

# What's the alternative?

**Jamie Bennett** examines penal politics in the UK and highlights a more progressive agenda emerging in Scotland.

*The Labour government's penal policies have been the subject of intensive scrutiny over the last eleven years (e.g. Bennett, 2007). However, with the Scottish National Party attaining power at Holyrood and with the Conservatives and Liberal Democrats making announcements on their penal policies in the long election build up, Labour are no longer the only kid on the block. This article explores the penal policies of the major political parties in the UK including Labour, Conservatives, Liberal Democrats, Scottish National Party and Plaid Cymru. Northern Ireland has been excluded due to the fact that it is in a distinct position within the UK as a transitional society progressing a peace process. The policies examined are those that address the purpose and scale of imprisonment, the provision of services and the management of prisons. This will highlight areas of difference, but also similarities that illuminate underlying social structures.*

## The new purpose of imprisonment

The purpose of imprisonment has always been a contentious issue, with the debate revolving around the appropriate balance between conflicting aims including punishment, deterrence, incapacitation and rehabilitation. However, the purpose of imprisonment is now being drawn away from offenders, towards a new aim relating to public perception and fear.

All of the main political parties identify that managing subjective feelings and impressions particularly 'public confidence' is a primary aim of their penal policies. At times this dialogue becomes dystopian in its

tone, such as the Conservatives claims about social breakdown with a country scarred by rampant crime and disorder and mired with irresponsible parenting (Cameron, 2007), whilst the Labour Government calls for increased prison places in order to "lock the most dangerous prisoners away" (Ministry of Justice 2007 p.2). This kind of discourse is a powerful driver of public perceptions and American research has shown that the extent to which the public live in fear of crime is not related to their actual experiences, and is only weakly related to media representation, the most powerful driver is political campaigning (Beckett, 1997). Given the nature of campaigning in the UK, it is not surprising that the British Crime Survey shows that 65% of people think that crime is rising despite the fact that the BCS also shows that it has been falling for over a decade.

Public perception and fear are powerful forms of social control, which political parties play upon in order to manage the electorate (Lee, 2007). This dialogue, based on controlling people through fear rather than empowering people through rational discussion and dialogue enfeebles democratic culture.

## Prison population

In 1993, the prison population fell below 45,000, but fifteen years later it had grown to over 83,000. This is despite the British Crime Survey showing declining levels of crime, including violent crime since 1995, and although the Government argue that for the most serious violent crimes such as homicide, serious sexual assaults and offences involving weapons, police recorded crimes are a more accurate

indicator that the British Crime Survey, these figures show a rise in offences year on year from 1997 until 2003, since which time there have been year on year reductions (HM Government, 2008). Despite this evidence that crime, including serious violent crime is reducing, support for this continual rise in the prison population is so embedded in political debate that many have argued that no party with serious aspirations for power can ignore this.

Labour and the Conservatives currently appear to be settling into a consensual ambition to continually expand the prison population. Since 2006, the government has announced the construction of new prison accommodation that will see the prison population rise to 100,000 (Ministry of Justice, 2008). The Conservatives fully support this, arguing that "prison is already largely reserved for serious, violent and persistent offenders" and that "Crime will not be reduced by cutting the prison population" (Conservatives, 2008 p.45). They therefore propose to match government expansion plans and add another 5000 places for good measure.

One particular Conservative policy that is distinct from Labour is their plans for 'honesty in sentencing' by ending automatic release, and replacing this with a discretionary release scheme managed by prison governors. They estimate that this will add some 10% to the average sentence and increase the prison population by 7000. However, this may be a serious underestimate, as previous Conservative policies for restricting early release in 1997, were estimated to have led to an expansion of 24,000, or an almost 50% increase in the prison population as it then stood (Penal Affairs Consortium, 1995).

The Liberal Democrats have a more ambiguous approach to the prison population (Liberal Democrats, 2007). On one hand they support an 'honesty in sentencing' approach almost identical to the Conservatives, with all of its expansionist consequences. On the other hand they propose to divert those who would receive short term

sentences by creating a presumption that those who would be sentenced to less than three months in prison should receive a non-custodial sentence, justifying this on the basis of research that suggests that prison sentences of less than six months lead to prisoners having a higher than predicted level of reoffending.

