

Swift and sure: McJustice for a consumer society

David Wood examines the underlying consumerist thinking in the government's justice paper

In response to the riots in the UK in 2011, the sociologist Zygmunt Bauman (2011) observed 'these are riots of defective and disqualified consumers.' However, Bauman goes further in the article suggesting we are, 'all consumers now, consumers first and foremost.' Reflecting upon his comments, the idea that consumer attitudes are becoming prevalent in society poses the question: how does this impact the criminal justice system?

Bauman identifies one impact as the influence of consumerist attitudes in those who offend. His commentary of the London riots is an apt example of consumerism as a reason for offending: in his earlier 1998 publication he explained 'those who got a poor hand are tempted to try whatever other resources they can muster' in order to participate in a commodity valuing society. However, if consumerism really is impacting on criminal justice, then its influence will also be present in the assumptions and ideology which inform policy.

Swift and Sure Justice is the government's 2012 White Paper which aims to re-conceive a more swift (prompt and efficient) and sure (reliable and commanding of public confidence) criminal justice system. The paper presents a swift and sure system as one which would satisfy the demands of the public. Or to re-phrase this, one which would meet the satisfaction of a paying consumer society who fund criminal justice and therefore expect the service they demand in return. In his book, *The McDonaldisation of*

Society, George Ritzer (2008) suggests the design of management systems in modern society often replicate those used in McDonald's which are characterised by efficiency, calculability, predictability, and control. He builds on the theories of Max Weber identifying a consequence of this being the *irrationality of rationality*. So is there any evidence of 'McDonaldised' thinking in *Swift and Sure*, and if so, what are the irrational consequences?

The document suggests prompt justice is the desired form of justice with sentences being closer linked to offences making the association more prominent in the mind of the offender and victims not having to wait for justice. This is to be achieved through earlier guilty pleas, better use of technology and longer court opening times. The efficiency and calculability (quantity of service delivered as a form of or instead of quality) aspects of McDonaldisation would appear present in this approach.

However, Ritzer notes that, 'rational systems are often unreasonable'. In terms of efficiency they often end up being inefficient; for example, long queues in fast food restaurants and 'just in time' systems suffering supply problems as a result of their over efficiency and increasing demands. In relation to *Swift and Sure Justice* the assertion of securing more guilty pleas through the better use of technology is questionable. The example provided in the paper of an early guilty plea being secured through instant electronic discourse between



prosecutor in court and the police investigator relies upon instant e-responses because technology can provide that solution. However, the technology still requires human interaction (in this case with the investigating police officer) which due to budget cuts and the other explicit desire of increased confidence (which in terms of policing inevitably means more 'bobbies on the beat') it is less likely that those humans will be available to interact with the technology. The most likely outcome in this scenario would either be an adjournment or accepting a lesser plea as is already used at times to secure an early plea. Additional court slots may allow a shorter adjournment, but this would still be dependent on resources outside of the court such as police, prosecutors and defence. As with the 'just in time' system, efficiency of one part of the system, here the court, may cause problems in other parts of the system.

Certainly, a more reliable and calculable way of securing the guilty plea, as is already used, is to lessen the charge, and to do so more frequently to secure more 'efficient' pleas. This leads to the irrationality of dehumanisation. In fast food restaurants this can lead to high staff sickness and turnover and unmotivated workers. In criminal justice it could be argued this efficiency in securing a plea is at the cost of integrity and a lack of equitable justice. Efficiency and calculability in the McDonaldised model are about a predesigned process which emphasises a quantitative over a qualitative output. Efficiency and calculability in criminal justice may do just the same: quicker cheaper results, but at what cost?

Looking at the reliability and public confidence aspects of the paper tougher sentences, both in the prison and community, are proposed. These aspects fit neatly with the predictability and control aspects of the McDonaldised model. The paper recognises that community sentences are more effective than prison in reducing re-offending but community sentences have numerous possible combinations at present which allows the court to put together a sentence which is tailored to the individual being sentenced and the crime they have committed.

This undoubtedly contributes to their success; desistance theories suggest engagements that are successful assist the offender in their own journey of desistance from crime meeting them where they are at in the journey. The paper's proposal of punishment forming part of every sentence may appeal to the perceived public desire to punish, and it certainly meets the predictability and control criteria of McDonaldisation, however, as a consequence does this risk the irrationality of rationality? *Swift and Sure Justice* asserts professionals need to be free to use their discretion, but making sentences more predictable and controlling through compulsory punishment reduces the professional's discretion to propose individually suitable effective community orders. In turn this reduces the likelihood of compliance and increases the possibility of the offender not benefiting from criminal justice intervention. This could decrease the predictability of future behaviour and reduce control with further offences being committed unnecessarily as the opportunity of intervention was not maximised

Swift and Sure Justice asserts professionals need to be free to use their discretion

through using an individualised approach.

Swift and Sure Justice also proposes that there should be more ownership by the community and private innovation rather than direction from Whitehall targets. This is to be achieved through the contestability of offender management services with an anticipated mixed economy of public, private and voluntary provision. On one level this would appear to run against any consumerist tendencies with tax payers not just paying for a service and leaving it to others to deliver but instead involving themselves in criminal justice matters. However, Ritzer's theory may suggest otherwise. According to Ritzer, efficiency is sometimes achieved in McDonald's by putting customers to work doing tasks which were previously in other restaurants done by staff; this forms part of the control aspect of McDonaldisation. Certainly the paper is clear that there need to be financial cuts in the criminal justice sector and involving the public could be a means of balancing cuts with the need to maintain service provision. Community engagement could therefore be viewed as a means of controlling the public to undertake work professionals were previously paid to undertake.

In regards to engaging the private sector to reduce costs and increase innovation, the McDonaldised model again has observations to make. In the model costs are reduced through breaking tasks down into smaller tasks removing the need for higher paid more professional staff; in the case of the fast food restaurant removing the need to employ chefs. Whilst this does reduce costs, such a model

does not promote the innovation the government are stating the private sector will provide; in fact it is often seen to reduce the commitment of the low paid staff to the work they undertake. It in effect reduces costs by reducing professionalism with the innovation not being in the service provided, but the management systems.

So, does *Swift and Sure Justice* provide a clear rational vision that is obviously acceptable to all in terms of proposing a criminal justice system which is prompt, efficient, reliable and commanding of public confidence? Possibly, however, where apparent rational techniques are being applied to problems that are deeply human, such as that of crime, there can be unintended irrational consequences to the rational approach. In this instance, it would appear there are a number of assumptions being made that owe more to a subconscious consumerism of McDonaldisation in the underlying principles of the paper, rather than a deep rooted understanding of the more complex human needs that underpin effective criminal justice interventions. It could therefore be viewed as a McJustice approach designed for a consumer minded society. ■

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