

Public(s), Politicians and Punishment

Mick Ryan assesses the rise of the 'the public voice' and its implications.

It has become almost a criminological cliché to point out that in some key western democracies crime rates are falling, yet the general public, ever more fearful of crime, is demanding even harsher penalties (Garland 2000). We live, it is argued, in punitive times (Roberts *et al*, 2002, Pratt *et al*, 2005).

Explaining what appears to be a penal paradox is no easy matter, though it is tempting to round up the usual suspects – journalists and politicians. The argument is that these irresponsible agents manufacture public anxiety by creating (and sustaining) moral panics that then translate into the demand for tougher penalties.

For example, at the time of the tragic abduction and murder of Sarah Payne, all paedophiles were portrayed in the media as homicidal killers, details of their whereabouts published by *The News of the World*, and as a result, innocent people were hounded out of their homes by marauding vigilantes demanding tougher sentences for these dangerous 'perverts'. Sensing the Government's vulnerability on this issue, opposition politicians, as they usually do, sought to embarrass the beleaguered Home Secretary, thus helping to ratchet up the level of public anxiety and prevent a more balanced discussion of how to respond to this terrible crime. Instead, we were presented with pictures of toddlers in pushchairs waving placards demanding 'Kill the Paedophiles'.

Blaming the media and politicians in this way is not wholly unreasonable. The media *are* often responsible for exaggerating the threat of crime, and politicians *do* play on the general public's fear to win a tactical advantage in the struggle to secure votes. However, this is neither an entirely new phenomenon, nor is it, given changes in our political culture, that difficult to understand.

Democracy and the decline of deference

What I mean by this is that it is not at all unreasonable in a democracy for politicians to listen to the public(s) voice on penal questions. For example, although there was a Commons' majority for the abolition of capital punishment in the 1940s and 1950s, it was rational for the Government to have registered that public opinion was against complete abolition and so legislated for only partial abolition in the *Homicide Act (1957)*. This messy compromise is the way that representative democracy works. In this particular example, a punitive general public did not get its way entirely, any more than did more liberal, pro-abolition politicians in the Commons.

However, what has changed in our political culture since the 1940s and 1950s is that in reaching this sort of messy compromise, *the public voice is now more important than it once was*; ordinary people now demand that their opinions be taken much more seriously by those in government, believe that their views should carry more weight in penal affairs (Ryan 2003).

Understanding this radical change in our political culture is by no means easy. It is partly explained by a general decline in deference. People are no longer prepared to sit back and trust either politicians, their civil servants or outside experts to make the difficult policy choices for them, whether we are talking about penal services, or for that matter, health services (Ryan 2003). After all, is it not just these remote 'top people' who have been responsible for releasing highly dangerous offenders back into our community, some of whom have subsequently re-offended? Why should we trust them? Such trenchant questions are frequently asked nowadays, most recently around the issue of introducing a British version of Megan's Law (*The Guardian*, June 20th 2006).

The rise of the public voice(s)

In addition to this overall decline in deference, it is now far easier for the public voice to make itself heard than was once the case. In the new digital age liberally minded politicians can no longer sit back and rely on the Lord Reith's patronising BBC to facilitate balanced debate. The new digital technologies allow ordinary people to express their views more or less when and where they like, and if they cannot get on air why not email the Cabinet Office or one of the many web sites that the Government has now established to encourage its dialogue with the people? (Ryan 2006).

Furthermore, through the internet these new technologies enable the ordinary person to be much better informed than ever before in conducting this dialogue. At a touch of button, information about prison recidivist rates or hospital waiting lists; all this information is on hand to counter or challenge politicians, civil servants and expert opinion.

So the need for politicians to listen, to take note of public voices, is now far greater than ever. This makes the always complicated business of governance far more difficult than ever before.

It is important that critics of politicians acknowledge this change. To label politicians who listen to what the public has to say about punishment with the derogatory term 'populist' is simply to misuse this term. To put the same thing another way, politicians who attempt to engage critically with the

public voice are very different animals from those who seek to play on and manipulate its fears by offering easy solutions to highly complex social problems.

Critics also need to take into account that the State has consciously tried to distance itself from the view that the administration, policing or punishment can be left to the professionals. Increasingly, particularly at local level, the public is being drawn into the administration of criminal justice through things like neighbourhood watch schemes or through voluntary (or for profit) organisations supervising offenders in the community (Garland 1996). The government cannot enlist the public in this process and then ignore it. To emphasise, as New Labour has done, the importance of the general public as active stakeholders in the criminal justice system, is to invite its participation.

Some strategic implications

For those of us who believe in campaigning for a progressive penal politics, the implications of these changes are complex, though some things are clear.

To start with, to just sit back and simply go on blaming the media and opportunist politicians for fuelling punitive sentiments is hardly a sufficient, strategic response to the deep changes that have occurred in the way public policy, and penal policy in particular, is made in today's Britain. Of course, sensationalist reporters and opportunist politicians deserve their share of the blame, but we need to be more proactive and engage critically with the public, in local communities or in schools, for example. Penal lobbyists cannot simply carry on working mostly *inwards* towards Whitehall. Such insider lobbying will still be required from time to time, of course, but more routinely, groups like the Prison Reform Trust and the Howard League should enlarge their efforts to engage from the bottom up rather than from the top down.

I would be the first to agree that this is no easy business. Who would not rather engage with urbane civil servants in the Home Office than encounter ill informed and often ignorant publicists who believe that there are simple solutions to maintaining social order? But if we fail to engage with the increasingly vocal public voice(s), the often shadowy compromises that have traditionally been struck between the lobby and Whitehall will continue to be exposed.

Finally, we also need to recognise that the new technologies that have amplified the public voice(s) also provide progressive possibilities. The internet, for example, offers the real possibility of constructing an alternative public space to promote a more informed and tolerant debate about punishment in modern societies. The campaign by young people against world poverty across several continents is a very good illustration of what can be achieved. Of course public education is a difficult business, but then it always has been. Perhaps we should start by recognising that times have moved on and that we need to reposition ourselves in a changing democratic landscape.

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