

'Dear Minister...' Criminology and public policy re-revisited

Ian Loader and Richard Sparks consider the potential for political engagement and evidence-based policy, and introduce a series of letters from academics.

*Not long after this issue of **cjm** appears the voters of the United Kingdom will elect a new government. We do not know, at the time of writing, the colour or composition of the new administration, though everyone has their hunches, suspicions, and predictions.*

In this section we have invited a small number of criminological researchers to address this as yet unknown new government through the medium of a short 'open letter'. There are a bare handful of such letters here and we make no claim that they are representative, let alone comprehensive, in respect of their authors' views on particular issues, or on theory or method, or the relationship they aspire to develop between research (and researchers) and policy (and policy makers). Nevertheless, we hope they are in some sense indicative of the variety and urgency of some of the issues, on one hand, and of the relevance and interest of the researchers' views about them on the other. We think it would be easy to imagine a much longer publication, or a lively internet forum, comprising similar postings from a much wider range of standpoints.

The last time we contributed to **cjm** (Loader and Sparks, 2008) we asserted, among other things, that criminology in Britain was not, as had been claimed, introspective and indifferent to its role in influencing public policy. Whatever the problems in that relationship – and we think there are many, on many levels: conceptual, practical, political, and ethical – they do not derive from some simple moral failing such as complacency or loss of interest. There is much more going on, and much more at stake, than such diagnoses suggest. Instead, we claimed, 'there exists a sometimes frustrated longing on the part of many for more satisfactory, and perhaps more varied, ways of defining their role, voice and sense of purpose'.

Of course, it may be that all we have achieved here is to allow a somewhat random sub-set of criminologists to vocalise an opinion – something a bit less lofty and high-minded than redefining their 'role, voice and sense of purpose'.

Nevertheless, we think there is more going on than this. All our contributors are well aware that political actors addressing questions of crime and punishment today do so under certain marked constraints. Those constraints may be greater or lesser depending upon a number of variables such as party and ideology, the

claims upon their attention of certain lobbies and constituencies, the point at which they stand in political and business cycles and the wider standing or authority of government at that moment, the intensity of media interest in particular issues and especially the impact of high-profile cases, controversies, and scandals. We know that the need to emote, to demonstrate the common touch, to show solidarity with the suffering of at least some victims, to take the position of the more vocal sections of the public in articulating anger and channelling anxiety are all standing temptations on democratic politicians. Similarly, the pressure to deny or minimise the limits on one's capacity to make a material difference (the sharply restricted range of conventional means and measures at one's immediate disposal) is intense, as is the converse invitation to demonstrate one's will, determination, and strength of purpose by legislating, announcing initiatives, diverting resources or otherwise intervening in advance or in despite of any good grounds for thinking that these are the most effective or judicious ways to go.

To acknowledge these pressures, influences and even distortions is not in our view a reason for disengagement if by that we mean a jaded and cynical, or merely retreatist, turning away. Rather it seems more fruitful to seek a more systematic exploration of the terms and conditions of engagement, and of the uses, abuses and non-uses of research and other kinds of insight. The advent of a new government in Westminster seems as good a moment as any to revisit those questions.

Over the last decade or so the seemingly innocent notion of 'evidence' has become one of the most contentious terms in the lexicon. Prior to the arrival of Tony Blair and New Labour in 1997 the term 'evidence-based policy' was unfamiliar to most people, including scholars with public policy interests. The notion of 'an evidence-base' had a certain currency in some fields of professional practice; and there was an existing movement in favour of 'evidence-based medicine', suggesting that practices of systematic review and meta-analysis might come to supersede clinical wisdom as the basis of medical training and intervention. The notion of evidence-based policy, more broadly considered, came to be represented as part-and-parcel of a new knowledge-centred, post-ideological pragmatism. What mattered, we were all advised, was what worked.

The invitation to enter the big tent was at least as warmly and widely issued in criminology as in any other field; and this invitation came with the prospect of substantial research funds attached. We do not have space here to relate the subsequent chequered history of relations between government (including the scientific branches of the civil service) and some sections of the research community – topics already amply discussed in recent issues of *cjm*. Suffice to note that, whilst it may remain a mantra for some true-believers, the notion of evidence-based policy has become for many former adherents a debased coinage, it's very mention greeted with a groan of exhausted disbelief, mingled with a degree of resentment. Was evidence-based policy always an essentially 'dubious rhetoric', as Paul Gilroy has recently suggested? Or was it a brave principle overwhelmed by its encounters with other more politically potent realities? Or is it still something from which the kernel of validity might be rescued and resuscitated?

One response to these queries is to suggest that certain ways of believing in the chances of evidence-based policy were always implausible, and hence only too likely to meet a rapid and sorry end – as if 'evidence' was a kind of goo that could be put in a bucket and dumped over the head of the policy decision maker. Another related one is to attend more closely than criminologists and their kinfolk have generally done to date to those movements in social studies of science which indicate that the 'scientisation of society' and the 'politicisation of science' are one another's inevitable concomitants.

