putting a second million into US prisons in the space of eight years, paradoxically may have cost the Democrats the 2000 presidential election, due to the disenfranchisement of both prisoners and, in many states, ex-prisoners. While New Labour do not face political nemesis for that reason, the long list of punitive measures since 1997 are unjustifiable in all but electoral terms (Pitts 2001). Labour are, moreover, unable to claim credit for the success of their non-punitive policies on crime without accepting responsibility for the waste and futility of their punitive strategies.

2. The restructuring of youth justice has been justified by the promise of speedier trials, new teams and panels to monitor action plans,

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between the two main parties which have registered: only the Liberal Democrats struck a sharply distinctive note on law and order. The main reason for this new consensus is not - as one thought four years ago - that Labour remains impaled on the agenda set by Kenneth Clarke and Michael Howard: it is arguably the case that Labour built its own iron cage in the first place, straight after its unexpected defeat in 1992.

Four years on and there remain four main reasons for disquiet about New Labour's crime control policies that were discernible at the outset (Policy Studies, 1998):

1. While BCS crime rates have fallen by a third since 1995, the prison population has risen by over 50 per cent, from 42,000 in 1991 to over 68,000 today. Cause and effect, say those pursuing the logic of 'prison works'. The balance of evidence is otherwise. Crime rates have also been falling across Europe and North America, in countries with widely varied trends in imprisonment. Crime rates have arguably been falling for non-punitive reasons, notably the immense increase in situational crime prevention and the long economic boom and falling unemployment of the 1990s. The New Deal and

'restorative justice', and the inadequacies of the pre-1998 system. Evaluations of the new edifice are still to come, but a growing number of academics and practitioners are intensely concerned about its potential for net-widening, over-control, lack of safeguards and what one can only call 'joined-up labelling'. These pitfalls stem from a combination of false memory syndrome and flawed audit. The 'Year Zero' tendency of New Labour and the Youth Justice Board entails defining previous 'best' policy and practice as 'soft on crime' and bumblingly inefficient. Yet much of what now passes for 'best practice' was pioneered in local authority social services and probation in the 1980s. The key difference between then and now is not so much the core ideas of reparation, mediation and inter-agency co-operation as its institutional apparatus. Moreover, the best of the 1980s community sanctions were introduced following the critique (by the Lancaster school and others) of the well-intentioned but ill-fated increased tariffing of disciplinary measures of the 1970s. The Detention and Training Order replicates that logic. The over-use of custody for 15-17 year olds, recently deplored by DTO architect, Lord Warner, is a predictable result.

Part of the problem can be traced back to the flaws of the Audit Commission report on juvenile justice, *Misspent Youth* (1996). In a devastating critique, Denis Jones (2001) argues the report was based on selective and superficially derived data to overdraw the picture of a cumbersome, costly and unjust system in need of radical change. It was a prelude to justifying a far more abrasive system, lacking in procedural and substantive safeguards, a recipe for the over-use of custody.

3. Fears that the under-resourcing of core services would jeopardise the potential for action plans and crime prevention partnerships have been borne out over the past four years. The government is currently facing up, for the first time explicitly, to the horrendous legacy of under-investment in health, education and other public services relative to other EU countries. The NHS and its mental health component have been cumulatively depleted by not tens, but by hundreds of billions of financial (and therefore human capital) resources over the past three decades. Even the increases announced in educational spending will by 2003/4 only amount to a return to levels of the early 1990s as a proportion of GDP (Glennester 2001). Yet all the evidence points to an inverse relationship between welfare and penal expenditure (Beckett and Western 2001; Smith 1999).
4. What David Garland (1996) termed the 'solidarity project' remains in poor shape, despite some undoubted achievements since 1997. Household and child poverty have been reduced, but - having ruled out raising direct taxation levels on the wealthy - economic inequality has increased. Overall, New Labour have edged towards the more disciplinary end of the social democratic welfare spectrum. It remains to be seen how low-income families will fare if recession drives unemployment upwards, given that benefits are increasingly tied to employment status. Grants rather than loans have not been restored for those dependent on the Social Fund for such staple items as cookers and heating - an unfulfilled Labour pledge. And local job creation schemes have been neglected in preference for employer subsidy. These are pointers to a managerialist, top-down rather than an autonomous, bottom-up approach (Holman 2001, 14-15).

Does it matter if inequality increases and fuels a winner/loser culture in the process, given that - despite such trends - crime rates have recently been falling? One recent theory proposes that, in the longer term, such 'root causes' will reassert themselves if left unchallenged. Richard Wilkinson (2001) develops an evolutionary theory of equality as favouring altruistic and co-operative group relations, inequality as fostering the combative and

individualistic. "In the developed world, as much as half the variation in population health, in homicide rates and in social cohesion appears to be due to differences in income inequalities alone. Nor is this picture based on an unrealistic contrast between the levels of inequality common in modern societies and some unreachable level of total equality. Rather, the picture reflects the importance of the comparatively small differences in inequality between US states or between the developed market democracies" (Wilkinson 2001, p. 64). In sum, it does not require cataclysmic upheaval for economic and social policy to make the requisite changes but, unless they do to some extent, recent crime reductions are likely to prove all too ephemeral. ■

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#### References:

- Beckett, K. and Western, B. (2001), 'Governing Social Marginality: welfare, incarceration and the transformation of state policy'. *Punishment and Society* 3, 1. Special Issue on Mass Imprisonment in the USA.
- Braithwaite, J. (1979), *Inequality, Crime, and Public Policy*. London: Routledge.
- Cohen, S. (1979), 'The Punitive City: notes on the dispersal of social control'. *Contemporary Crises*, 3, 8.
- Garland, D. (1996), The Limits of the Sovereign State: strategies of crime control in contemporary society. *British Journal of Criminology*, 36 (4), 445-71.
- Glennester, H. (2001), *United Kingdom Education 1997-2001*. British Association lecture, unpubl.
- Holman, R. (2001), 'Building democracy from the bottom up' *Fabian Review*, 113, 2, Summer, 14-15.
- James, O. (1995), *Juvenile Violence in a Winner/Loser Culture*. London: Free Association Books.
- Johnstone, G. and Bottomley, K. (1998), 'Introduction: Labour's Crime Policy in Context'. *Policy Studies* 19, 3/4, 173-84.
- Jones, D. (2001), 'Misjudged Youth': A critique of the Audit Commission's Reports on Youth Justice. *British Journal of Criminology*, 41, 362-380.
- Pitts, J. (2001), The New Correctionalism: young people, Youth Justice and New Labour. In (ed. R. Matthews and J. Pitts) *Crime, Disorder and Community Safety*. London: Routledge.
- Policy Studies* (1998) 19, 4, Special Issue: 'New Directions in Criminal Justice? Labour's Crime Policy Examined'. K. Bottomley, G. Johnstone and J. Penn (eds).
- Smith, D. (1999), 'Less Crime Without More Punishment'. *Edinburgh Law Review*, 3, 294-316.
- Wilkinson, R. (2001), *Mind the Gap: Hierarchies, Health and Human Evolution*. London: Weidenfeld and Nicolson.

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