

Annual Event: Utopia or Dystopia? Living in hope not fear

On 20 January this year, the Centre for Crime and Justice Studies held its Annual Event.

Vincenzo Ruggiero, Vivien Stern, Rod Morgan and David Nutt share their thoughts about the future.

Vincenzo Ruggiero

My hopes are

That in the choice of our penal policies we become more consequentialist, namely we think of the consequences of the penal measures we inflict. On the contrary, a retributive philosophy presupposes a perfect society: by breaking the law, offenders are said to gain unfair advantage over law-abiding individuals. Hence the requirement that they pay a debt to society. Considering that the large majority of conventional offenders are economically and politically excluded, the question could be posed what that debt is for.

I hope that we become parsimonious in the use of punishment because we become increasingly aware of its dysfunctional nature. The word 'parsimonious' may bring to mind the financial costs of punishments. However, I do not believe that the 'costs' argument will reduce the use of punishments. We live in a society of waste, a society that squanders, dilapidates wealth. I hope that costs will be measured in terms of social well-being.

I hope that we start thinking about the collective, social, responsibilities for individual criminal conduct. The focus, therefore, will be on dynamics, processes which lead to crime and criminalisation. Here economic reasoning is crucial: I hope that we will stop believing that the economy has its own universal, inbuilt rules that cannot be altered.

I hope that we will start comparing the harm caused by conventional crime with that caused by the crimes of the elite.

Finally, I hope that political protest is no longer seen as a form of collective criminality, but as a crucial component of democracy.

My fears are

That not only crime, but also poverty and exclusion, will be seen as consequences of individual, rational, choice.

I fear that the very concept of the crime of the powerful will be banned from public discourse. In this respect, see how the very expressions 'white collar crime', crimes of the powerful, corporate crime, are slipping away from the media and being replaced with milder terms such as malversation, malpractice, unethical conduct and inappropriate behaviour.

I fear that a new piece of legislation will ban all political protest, therefore revealing that democracy, in reality, consists in 'the right to suspend rights'. I am referring to recent protest in London, where the police used an illegal tactic known as kettling, in blatant negation of the right to express one's political and existential views. ■



Photo courtesy of Melinda Kerrison

Vincenzo Ruggiero is Professor of Sociology, Middlesex University, London.

Vivien Stern

Congratulations to CCJS on 80 years. What a changed world since 1931.

One of the most important changes is the creation after the second world war of the international human rights framework. A framework that means in the end the government of the UK has to agree to let prisoners vote, in spite of the political opposition (including one might be surprised to note, the opposition of the Labour Party that incorporated the European Convention on Human Rights into UK law). The existence of this framework and its acceptance in principle throughout the world (though less in practice) is a reason for some hope and some optimism.

To come closer to narrower domestic concerns there are also some good reasons for feeling a bit cheerful. The ID register and the ID cards are for the dustbin. Apparently Anti-Social Behaviour Orders are to be consigned to the legislative dustbin too and all government departments have to get permission to introduce new criminal laws and a number have already been prevented from so doing.

I am optimistic that we shall no longer be told as yet another draft law appears before us in parliament that we are 'rebalancing the criminal justice system in favour of the victim'.

I am a bit optimistic that the tendency (so well highlighted by CCJS) for government to reshape research evidence to fit decisions it has already made will be muted, if not eliminated and also that respectable researchers will not have to find a way of producing spurious data to prove that convicted people have been convicted less often than they would have been in past years and that there is a connection between such data and government policies.

I hope that we might not have to listen anymore to how well things are being 'joined-up' and we shall not have to have special educational arrangements called 'offender learning.'

All that will be in itself a relief after the last decade.

I also hope a few more prisons will close in addition to the three announced and that we might manage to devise a new sentencing framework where the need to respond harshly to culpability and harm caused is balanced as in our west European neighbours with the need to work for the common good.

Clearly hard times lie ahead for many people. The changes being planned to the social protection framework and the harsh economic climate will hurt us all. But a smaller criminal justice system, less 'governing through crime', fewer fantasies about managing offenders, will be a small but very worthwhile consolation. ■



Photo courtesy of Melinda Kerrison

Vivien Stern is Senior Research Fellow at the International Centre for Prison Studies

Rod Morgan

Current developments represent both a wonderful opportunity and a grave threat.

