

# The toxic legacy of New Labour

Joe Sim argues that New Labour stands indicted for intensifying politically and spiritually corrosive policies in the criminal justice system.

*Steal a little and they throw you in jail, steal a lot and they make you king.*  
(Bob Dylan)

At the time of writing (November 2009), New Labour's law and order strategy was revealed for what it was, and indeed what it had always been, during their 12 years in office. It was a politically expedient combination of pious sanctimoniousness and iron-clad authoritarianism overwhelmingly directed not only at the powerless but also at some of the most vulnerable groups in the UK. The rabid, intrusive surveillance that the government directed towards these groups stood in marked contrast to the hypocritical lack of scrutiny with respect to the systemic deviance of the economically and politically powerful. This dissembling lack of scrutiny towards bankers and other financial 'experts' who had saddled the country with debts of £1.5 trillion also involved members of their own governing class mired in a cesspool of decadent expenses claims as well as (and this tended to be overlooked) a cash for questions scandal in the House of Lords which saw two peers suspended after offering to change the law in return for money. The excoriating mantra that the poor take responsibility for *their* actions was not reflected in similar demands that the powerful take responsibility for *their* behaviour. Indeed, as Marjorie Hyde noted with respect to Sir Thomas Legg's inquiry into the expenses scandal:

*Arguably the most grimly hilarious aspect of MPs' reaction to his rulings has been the cry*

*that it goes against 'natural justice' – indicating that many of the people who have voted to curtail or simply do away with any number of ancient liberties in recent years only realise the value of the concept as far as it relates to gardening bills. Do expect further outbreaks of sledgehammer irony when Tories who have been frothing themselves puce about the Human Rights Act for years rely on it to plead their case against retrospective rulings in court.*  
(Hyde, 2009)

The issue surrounding MPs' expenses perfectly crystallised New Labour's statecraft. Successive Home Secretaries operated within a discursive universe that framed the law and order debate in quite specific and septic ways. The banality of their sound bite politics which juxtaposed the 'good' majority with the 'bad' minority was reinforced by the ideologies and interests they and their 'special advisers' shared with many in the mass media which, in turn, was underpinned by an unscrupulous valorisation of victims, or rather very specific victims of crime. These systemic processes then legitimated further coercive interventions which themselves were built on the policies and practices that had been laid down over the previous 18 years of Conservative rule. An authoritarian, law and order state, and a disciplinary, intrusive welfare state, ran parallel with the retrenchment in the state's activities in a range of other areas particularly with respect to the regulation (never the policing) of the powerful and in the funding and support for policies,

groups, and organisations who stood outside of, and contested, the government's political and populist law and order mentality (Sim, 2000; Sim, 2009; Wacquant, 2009). New Labour's timid acquiescence towards the powerful reached its apotheosis in the Blair/Brown axis where the endless focus on the apparent feud between them distracted attention from, and trivialised the fact that they stood together on the same ideological terrain whether this related to crime, the war on Iraq or the regulation of the powerful. Indeed, despite the artful attempt to construct Brown as the saviour of the financial world during the crisis of 2008/9, it is worth recalling his article in *The Times* from May 2005 entitled 'A plan to lighten the regulatory burden on business' where a proposed new model for business regulation was to be built on 'not just a light but a limited touch' (cited in Sim, 2009, 90, emphasis added). As Larry Elliott noted four years on:

*...from 1997 to 2007 Labour was complicit in the excesses of the market. It was too weak or too bedazzled to control the City but not so reticent when it came to plans for DNA testing and ID cards.*  
(Elliott, 2009)

Francis Wheen also noted that New Labour's timidity towards the powerful extended to protecting the dangerous and the violent amongst them. Pointing to General Pinochet's release from UK custody in March 2000, Wheen argued that New Labour's 'famous slogan should be adjusted: tough on petty crime, feeble on mass murder and torture' (cited in Sim, 2009).

