

Getting away with murder?

Tammy McGloughlin and Rebecca Roberts
introduce this issue of *cjm*.

The themed section, 'Violence of the British state', guest edited by David Whyte, is timely in view of the UK Coalition government's pledge to 'restore the rights of individuals in the face of encroaching state power, in keeping with Britain's tradition of freedom and fairness' (Cabinet Office, 2010). The articles in this issue offer evidence of the enormity of the task at hand. There are past and ongoing injustices at a national and international level that demand wider public scrutiny. The stark accounts of human suffering described are at times harrowing but all illustrate the range of harms permitted under the watch of the British state.

International laws remain in place but their effectiveness is questionable. As Whyte points out, there is a paradox of attempting to deliver 'justice' within a system initially established to replicate the inequalities that existed outside of the courtroom. There is an important role for regulation and international legislation in controlling the worst excesses of state violence – but many of the examples cited here, seem to suggest that they often are very poor at preventing their occurrence. The contributors highlight the need to ask questions about the structures which allow the infliction of violence where huge disparities of power and enduring inequality exist. It could be argued that a level of colonial superiority has led to a measure of immunity for more powerful states over others. However, a challenge for the future is to balance regulatory reform with more wide ranging social change to prevent the ongoing infliction of state sanctioned violence.

When are the controlling heads of states brought to justice for state violence? How often are human rights abuses and illegal decisions made and condoned by government where political expediency and economic interests take precedence? David Cameron has ordered an inquiry, controversially led by Sir Peter Gibson, to investigate allegations about Britain's role in the interrogation and torture of terror suspects. Though not explicit, it seems likely that this will include Guantánamo Bay. What remains in doubt is whether this inquiry will serve to bring transparency or continue to protect the decision makers who knew that kidnapping and torture of detainees was being committed. Indeed, the Saville Inquiry demonstrates the State's reluctance to instigate a speedy investigation. This surely poses the question, 'what exactly are inquiries for?'; a delayed response to an event that has been eclipsed by other subsequent events?, an opportunity to document instances of serious harm or injustice? – or a real opportunity to deliver answers and change?

In the topical section, the subject of rights for incarcerated people is explored by **David Scott**. He questions why prisoners' human rights continue to be marginalised, despite *The Human Rights Act 1998*, which he argues has proved to be 'somewhat of a damp squib' in terms of providing a culture of rights in prison. **Rachel Herzing** and **Isaac Ontiveros** describe events surrounding the death of Oscar Grant in the US – a young man shot dead by a police officer. They highlight the tensions and contradictions in campaigning for 'justice' and describe the need to look beyond one prosecution against one police officer and search for ways to bring an end to more widespread violent policing practices.

In 'Debating.... Bad language in criminal justice', **Rebecca Roberts** challenges others to think carefully about the language they use in writing and debating about criminal justice. A number of contributors outline their views on the use and purpose of words such as 'offender', 'crime', 'harm' and the stereotypes surrounding 'crime' and 'criminality'. Contributors include **Frances Crook**, **Jonathan Simon** and **Mike Nellis** on the word 'offender'; **Lizzie Seal** on representations of women; and **Nils Christie** and **Simon Pemberton** on crime and harm. Follow or take part in this discussion at our new Works for Freedom website: www.worksforfreedom.org

In Policy Update, **Julian Roberts** reports on the new Sentencing Council and how the wider range of duties will promote guidelines to stakeholders as part of its remit in the context of Kenneth Clarke's aim to introduce a review of sentencing.

In 2011 the Centre for Crime and Justice Studies will be celebrating our 80th birthday. As part of this we will be seeking to engage others in ongoing discussion and debate about visions for the future and welcome ideas and proposal for articles in *cjm*. Please join our monthly bulletin to keep up to date with the work of the Centre and upcoming plans for our birthday celebrations. ■

Tammy McGloughlin is Production Manager and **Rebecca Roberts** is Managing Editor of *cjm*.

Reference

Cabinet Office (2010), 'Freedom, Fairness, Responsibility', available at: www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf

**The AGM and Annual Event will be held on
20 January 2011.**