The Scottish Nationalists and Plaid Cymru are the only parties to have an express commitments to reduce the use of imprisonment. Plaid Cymru have a generalised policy of promoting greater use of community penalties and avoiding the criminalisation of young people (Plaid Cymru, 2005), rather than having explicit policies on how this would be achieved. In contrast, the Scottish Nationalists have an explicit target of achieving a 5% reduction (Scottish National Party, 2007). They aim to do this by creating a presumption against prison sentences of less than six months, although their support for the ubiquitous 'honesty in sentencing' approach to early release may undermine the achievability of this aim. Although their ambition is modest and takes place within the context of a country that proportionately imprisons as many people as England & Wales, it still stands in marked contrast to other political parties.

The high and increasing use of imprisonment is therefore given strong support by Labour and Conservatives who are competing to imprison as many people as they can, whilst the Liberal Democrats appear to support maintenance of the current level without any dramatic expansion or reduction. Plaid Cymru and the SNP in particular stand aside from this, and are presenting the most explicit and coherent set of policies to achieve a reduction in the use of imprisonment. This is the first UK government for over 15 years to actively pursue this aim.

### Rehabilitation and reducing re-offending

One of the most significant achievements of the Labour government in prisons has been the expansion of rehabilitative services. Offending behaviour programmes

have increased from less than 1500 per year to over 8000, extensive drug treatment services have been made available and there has been significant additional investment in education, training and employment programmes (Bennett, 2007). This reinvigoration of rehabilitation has had an impact on political discourse more widely. As a result, improvement in education, training, drug programmes, housing support and offending behaviour programmes are now the staple of every manifesto and policy document. Despite their essential similarity, the parties all claim that under them rehabilitation will be more effective, and the Conservatives make their melodramatic, but superficial, claims of a "rehabilitation revolution".

The reinvigoration of rehabilitation has accompanied the growth of the prison estate and has to be seen as an essential element of legitimising that expansion, presenting an image of the prison as effective and morally justified. There is therefore a consensus that prison can and should work as a means of reducing crime through rehabilitation. This representation it is argued here, overplays the potential of imprisonment as a reformatory institution, and provides the expansion of prisons with a more benevolent appearance than is justified.

### Managing prisons

Despite the controversy that it first engendered, the role of the private sector in prisons is now generally uncontested politically. The Labour Party has embraced the role of commercial competition, and their vision for the penal system includes the merger of prisons and probation with scope for large scale opening up to the market, in particular through the competition for large Titan prisons which will replace older inner city prisons. Similarly the Conservatives as part of their 'revolutionary' thinking have proposed to merge prison and probation with greater competition and incentives for results. As with many other elements of their policies, there is little room between these two parties.

The only party to stand aside from this trend is the Scottish National Party, which has expressed that "We are committed to a publicly owned and run prison service" and since taking power they have put those words into action by halting plans for the private prison at Bishopbriggs and restarted this as a public project.

### Conclusion: is there an alternative?

This brief summary of the policies of the main political parties in the UK highlights far greater consistency than it does difference. Labour and Conservatives are engaged in a race to mass imprisonment, with the prison legitimised as an instrument of control, and a source of commercial enterprise. Whilst the Liberal Democrats and Plaid Cymru do not approach penal policy with the same zeal for incarceration, they do not advocate a strong alternative. This carceral consensus is a powerful force for inertia, maintaining the status quo. Prison populations are disproportionately drawn from the socially excluded and from minority ethnic communities. Expanding the prison population entrenches these problems, diverts resources and attention from more positive approaches and marginalises concern about these social issues. These policies therefore maintain social power and inequality.

The only coherent alternative being presented is by the SNP, with their explicit advocacy of a reduction in the prison population and their support for re-nationalisation of prisons. Their sense of social justice is reinforced by plans to use the savings generated by the reduction in imprisonment in communities, in line with the principles of the Justice Reinvestment movement. Although the Labour Government have given low key support to a small number of local pilot projects based on Justice Reinvestment principles, the prominent and national level engagement of the SNP with this approach marks them out as distinct. The electoral success of the SNP with a bold and distinct approach to penal policy has shown the potential for the emergence of alternative

approaches that could break the current penal consensus. ■

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