The prison remains the jewel in the government's authoritarian crown. Between 1995 and 2009 the prison population rose by 66 per cent. Prison expansion has been fuelled by New Labour's desire to create its own version of the prison as a working institution whose policy of incapacitation was, and is, legitimated by a range of old and new 'judges of normality' particularly in women's prisons,

(Foucault, cited in Sim, 2005). Those involved in judging 'normality' include hundreds of psychologists, whose work inside and outside of the institution is targeted at the allegedly scientifically identifiable, atavistic minority of feral individuals, families, and communities whose behaviour, so it is argued, can be normalised through exposure to the righteous rigour of professional intervention. Leaving aside the obvious theoretical and methodological difficulties with this policy and political position, there is an alternative scenario that is worth considering regarding the future development of the prison.

The twentieth anniversary of the Strangeways disturbance falls in 2010. For some, the penal system of 1990 seems a distant, acrid memory in the post-Woolf prison world. And yet, the endless, state-inspired drumbeat about progress and development, nurtured by, among others, the moral entrepreneurs of the Prison Officers Association, in association with New Labour, neglects what is still happening on the wings and landings of many institutions. The prison, despite the arduous and admirable efforts of *some* prison staff, remains a place of pain for many of the confined and their families. Given the ongoing levels of punitive austerity in many prisons, the hard-line sentencing policies that are being pursued and the cuts that are being proposed in prison budgets, which, as usual are more likely to impact on prison support services rather than on the often-stifling security/control axis, then it is not surprising that, in October 2009, the chair of the Prison Governor's Association argued that the 'catastrophe of widespread disorder' was a possibility (*The Guardian*, 6 October 2009). Politicians of whatever political persuasion would do well to heed this warning.

By the end of 2009, two million children were living in a household where neither parent had a job in a country which was bottom of a quality of life survey involving ten European countries. At the same time, and despite the anguished cries from the financial sector about their members' impecuniousness,

daily profits for Goldman Sachs had reached £21million, while the company's vice chair suggested that the lavish salaries of bankers was a 'price worth paying for inequality' (*The Observer*, 22 October 2009). Given this kind of morally repugnant, grossly unequal social order, and the desperate social strains that are likely to be generated, it is not surprising that policies which will support the maintenance of this order via the militarisation of the police, the normalisation of special powers, the extension in state surveillance capabilities, and the expansion of a private/public penal and semi-penal network of institutions, as well as a host of other 'reforms' to the criminal justice system, remain central to New Labour's vision of the future.

In making this point it is not the intention either to construct a conspiratorial, functionalist view of the criminal justice system or to ignore the contradictions, contingencies and unintended consequences that arise when any social or criminal justice policy is introduced. Indeed, the state itself is clearly not an homogenous set of institutions and is often criticised from the inside by its own servants. It is also not the intention to condone officially defined criminality, despite the defamatory and offensive caricature of those who critique New Labour's position as pro-crime, anti-victim idealists. On the other hand, it is politically glib, and academically lazy, to accuse critics of the current situation of conspiratorial functionalism with regard to the deployment of state power. The combination of state authoritarianism and state retrenchment both in relation to the regulation of the powerful, and the care of the poor, makes it difficult to see beyond the view that New Labour's state form, despite its internal contradictions and contingencies, ideologically and materially, will defend current social arrangements which, inevitably, are based on the deep and lacerating social divisions that scar the political landscape of the UK.

In closing, the words of Samuel Beckett, the Nobel Laureate, provide an apt summary for the self referential, but ultimately self-

defeating, New Labour 'project': 'Ever tried, Ever failed. No Matter. Try Again. Fail again. Fail better'. In 'failing better' than their Conservative predecessors, New Labour's governing class has jettisoned any *real* commitment either to build a sustained, impregnable, and embedded sense of social justice for the weakest and most vulnerable or to deliver *actual* justice to the victims of powerful individuals and institutions ranging from financial capitalists to genocidal dictators. Their 'project' has not only further decimated the already weak institutions of social democracy in the UK, particularly through their desperate commitment to the war on Iraq and the broader American-led 'war on terror', but has also strangled the capacity of the human spirit to think beyond the bottom line which, for many of the poor, is survival and for many of the rich is brutally acquired profitability at whatever cost to the greater social good. In shepherding, reinforcing, and indeed intensifying such politically and spiritually corrosive policies and mentalities, this generation of Labour leaders stand indicted. ■

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