Dear Minister,

Sometimes less is more. Although you will soon be surrounded by those in government and the private sector who will tell you that you can never have too much information, and that the only people who should be afraid of CCTV, identity cards, or having their DNA taken are those who have something to hide, you should nonetheless resist the temptation to expand the surveillance apparatus of the state. Leaving aside the fact that many of the supposed benefits of surveillance are routinely exaggerated (or simply unproven), there is a hidden cost too much of this technology and the accompanying drive to gather more and more personal information about the public. With each new surveillance measure we adopt, we not only undermine the trust that exists between the citizen and the state – trust that enables government by consent rather than government through coercion – but we also risk creating a society in which everyone is regarded as an object of suspicion and mistrust. While installing more CCTV cameras or rolling out a national identity card may make some people feel safer, for many it will simply reinforce the belief that no

Yet this continues to mean that for all their populist tendencies, their political volatility and vulnerability to fads, fashions and the buffetings of global capital markets and the rest, contemporary societies also still have a dragonish and insatiable appetite for both information and ideas. Moreover it seems clear that our correspondents do still believe passionately and firmly in evidence, of some kinds, used in certain ways – as we unashamedly do ourselves. The plea (if there is a unified position here at all) is not, and never will be, for evidence-free policy, whatever that might look like – and heavens forefend that we should ever find out. Rather it is for accommodation of evidence of the long-term, the unintended consequence, the perverse outcome; for not pouring good money after bad; against the idolatry of 'public opinion' and subjection to 'something-must-be-done-about-it-NOW!'; against the waste of life in pointless and demonstrably useless institutions, and so on. This is a difficult menu of dishes to place before any decision maker. However, it is the special obligation of criminologists to democracy to keep placing them on the table. ■

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Reference

Loader, I. and Sparks, R. (2008), "What are we gonna do now?": Revisiting the public roles of criminology', *Criminal Justice Matters*, 72 (1), pp.18-19.

one can be trusted, and that the role of government is to control the people rather than to serve them.

If the new government is to avoid the mistakes of the past, it must abandon the idea that if only we had more surveillance we could eliminate risk and provide perfect security to all. Even if surveillance could deliver on this promise, I suspect that few of us would want to live in society in which the state watches our every move and individual privacy is well and truly dead. Instead, the government should begin to think about taking some of the cameras down, limiting the amount of data shared between government departments, and curtail some of the more intrusive surveillance powers of the police and security services. Ultimately, this will require the Home Secretary to repeatedly ask what has become a very hard question, namely whether knowing so much about the public really makes us safer or more secure. ■

Dr Benjamin Goold
University of Oxford

Dear Minister,

Yes Minister, you are in 'the thick of it' and thus face many competing, often irreconcilable claims regarding what is to be done about law and order, and crime, disorder, and justice. Academic social scientists like me of course face far less difficult pressures in making our claims to evidential truth, however tentative and fallible. Nevertheless and quite rightly the public wants us criminologists to use what we know to reduce the overall harm caused both by crime, and we should add, by its control. Several themes stand out in no order of necessary priority from my research on community safety and youth justice:

- The prison system is bloated, full, and for the most part does not work in reducing crime and related harms. We need reduced use of imprisonment particularly for relatively minor property offences and the avoidance of imprisonment for children and young people at all costs. Let's not forget the past evidential success of mass diversion of young people from the criminal justice system in the 1980s and early 1990s and lessons this should teach us about the iatrogenic consequences of 'too much, too soon' contact between children and the youth justice and penal system.
- Our country needs to counter the dangerous 'criminalisation of social policy' whereby often chronic and deep-lying social problems (the toxic mix of social adversity associated with long-term deprivation, poor housing, inadequate parenting

and socialisation, and such like) often only become suitable candidates for state intervention if they are linked to crime and disorder issues. We have too many repressive laws and measures which score high on symbolic impact and low on proven effectiveness. In these straightened times, the mandate should be to 'invest to save' in longer-term preventive initiatives.

- In terms of issues of governance, the lack of joined-up thinking at central government level and its departments needs to be addressed. Meanwhile at the level of local multi-agency partnership work, genuinely local priorities need investing in alongside the development of skills and capacities for strategic, long-term problem-solving.

These are challenges as much for the academic criminological community as for policy makers and politicians. It has been widely noted by a growing number of criminologists that 'an honest politician's guide to criminological research and its policy relevance' still awaits publication in the UK. Perhaps those of us in devolved or partially devolved polities in the UK may be in more advantageous places than colleagues in England to develop the broader, deeper and longer-term conversation between the research community, government and the public. That said there's no denying the need to mend the rift between much criminological research and government thinking on crime and justice. ■

Professor Gordon Hughes
Cardiff University

Dear Minister,

Maybe it's not the moment for Presbyterian instincts, but my advice is this: resist temptation. The temptation I have in mind is what the French sociologist Loic Wacquant refers to as 'the penal temptation'. We live in insecure times, and previous governments have fallen into playing upon and thus contributing to public anxieties about crime; the result has been a relentless and futile penal expansion.

