

editorial

ten years on

David Downes puts this issue in context.

Drifting towards mass imprisonment

This review of New Labour's record on crime control and criminal justice confronts a paradox. In what is now, for Labour, an unprecedented third term, the government has presided over an equally unprecedented fall in the 'official crime rate' and, in the case of the *British Crime Survey of Victims*, back to levels not experienced since 1980-81. Yet acknowledgment of both the reality of this apparent success, and of the government's role in bringing it about, is increasingly contested, muted and beset by a host of caveats, misgivings and doubts. Why should this be so?

Robert Reiner's article distils the essence of the problem. First and foremost, the government has sought to dominate the politics of crime control by placing its criminal justice policies at the epicentre of the 'war against crime'. The article by Solomon on the CCJS independent audit of Labour's criminal justice reforms also points out that this means pitching expectations about what can be achieved by criminal justice reforms far too high, and what can be accomplished by social and economic policies far too low. As a result, much can go awry due to myriad changes brought about by hyperactive managerialism.

The second set of grounds for dismay at what could have been a success story for New Labour is that they have been playing to the

'governing through crime' agenda, Jonathan Simon's term for politicians elevating crime control above virtually all other claims to electoral credibility. As a result, the genie of penal populism is out of the bottle. No country that has released it has so far effected its recapture, least of all the USA, to which – as Trevor Jones and Tim Newburn's article attests – Blair, Brown and Straw have repeatedly turned for inspiration. To John Pratt (2006), New Labour resemble Goethe's *Sorcerer's*

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Apprentice: "politicians who help to bring penal populism to life by invoking magic spells, such as 'tough on crime, tough on the causes of crime', initially welcome the electoral success it brings. They then find, however, that they too have no magic words to make it stop, as they begin to recoil from the havoc it creates."

The opportunity to reduce the prison population having been lost, the Home Office is itself reduced to perpetual crisis intervention including now its own dismemberment. The Opposition vie with Labour in the prison building stakes, promising 20,000 places against the government's 8,000. If the Tories are re-elected, 100,000 prison places

would approximate a rate of 200 prisoners per 100,000, the lower slopes of mass imprisonment. But New Labour have paved the way for that to become the norm – which, as norms go, could well become the baseline for the scale of imprisonment to climb far higher. It would take a very determined government and judiciary to halt, let alone reverse, this process.

Several articles in this issue spell out the causes, character and consequences of the post-1993 bipartisan politics of crime control. Nicola Padfield analyses how sentencing has been increasingly structured to produce more and longer custodial outcomes. By 2012, one-third of a larger prison population will, on current trends, consist of those sentenced to mandatory indeterminate terms. The overall fall in official crime rates has been damagingly

(Phil Hadfield).

Nor has it tackled the 'causes of crime' in any systematic fashion. Low welfare plus high inequality is a recipe for lethal violence. A key difference between Labour and the Conservatives used to be that Labour knew that, whereas the Tories did not, or were in denial about it. But New Labour have succumbed to the delusion that not only does extreme inequality not matter: it is seen, in effect, as a positive benefit. They began belatedly, but substantially, to tackle low welfare, after the highly criminogenic Conservative period of office in the 1980s and '90s. But inequality on a grotesque scale has been fostered even further over the past decade, generating a winner/loser culture that feeds the core motivations and rationalisations for crime: greed, cynicism and amorality. Yet, (see Charlie Cooper) the government expect 'Respect' to flourish in this moral dustbowl.

Two major achievements of the government have been the *Human Rights Act of 1998* and the equal opportunities legislation which have, *inter alia*, extended civil rights of marriage and adoption to homosexual couples. Yet despite these undeniable gains, Labour has become, especially after 9/11, more associated with the erosion, not the extension, of civil liberties (Roger Smith), of legal aid (Peter Soar), and of the best traditions of the Probation Service (Martin Wargent). On race and criminal justice (Coretta Phillips and Ben Bowling), policing serious organized crime (Ben Bowling and Cian Murphy), and on working with the voluntary sector (Chris Martin), the record is more mixed. Only on victim support (Paul Rock) and

offset by rises in the most feared forms of street crime – robbery and serious violence (see Marian Fitzgerald), including higher homicide rates which have been strongly associated with gun, gang and drug-related patterns among the most destabilised and deprived social groups. And yet, having adopted such punitive measures as Anti-Social Behaviour Orders towards offenders at the more trivial end of the crime spectrum (see Elizabeth Burney), the government has little left in its locker, except more imprisonment, for the truly serious. The commercialisation of addictive pleasures has been further deregulated while the costs of the likely growth of debt and disorder have been stepped up

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community policing (Barry Loveday) can their record on balance be extolled.

Ultimately, it is on punishment rather than crime that Labour has at best failed to consolidate and, at worst, actively undermined their own best policies and practice. Prisons have just about coped with the remorseless increase in numbers, but at the expense of programmes that cry out for better resourcing (John Podmore). Women offenders have been under-protected and over-controlled under Labour, their numbers in custody at an all-time peak (Loraine Gelsthorpe). Most of all, youth justice has been prevented from building on the promise of the new Youth Justice Board and the youth offending teams by tough sentencing overwhelming the welfare principle (Rob Allen). Even so humane and vigorous a reforming Head of the Board as Professor Rod Morgan could do little to sustain progress in the teeth of the fastest growing and highest youth custody rates in western Europe. It would be a bitter capstone to New Labour's ten year watch over criminal justice if, following his resignation, his successor was to represent penal populism rather than informed and civilised policy and practice. ■

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advisers were convinced would work for them also. In policy terms Blair, Mandelson, Gould and the rest saw how Clinton had sought to recapture the so-called 'middle ground' and to jettison various 'liberal' hostages to fortune (Downes and Morgan, 1997) and applied the lessons in the creation of 'New Labour'. Early on after his appointment as Shadow Home Secretary, Blair visited Washington DC to talk to Democratic Party advisers. Within three days of his return he first aired his famous mantra, "tough on crime, tough on the causes of crime". Now matter how hard he later tried, Michael Howard was never able to 'out-tough' his opponent. British penal

those individuals judged, through their choices, to lack self-control, rather than to those who exploit such vulnerabilities. That this stance can be associated with a party of the 'Left', or even 'Centre' of politics, demonstrates how much things have changed since 1997. ■

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politics has been locked in this punitive embrace ever since. ■

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2. It is imperative that the VCS is understood and supported as being the means by which services are transformed, and not as the repository of already-failing and discredited solutions.
3. The VCS has a fundamental role to play in promoting diversity and social inclusion and this needs investment – especially by those who are most affected by crime, for example BME communities and families.
4. Community education and public awareness about the reality of offending, social exclusion, and positive community solutions to crime remain at the heart of VCS activity - and should be supported by government actions and funding.
5. It needs to be understood that the role of the government is not to instruct the VCS or local communities about what to do, but to trust and facilitate the process by which local solutions can resolve the most pressing community problems. ■

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