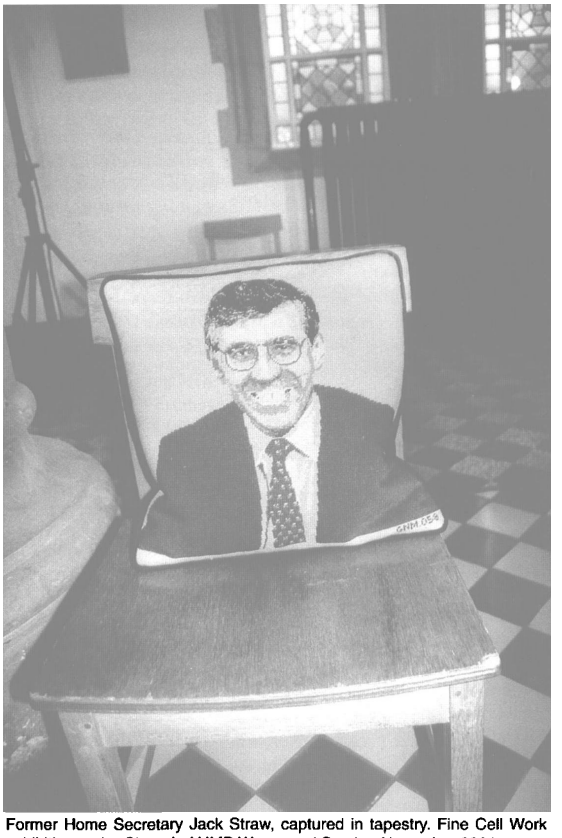
Modernisation, New Labour and Criminal Justice Policy

Tim Newburn surveys the paths leading into New Labour's 'third way' criminal justice policy.

> "I have always believed that politics is first and foremost about ideas. Furthermore, ideas need labels... The 'third way' is to my mind the best label for the new politics which the progressive centre-left is forging in Britain and beyond. (Tony Blair, 1998)"

On both sides of the Atlantic during the final decade of the last century, so-called centre-left political parties sought to revitalise their electoral appeal through a broad process of policy reformulation and image redesign. The process by which the Democrats and Labour became 'New Democrats' and 'New Labour' has been broadly characterised as one of 'modernisation'. In policy terms modernisation, according to advocates, meant an attempt to find a 'third way' - a means of transcending old dichotomies and, in particular, that of old style social democracy on the one hand and neo-liberalism on the other. In crime control terms this was presented as recognising the links between social exclusion and crime whilst also acknowledging personal responsibility for crime and disorder or, to put it in better-known terms, to be 'tough on crime and tough on the causes of crime'. How has this played out in practice? In this article I want to use the lens of 'modernisation' as a means of framing some reflections on how crime control policy has developed since 1997. I want to suggest that modernisation has at least seven important attributes and, moreover, that there exist some important tensions between these, tensions that in some ways go to the heart of the New Labour project. These seven attributes we may think of as: policy outcomes; pragmatism; partnership working; 'What Works'; cost-effectiveness; public involvement; and image management (Raine, 2001). The first of these, policy outcomes, has seen a shift away from simple concern with policy outputs and a move towards concern with, wherever possible, measurable outcomes. Thus, crime recording procedures have been reformed, virtually all criminal justice agencies are now performance monitored and the reformed youth justice system, at the heart of New Labour's criminal justice project, for the first time has an overarching aim and a body, the Youth Justice Board, responsible for overseeing its performance. Linked with this, though not always comfortably, is New Labour's pragmatism. In this regard New Labour has emphasised service delivery, it has created a raft of new quasi-professional groups (Hughes and Edwards, 2001) and has sought, successfully in many cases, to engineer new trust relationships with those criminal justice professionals progressively undervalued and alienated by previous political administrations. Third, and central to service delivery, has been partnership working. New Labour has realigned delivery around common boundaries, and has established crime and disorder partnerships as a key mechanism for planning, managing and auditing delivery. There are major tensions here, for this shift, as many commentators have noted, has required a reinvigoration of local mechanisms and capabilities simultaneously as government managerialism has led to increased centralisation. Within youth justice, for example, New Labour has been responsible for both the creation of local delivery mechanisms in the form of YOTs and a highly managerialist central function in the shape of the YJB. The fourth and fifth, and linked,



Julie Grogan

Former Home Secretary Jack Straw, captured in tapestry. Fine Cell Work exhibition at the Chapel of HMP Wormword Scrubs, November 2001.

characteristics of modernisation are the emphasis on 'What Works' and 'cost effectiveness'. The 'What Works' paradigm has led to apparent government desire to prioritise evidence-based policy and practice, to invest massively in research and evaluation and to promote accreditation programmes. Not only is there an inherent centralising momentum in the 'What Works' paradigm, however, but there is also a tension between what one might characterise as effective interventions (What Works) and efficient justice (what it costs and how long it takes). Across government the Treasury has become increasingly important. Just as the comprehensive spending review gave impetus to the adoption of the 'What Works' paradigm so, via Treasury-led emphasis on cost-effectiveness, the linking of costs to outcomes and the measurement of the financial impact of interventions has determined much of the shape of the government's crime control agenda. Modernisation has also involved increased emphasis on public involvement via consultation (crime audits, 'best value' etc.), responsibilisation strategies, and new forms of participation (youth offender panels, neighbourhood wardens etc.).

Finally, and the source of much of the ambiguity and tension in the New Labour project, modernisation has at its heart a concern with image management. As two influential New Labour architects put it in the early 1990s, "the lessons which the British left can learn [from the US] are not so much about content - although there is valuable intellectual exchange already underway - as about process" (Hewitt and Gould, 1993). It is here that the tensions between short-termism and the longer-term modernisation project have perhaps been clearest. Thus, against a background of progressive and sometimes impressive reforms in the first three years of the first term, with a huge parliamentary majority and continuing falls in recorded crime, the Prime Minister still felt compelled to write a memo to his Director of Communications in which he called for the immediate highlighting of some "tough measures: compulsory tests for drugs before bail... the extra numbers of burglars jailed under 'three strikes and you're out'... This should be done soon", he said, "and I, personally, should be associated with it". As David Garland argues, this is not simply rhetoric. Harsher punishment and impatience with civil liberties can also be seen as part of a strategy of claiming that 'something is being done' about crime. Although much of this does little to reduce crime - contradicting the 'What Works' and 'cost-effectiveness' criteria - it may be effective at the political level. 'Tough' measures may therefore not be as short-lived as many would hope, regardless of which political party is in government.

Under such circumstances it should be no surprise that New Labour's message, and in many ways its record too, is a mixed one. The modernisation project has diverse tributaries and, at heart, has contained an uneasy mix in which the desire to produce technically competent, well-resourced and publicly responsive local systems of delivery has continually been in tension with a strong desire to manage and control from the centre. Perhaps equally importantly, the modernisation project, at least during the first term in office, was characterised by a *confidence deficit* in which the undoubted achievements - the reform of the youth justice system, the gradual embracing of restorative justice ideas, the establishment of Crime and Disorder partnerships - were masked by, and occasionally undermined by, knee-jerk policy-making and populist, short-term rhetoric. With a second, huge parliamentary majority, a new Home Secretary and a 'War on Terrorism' to fight, it will be fascinating to see how the next phase of the modernisation project is played out in the field of crime control. Despite the punitive rhetoric there would appear still to be much to play for. ■

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