

Late-modern tensions not post-modern transformations

Nigel South reflects on the impact of the New Labour Government on criminal justice policy.

Anticipation of the Millennium as heralding 'new beginnings' has great appeal, as attractive to criminologists and criminal justice professionals as to the general public. Shaping the context here we might include theoretical debates about whether society is best characterised by late- or post-modernity (South, 1997), as well as the after effects of recent radical re-arrangement of the political landscape. So - are 'new beginnings' visible, or is everything 'business as usual' at millennium's end?

After the election

At his first Party Conference as Home Secretary, Jack Straw told delegates that 'We said we would make Labour the party of law and order. And we did.' Unsurprisingly then, some complain that they see little difference between the criminal justice policies of the new government and those of their predecessors. Some continuity is not hard to spot. However the 1998 Crime and Disorder Act does demonstrate some break with the old, albeit not without highlighting tensions within Labour itself. While the Conservatives had refused to acknowledge links between social conditions and crime, Labour readily adopted the connection as a policy issue, creating the Social Exclusion Unit

and introducing strategies to address juvenile crime and reduce drug-misuse which clearly recognised the importance of social environment factors. Such initiatives reflect both compromise and tension between old-style Labour welfarism and new Labour's embrace of a 'tough but compassionate' stance on crime. Action against social exclusion includes creating opportunities for employment and education, through 'Welfare to Work' and other schemes, but also commitments to regenerating social and community life in deprived areas. A preventive agenda is evident here and central to it is a concern to help young people and families to avoid serious involvement with the criminal justice system. Nonetheless, the tensions in policy are there, with the pull of an old-style 'social intervention' model balanced against the push of the tough 'zero tolerance' approach borrowed from the policies of American policing policy.

Tensions in police policy and practice

In recent years, the police have attempted to professionalise and modernise, hoping to put problems of the past behind them. This is not easy when further cases of police misconduct and corruption continue to come to light. The Commissioner of the Metropolitan Police recently acknowledged that there may be up to 250 corrupt officers serving in his force, which suggests that the pursuit of an unknown number of criminal investigations may be seriously compromised. Critics argue that the police remain largely non-accountable for their actions, or in some important cases, their inaction. While fewer miscarriages of justice have surfaced than in earlier years, it is of great significance that injustice related to police mishandling of cases involving ethnic minorities has become a new focus for examination of police failings. Recently, the out-of-court compensation payment by the Metropolitan police to Winston Silcott (a black man wrongly prosecuted for the murder at the Broadwater Farm riot of a white police constable, Keith Blakelock) was welcomed by Silcott's family, support groups and the liberal

press, but according to news reports also generated a 'backlash' among rank and file police officers who saw the award as 'pandering to the race lobby' (The Independent On Sunday, 17th October 1999, p.8). This defensive reaction reflects the new context in which the police have found themselves under scrutiny.

On April 22nd 1993, Stephen Lawrence, a young black teenager, was murdered in an unprovoked attack carried out by white assailants. The police investigation was flawed in many respects but calls for an Inquiry were resisted by the Metropolitan police and Conservative Home Secretaries. In 1998, Sir William Macpherson, a former High Court judge, was invited to examine the case, considering three specific allegations against the police - that they were incompetent, racist, and corrupt. Macpherson's Report (1999) found no evidence of corruption but concluded that the first two allegations were substantiated. The implications of the Inquiry are considerable, not least in suggesting that 'institutional racism' is pervasive within the Metropolitan police (and, by extension, elsewhere).

Clearly, the millennium agenda for the government and the police must include serious initiatives to promote change in the institutional culture of the police (Joyce, 1999). Such change needs to be more sensitive to the problem of racism, as well as sexual discrimination, to civil liberties and to human rights issues.

Human rights, civil liberties and the information society

The Labour Manifesto included a pledge to introduce a Freedom of Information Act and generally promote open and ethical government. In office, enthusiasm for such ideas has waned and the Act proposed is disappointing in its limited scope. This is important, for in the millennial information society, more than ever before, 'knowledge is power'. If the government reneges on promises to increase public access to information about the process of government, it loses some of its democratic credibility. The latter is clearly important to Labour, as reflected in their introduction of the Human Rights Act (in force

"I hope that the criminal justice system is injected with a dose of progressive politics and liberalism during the next decade."

Harry Fletcher, Assistant General Secretary, NAPO

"My hope for the next decade is the rediscovery of the political will to replace imprisonment by well resourced community sanctions in the context of a far more generous social democracy."

Professor David Downes, Director, Mannheim Centre for the Study of Criminology and Criminal Justice LSE

from 2000), which is intended to signal a commitment to equal treatment, justice, and freedom from unwarranted interference. However, critics see various developments in criminal justice policy as directly at odds with a human rights agenda, and as endangering civil liberties. For example: lack of reform in many areas of police work is seen as evident; the record of deaths in police custody continues to give rise to concern, attracting the attention in 1998 of the United Nations Committee Against Torture; the use of CS gas spray by the police is increasingly controversial following reports of deaths said to be connected to improper use of the weapon; the extension of police powers is cited as worrying (the 1997 Police Act gave police similar powers to the

Security Service to employ hidden cameras and microphones); a new national data base holding over three million DNA samples from active criminals has been promised by Mr Blair. The National Criminal Intelligence Service (established 1992), has incorporated several formerly distinct databases and is now supported by a new operational agency, the National Crime Squad, and, in relation to organised crime and drug trafficking, by the Security Service. This creates a highly centralised and intelligence-led, very powerful yet largely invisible, elite tier of policing.

Inclusions and exclusions

If any hoped that new Labour would embrace old Labour's

commitments to full employment and the traditional industrial sector with its declining communities, then they were naive. Instead, fiscal prudence means that with the exception of measures concerned with social exclusion and the minimum wage, the labour market is being left to its own devices. For those on the margins, McDonaldization (Ritzer, 1993) and casualisation have transformed the kinds of opportunities available; traditional bases of masculinity in working class communities have been eroded (some may argue for the better, others point to the uncertainties that follow); and the gap between benefit entitlements and realistic standards of living in a consumer-oriented society is widening. For some, involvement in the irregular economy and criminality becomes attractive or inevitable. Society continues to polarise: first, between the 'excessively rich' and the 'rest of us'; while the 'rest of us' then polarise between the 'comfortable' and the 'poor who get poorer'. Tony Blair's vision of a 'stakeholder society' was a welcome 'inclusionary' rebuttal of past Tory government exclusionary social policy, but for the working and middle-off middle classes, it is hard to see

where the pay-off for their stakeholding is coming from. Taxes rise (deviously through indirect routes) yet public services continue to fail, sometimes disastrously. As ever, criminal justice policy and services remain pawns on the political chessboard, moves being determined by political soundbites as much as by sensible policy.

All of this seems to represent a series of end of century, late-modern tensions. Contrary to the visions of some, this is not a post-modern, 'end of history', *fin de siècle* but pretty much 'business as usual' into 2000, and probably beyond.

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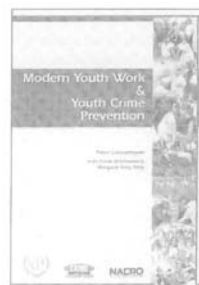
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