

The criminalisation of social policy

John J Rodger suggests that the criminalisation of social policy is an aspect of the changing role of the welfare state.

The criminalising of social policy involves two key processes. The first is *boundary blurring*, as partnership arrangements between agencies from different policy fields, such as social work and policing, lead to the adoption of principles of operation which obscure the purpose of social intervention such as that between welfare and punishment, and the second is *displacement of goals*, as the objectives of social policy subordinate issues of welfare to those of crime prevention (see Burnett and Appleton, 2004). However, the phenomenon can only be understood fully when the wider socio-economic contexts shaping the changing role of the welfare state are identified. The key changes impacting on social policy are set out below before offering a brief discussion of key policy sites where the criminalising tendencies are becoming evident.

Politicisation of crime

A number of commentators on crime and society have noted the trend towards the politicisation of the crime issue. For example, Garland (2001) has described the decline of penal welfarist attitudes among the once liberal middle classes. More recently, Simon (2007) has drawn attention to the phenomenon that he calls 'governing through crime': the decline of political consensus building around the welfare state, and the principles of universalism and social justice that were inextricably linked to it, and the rise of the 'penal state' as crime becomes a strategic issue for governments seeking an alternative

basis on which to construct popular support and solidarity in a post-welfare society. Quite simply there are votes to be lost advocating the expansion of the welfare state, and welfarist approaches to the treatment of offenders, but votes to be won by advocating the punitive treatment of those variously labelled criminal or anti-social. It is the poor law principle of 'less eligibility' that has come to dominate thinking about crime and anti-social behaviour: the treatment and prospects of the criminal should not be better or higher than the condition of the poorest law abiding member of society. Social policy in this context abandons its implicit role in ameliorating the conditions that cause criminality and instead becomes an explicit instrument of criminal justice strategy to enforce civility through a type of operant conditioning—the stimulant of benefits and services are offered only to those who are law abiding (Field, 2003).

'Active' citizenship

European countries have been squeezing out the remnants of universalism from their welfare systems since the 1970s and replacing it with conditional welfare support as part of a broad economic movement aimed at encouraging greater citizen 'activeness' in the labour market.

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Today it is the workfare state, or the *social investment state*, that prevails and the principle of 'something for something' has replaced the principle of 'something for nothing' associated with the Keynesian welfare system. This change requires an adjustment of attitude in those refusing to enter the labour market. As Rose (1996) suggests, people are expected to 'enterprise their lives' supported by state guarantees for life long education and training. Those who fail to engage with this challenge are converted, in policy terms, into the NEET (not in education, employment, or training) requiring policy intervention to prevent their potential incivility. What results from this is that there is now a strong accent on the idea of a 'welfare contract' between the state and the citizen: benefits should be offered only in exchange for disciplined and orderly lives and can be withdrawn as a lever to effect behavioural change (see Rodger, 2008). The focus of government

has discernibly shifted to the *management* of social inequality rather than its *reduction*. Citizenship today is based on contribution to society through work rather than the notion of passive citizenship

as entitlement to welfare support irrespective of desert.

Managing incentives and the NEET

A consequence of the political and economic changes described above has been the weakening of the institutionalised solidarity which the welfare state embeds. There has been the abandonment of all pretence in government that its purpose is to address what the post-1945 Labour government called the *strategy for equality*. Despite most Western European societies experiencing increased social polarisation and declining social mobility, welfare systems today

have largely rejected redistributive policies because they are no longer considered to be compatible with neo-liberal economic orthodoxies in a global world. Released from its modernist humanitarian baggage, the modern welfare state has come to concentrate on its other primary functions, those of managing incentives to work and policing eligibility for benefits.

It is the behavioural impact of these wider forces on the disaffected young that has led to the explicit linking of key social policy agendas with those of criminal justice, particularly through the linking of family, educational and youth policy with strategies to create safer communities. The NEET generation has emerged as a key target for policy intervention because it is deemed to be a threat to social order. At best the young NEETs are regarded as being in need of more education and training, as they struggle to cope with a rapidly changing educational and occupational environment, but at worst they are deemed to be engaged in a systematic coarsening of culture through their indolence and uninhibited behaviour in the public sphere. In both cases, education and youth policy are legitimised by their effectiveness in reducing anti-social behaviour and crime rather than by meeting the social and intellectual aspirations of young people (Simon, 2007). Since the Crime and Disorder Act 1998, government policies have been aimed at changing the 'value orientations' of young people by applying a range of supervisory orders aimed at constraining their feral behaviour, and more recently by enforcing new regulations in England and Wales extending the age of compulsory education or training to 18. This is based on a faulty understanding of culture as disembedded social values. I have argued that we need a more grounded understanding of youth culture; one that is anchored in the 'cultural tool kits' that young people learn to aid their survival in marginal communities. This requires a re-orientation of social policy away from the 'respect' agenda towards an

enhanced community development strategy that addresses lived material realities (Rodger, 2008).

Criminalising social policy: key policy sites

Underlying many recent developments in both social and criminal justice policy is a concern that the attenuation of the family as a foundational social institution must be addressed. Whether it is New Labour's focus on the failures of the family through its Children's Plan, or the Conservative focus on the 'fractured family', the main site where the worlds of welfare and criminal justice converge is in the relationship between the 'dysfunctional family' and anti-social behaviour. This is evident in a number of different but related areas of social policy.

First, social housing policy has changed markedly from an emphasis on rationing a scarce resource to the management of bad tenants. A number of commentators have described the changing role of housing managers from being that of administering a housing allocation system to assuming the role of the 'soft end' policing of anti-social families in difficult-to-let estates (Flint, 2006).

Second, there appears to be an increasingly strident call to 'punish parents' as much as their children (an issue that is particularly contentious in Scotland, as I will indicate below). Early intervention into poor families through Sure Start, Parenting Orders and the expansion of parent counselling and tutelage are some of the policy developments that have evolved since 1997 to respond to delinquency in children. The rolling out of the Dundee Family Project of supervised family living throughout the UK in 2007 (the so called Family Sin Bins) represents a clear example of the coming together of housing, family and criminal justice policy to combat anti-social families.

Third, while the Anglo-Welsh youth justice system continues to be characterised by its disciplinary and punitive purpose, the Scottish Children's Hearings system is renowned for its continuing focus on

the welfare of the child up to the age of 16: the Panel is a tribunal and not a court. The criminalising debate in Scotland revolves around the maintenance of the system's welfare integrity in the face of an attempt to import to the Children's Panels principles and procedures from the anti-social behaviour strategy that are alien to it: punishing parents (explicitly rejected by the Kilbrandon report that established the system's principles); issuing ASBOs to 12–15 year olds; and fast tracking procedures for persistent offenders that destroy the principle of treating all children the same, all risk undermining the system's welfare ethos. Finally, the criminalising tendency can also be found in education and public health policy, particularly relating to teenage alcohol use and public disorder.

Given the increasingly strategic importance of crime as a political issue in a post-welfare society, it is a process that is likely to intensify in the future, especially in relation to the management of active citizenship and social marginality. ■

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References

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