A wonderful opportunity to stop doing some expensive things that we should never have been doing in the first place. Like criminalising so many children and young people whose uncongenial behaviour is better responded to outside the criminal justice system. Like locking up so many young people and adults. Like adopting centralised, managerial targets and overly bureaucratic, actuarial, decision making frameworks which have perverse, counter-productive consequences and ratchet up levels of intervention in circumstances where they are not warranted.

So I welcome many aspects of the December Green Paper with their leaning towards, devolved budgets and decision making, their resuscitation of professional discretion for the police, for probation and youth justice workers, for sentencers. And I do not regard the

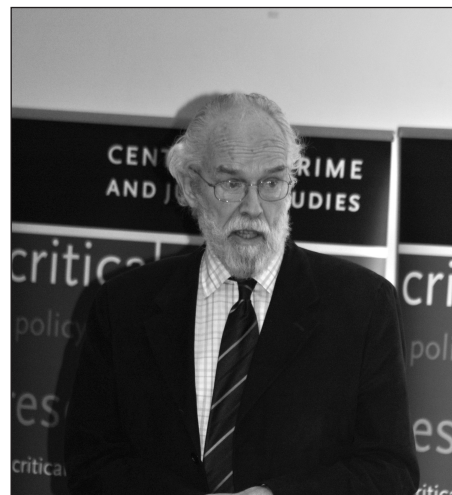


Photo courtesy of Melinda Kerrison

Big Society and 'Co-Production Language' as a silly diversion. It is an approach that deserves to be taken seriously. It represents a traditional British approach to service delivery which over the years we were in danger of abandoning.

But I am conscious of the risks and threats accompanying the Coalition's plans.

They continue to use language redolent of punitiveness that we need to wean ourselves from. Lots of 'tough' talk still. The 'demanding work' schedules in prisons and the 'tough community payback' regimes are capable of being interpreted in different ways. They might mean better education and training programmes. But they also smack of digging ditches in yellow fatigues or sewing mailbags.

And though the youth justice Pathfinders suggest that some of the money saved from decommissioning custodial provision is to go to local authorities investing in community alternatives, one suspects it will be a small proportion. There is a real risk that we will face many more persistent young and adult offenders, a high proportion of them with multiple problems, out in a community 'asset-stripped' of the very services that will support them and safeguard the community. It could be like the closure of closed mental hospital wards in the 60s and 70s – that is, so called 'community care' with a seriously depleted infrastructure of community care.

And all this will be happening within the context of directly elected Police and Crime Commissioners whose election may stimulate sections of the electorate to demand more insistently that criminal justice powers be used more, not less. Who will be blamed when occasionally the shit will inevitably hit the fan? I hope this brave new world will be sustained by real political leadership to see the sea-change through. ■

Rod Morgan is Visiting Professor at the University Police Science Institute, Cardiff and former chair of the Youth Justice Board.

David Nutt

The start of the Coalition government and a new decade also marks the beginning of a crucial period for drug science and drug policy – as well as for the role in general of science in government. It is a time of great opportunity that could also mark a shift towards damaging practices that could endanger the lives of countless people.

My hopes for the coming years are that:

- science and evidence will play a more determining role in government policy especially in relation to health issues such as drugs and drug dependence;
- the Liberal Democrats' voice of reason in the Coalition will prevail on these matters;
- that the Independent Scientific Committee on Drugs will be empowered to lead on the delivery of that advice;
- that the lessons on alternative approaches on drug use from Portugal, the Netherlands and many other countries are heeded;
- that international opinion and policy shifts wholeheartedly towards harm reduction;
- that the drugs trade is taken out of the hands of organised crime and terrorism;
- so that by the end of the decade we will have a completely new drug regulation system fit for the twenty-first century.

My fears for the future are that:

- there will be a lack of political courage to do what works and a regression from effective policies, as we are already seeing in relation to the new attitudes to addiction, where it seems to be seen as a lifestyle choice rather than a serious illness;
- that the malign influence of some elements of the press will continue to negatively influence political and public discourse;
- that the influence of a few countries will continue to influence global policy; and
- that organised lobbying will continue to fuel the trend in self-regulation and in groups with vested interests being left in charge of public health messages. ■

David Nutt is Professor of Neuropsychopharmacology at Imperial College and Chair of the Independent Scientific Committee on Drugs.



Photo courtesy of Melinda Kerrison