

# Delivering pain in the Big Society

Mick Ryan on making sense of changes in the penal system in the context of David Cameron's political mantra

The discourse around the 'Big Society', as it applies to the penal system, is predicated on the routine, normative assumption that in all societies there are rules and those who break those rules should be punished. However, the shape (and ownership) of the penal apparatus that delivers punishment in particular societies is expected to *change* over time.

We should not be surprised that such changes are often purposely, and officially, choreographed as *progress*. So, in today's world of David Cameron's Big Society, the promise is that under the stewardship of the Minister of Justice, Kenneth Clarke, prisoners will at long last be *reformed* through the discipline of prison labour. Punishment is *officially* portrayed as both dynamic and progressive. It is, of course, often easy to detect in official discourse more pragmatism than benevolence, not least where change is driven by concerns, ideological or material, that are quite *outside* the penal apparatus itself, particularly the prison, on which the public imagination is mostly focused.

## State monopoly

In this context, we cannot afford to underestimate what was *signalled* when the Wolds became Britain's first privately managed adult prison in 1993. Prior to this, the state had been directly responsible for running the entire prison system from the centre. Challenging this settled state monopoly in 1993 was a dramatic gesture, and explaining it was far from easy, but one thing that I think everyone now agrees about is that privatisation was primarily driven by developments that lay *outside* the prison system and the

traditional penal lobby. In other words, it owed little or nothing to criminological theory/research *per se*. The case for private prisons was a direct consequence of the rise of the New Right that had argued that governments were doing too much. This government 'overload' had led to inefficient service delivery and even more damaging, diverted money in the form of high taxation from the 'real' economy.

In order to reduce this fiscal burden, the Conservatives set about reducing government's direct involvement in the economy by selling off a whole range of public utilities, from British Gas and British Airways to British Telecom, and then later creating markets, such as internal markets in the NHS and/or introducing private providers into hitherto public services as in the case of the penal system.

These Conservative-inspired changes were substantially endorsed by New Labour. By the turn of the new millennium markets ruled. And, as ever, these wide ranging changes were presented in a positive light, as

*progress*, as part of a necessary *modernising* process, a remodelling of the top-down state. There is now a cross-party consensus on the virtues of the market place and the boundaries between public and private provision across a whole range of services – and this increasingly applies even to the 'untouchable' NHS – have been deliberately blurred by all parties.

However, the idea that punishment is a mere commodity, like any other commodity, to be traded in the marketplace, is still resisted. But there is no guarantee that this position will hold, as David Cameron looks set to continue along Thatcher's radical path and roll back the state still further. More particularly, we are told that the Big Society is the government's vision for re-shaping relationships between the individual citizen and their communities. 'The government believes if people take responsibility for themselves and their communities, they will be able to create active, sustainable communities.' (Bowles, 2010).

## Localism

In David Cameron's own words, we are on the threshold of the biggest, 'most dramatic redistribution of power from elites in Whitehall to the man and women on the street' (Cameron, 2010). Cameron's argument is that the state is still doing too much and is in danger of stifling civil society. It therefore needs to shrink and to hand back, or at least share, many of its acquired



responsibilities to civil society. His case is that the voluntary or for profit private sector under contract could deliver some, though not all, of the social services currently delivered by state agencies, and in some cases deliver at a reduced cost as a result of increased competition between public and private providers. However, while this analysis certainly confirms a high level of continuity between Thatcher and Cameron, there is a stronger emphasis on *localism* in Cameron's ideological pitch, which is enshrined in the rhetoric of participatory democracy. It is difficult to imagine, for example, Cameron getting close to saying that there is no such thing as society. So there is much positive talk about unlocking the creative, social capital of local communities, of providing services – including policing and penal services – that are better, more responsive, more accountable and not just cheaper. Even the idea of 'mutuality', where we might all be shareholders in our local NHS trust, is on the cards.

David Garland, while coming from a rather different trajectory, pointed out long before the Big Society idea was floated that all governments in modern times have encouraged greater public involvement/support in delivering criminal justice (Ryan, 2003). But what is new is the claim that charitable, voluntary or even 'for profit' groups will be 'paid by results' and the responsibility for managing this service delivery is to be pushed downwards to local organisations. Operatives in the localities are likely to know 'what works best for them' is the message.

### Social entrepreneurs

Of course, it remains a moot point whether this reconfiguration can work given that many of the key charities and voluntary groups operating in and around the penal system rely, sometimes significantly, on government funding, which is currently being slashed. It is a particular fallacy to believe that new style *social entrepreneurs* do not take government money, even if it is from the new Big Society bank. But even more ambitiously, the

prison itself is to be opened up still further to outside private contractors who are now being invited to provide not only drug treatment or educational programmes (this they already do) but also constructive *work* for inmates to secure their rehabilitation and reintegration into society on release. The aim, says the recent Green Paper (Ministry of Justice, 2011), is to *break the cycle of re-offending*. So imprisonment is no longer to be just, but mainly rehabilitative. High rates of recidivism during these difficult financial times are simply unaffordable.

Reconciling this new emphasis on rehabilitation with the views of those on the centre and right of the Conservative Party, who enthusiastically adopted the mantra that 'prison works' simply because as well as punishing criminals it takes them off the streets, will be difficult. However, even if this Coalition fault line can be traversed, what is patently unsustainable is the very progressive objective itself, namely, the idea that prisons can rehabilitate offenders: that they can become something other than an expensive and repressive mechanism for reinforcing delinquency among those already living at the margins.

One way of making sense of what is going on here is to interpret this narrative as a non too subtle attempt by the Coalition to put a *progressive* gloss on a policy that is primarily about driving down costs in an expensive area of public policy at a time when the state is going through one of its periodic attempts to balance the books. The Coalition is encouraged to do this, in spite of its obvious contradictions, because it wants to sell the Big Society as a good in itself, as *progressive*, a bold vision of people empowerment.

### Economic imperatives

It is important that we understand that the relationship between the state and the penal system as a whole has never been static. There are periodic adjustments, changes in the way the state delivers its penal services. No single force drives these changes, these adjustments. They are an admixture of political ideologies,

perceived economic imperatives, even simple administrative convenience, all of which often combine powerfully to override more principled moral concerns. However, in winning public consent for such change, governments will need to actively engage with the public imagination about punishment and penal structures which is constructed by forces deeply rooted in our national *psyche* through a multitude of different cultural forms that are largely outside direct or immediate political control.

We see this process of engagement at work in today's debate over the Big Society in much the same way as it got underway in the nineteenth century over Jeremy Bentham's panopticon. It is important not to overlook the complexities of this process of securing penal change in modern western societies. But it is also equally important that we continue to expose where so called innovations fail to challenge the basic utility of a system which, as its bottom line, still promotes the infliction of pain as a public good. This remains the major preoccupation of those who advocate the Big Society and it is therefore perhaps no wonder that there are those who would prefer instead to talk about the Good Society. ■

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