No-one doubts that a principal legitimisation of government rests in its obligation to protect us all from serious threats, foreign and domestic. But surely one of the key lessons of the last 13 years has been that when governments manipulate, misrepresent, or (for those who prefer cock-ups to conspiracies) even just misunderstand the *evidence* of such threats, they rapidly lose their credibility and legitimacy. Worse still, democracy itself suffers. You seem to understand the dangers of playing on ill-founded fears when analysing the depressing progress of the BNP, but are you brave enough to see the broader pattern here?

Look at the evidence about crime and punishment honestly and objectively. Better still, set up a genuinely independent Royal Commission to do it for you. You'll discover that it is not crime that is spiralling out of control; it is punishment. You'll find that penal expansion has been a spectacularly bad investment; fiscally, politically and socially. We never could afford it – in any of these three senses – and we certainly can't afford it now. So call a halt to this; help us escape the futility of investing in penalisation, exclusion, and division. Spend the money instead on reducing inequalities and on building justice; ultimately, that's the best and only guarantee of security – at home and abroad – because it's both what helps people resist wrongdoing and what helps them desist from it.

So, resist the penal temptation and think about the kind of moral and intellectual leadership that we really need in tough times. ■

Professor Fergus McNeill
University of Glasgow

Dear Minister,

After the Macpherson Report (1999) which focused attention on systemic institutional practices which led to racialised disadvantage and discrimination, many government departments commissioned 'state of the knowledge' reviews (e.g. examining racial inequalities in housing and employment). This was a vital first step in outlining often long-standing problems and one which could be usefully followed. However, these reviews did not always prompt the commissioning of new research to fill any knowledge gaps, nor were the reviews co-ordinated between government departments. Given the inextricable links within and between victimisation and offending, on the one hand, and inequalities of housing, education, employment, income, and neighbourhood disadvantage, on the other, this was a missed opportunity which could be easily rectified by a new administration.

A new research agenda which engages fully with the problem of racism in our society would be very valuable. Socio-economic disadvantage can take us a long way towards explaining why black people are hugely over-represented at all levels of the criminal justice process as suspects/offenders, and it can help us understand higher rates of homicide and racially motivated victimisation.

However, we cannot shy away from the likelihood that ugly vestiges of racism influence the actions of individual citizens and criminal justice practitioners (police officers, magistrates, judges, probation officers, and prison officers). Nor can we ignore the possibilities that other racialised groups suffer significantly – including those of Irish/Traveller, Gypsy/Roma, Eastern European, and Muslim heritages – although this cannot be currently assessed with existing data.

Finally, a new administration must not overlook opposition to race equality policies which exist in the police and prison services, and undoubtedly elsewhere. Winning the argument on equality is essential and requires actively refuting claims of preferential treatment and 'political correctness'. Future research could contribute much to these objectives through analysing the problems and indicating creative solutions to alleviate racialised disadvantage and discrimination in criminal justice practice. ■

Dr Coretta Phillips

London School of Economics and Political Science

Dear Minister,

'What is to be done?' Lenin once famously asked in his blueprint for a revolution. Some of this radical spirit will be needed by the new government if it is to get to grips with a key challenge for the coming decade: the problem of alcohol and other drugs.

A Saturday night tour of any police station or hospital A&E department teaches us a sharp lesson about the domestic failures of our current approach; whilst the violence and corruption in places like Afghanistan and Colombia remind us that this is a problem with a global span. How have we got things so wrong? And how can we put them right?

There is no easy answer. We know that the old solutions do not work. Any politician who claims that the way forward lies in reviewing drug classifications or tightening supply controls or any of the other stock responses, is either misguided or dishonest. We desperately need fresh thinking.

This will be difficult. It involves removing the comfort blanket of some of our moral, cultural and political certainties. Specifically, three habits of thought need to be overturned before we can make progress:

- (1) We must look *beyond the law*. Regulation scholars have taught us that the law is not the only game in town when it comes to regulating markets and human behaviour. The construction of a new legal framework is not a magic bullet.
- (2) We must look *beyond the state*. State institutions, and supranational bodies like the UN, are only one set of actors in the field, and it is myopic to see them as the sole or even primary agencies involved.
- (3) We must have an *integrated approach*. We should not assume that existing legal categorisations reflect actual differences between substances.

The new government has the opportunity to be in the vanguard of a radical new approach. Will it have the courage and imagination to start a revolution? ■

Dr Toby Seddon

University of Manchester