

Minority parties and the changing politics of criminal justice

Gavin Dingwall argues that it is important to study the policies of minority parties

Over the past 15 years the political landscape of the United Kingdom has changed beyond recognition. Since the 2010 general election, the United Kingdom has a coalition government which includes Liberal Democrats. Following devolution, Northern Ireland, Scotland and Wales have all experienced coalition government. Currently the Scottish National Party is in government in Edinburgh whilst the Democratic Unionist Party and Sinn Féin form a government in Belfast. On the day of writing (27 November), the Alliance Party, the Democratic Unionist Party, the Green Party, Plaid Cymru, Respect, the Scottish Nationalist Party, Sinn Féin and the Social Democratic and Labour Party hold Westminster seats, along with three independent MPs. The Westminster 'first past the post' voting system means that two parties with considerable popular support in the 2010 general election – the British National Party (with 564,331 votes) and the UK Independence Party (with 919,546 votes) – are excluded. Both are represented in the European Parliament. The Conservatives and Labour no longer command the support they could once rely on. Between 1945 and 1970, the two parties shared an average of 90 per cent of the popular vote at general elections. The combined total in 2010 was 65 per cent.

Why should the increasing influence of minority parties be of any interest to criminologists? There are three reasons. First, current analyses fail to take account of the reality and the complexity of British politics. Second, an inclusive analysis, which would include the perspectives

of minority parties, would help challenge the common view that politicians instinctively favour punitive criminal justice measures. Finally, excluding alternative, marginalised, and sometimes radical policies from consideration hampers the task of progressive reform.

Standard accounts of the politics of post-war criminal justice policy distinguish between two periods. Until the 1970s, neither the Labour party nor the Conservative party regarded criminal justice as a contested policy area. That changed in the 1980s and particularly in the 1990s when the debate became increasingly partisan. Throughout the years of the Conservative (1979-1997) and the Labour (1997-2010) administrations, a series of measures were introduced which, put crudely, sought to make punishment more severe and which were designed to protect the public from supposedly dangerous offenders. Yet, despite the rhetoric, there was a new consensus (Downes and Morgan, 2007). Both parties accepted that there was a need for punitiveness and that the potentially dangerous needed incapacitating. However, one has to be wary of equating a consensus between the Conservatives and Labour with more general political agreement. When the analysis is expanded to include other political parties a considerable diversity of opinion emerges as a brief overview of the views of the UK Independence Party, the Green Party and Plaid Cymru demonstrates.

The UK Independence Party agrees that offenders deserve severe punishment and proposes a range of measures which are more extreme than those implemented by the Conservative and Labour. Central to

these proposals is a belief that justice is being impeded by 'political correctness' and a liberal judiciary. In response, UK Independence Party (2008) suggests that the jury, whose members are 'significantly more in tune with the real world', recommend a non-binding course of action to the judge. A number of other measures are advocated: an opposition to plea bargaining; extending the sentencing powers of magistrates' courts; the abolition of concurrent sentencing and significant restrictions on the use of early release. The policy document is highly critical of the current criminal justice system but the tone is one of frustration. The UK Independence Party may believe that punishment should be increased but the critique relates primarily to the extent to which accepted strategies are being implemented. UKIP's policies in fact demonstrate broad agreement with the majority parties, a position which is far from unique amongst minority parties. Identifying and pursuing a radical alternative to Labour and the Conservatives which would not alienate their core support seems impossible in this policy area. All the UK Independence Party can argue for is even harsher sentencing allied to a criticism of the way in which the major parties manage the criminal justice system.

Radical alternatives can be found. The Green Party (2009), for example, argues that current sentencing policy represents a 'confused amalgam of conflicting principles' which 'undermines the potential for success of the positive aspects of the present system'. Retributive sentencing is seen as ineffective and would be replaced by restorative justice. Reparation to the victim or society would take precedence followed by the rehabilitation of the offender. Decarceration is a stated objective and imprisonment would be reserved for situations where it is necessary to detain the offender in order to protect society. These policies, of course, deserve a hearing but that hearing should also be critical. Merely reporting the views of minority parties would not enrich our understanding of criminal justice greatly, although it would be a start.

Accommodating the views of minority parties does raise practical issues. Any meaningful analysis would have to exclude many very small parties. This would not be difficult. Other than the parties already mentioned, only the English Democrats, Respect-Unity Coalition, Traditional Unionist Voice, the Christian Party, Independent Community and Health Concern and the Trade Unionist and Socialist Coalition polled in excess of 10,000 votes at the last general election. Concentrating on the larger minority parties makes sense. One of the rationales for including minority party perspectives, namely that it better reflects the diversity of political opinion, obviously makes research more difficult as complex terrain is harder to map. Two approaches could be adopted initially. One would be to focus on a particular policy area, such as community policing, and then consider the views of a range of parties to that issue. The other would entail focussing on a particular party and analysing its overall criminal justice strategy. Both would be valuable and realistic enterprises.

Although academic attention may be lacking, research material is readily available. Researchers would be surprised at how much attention many minority parties have devoted to criminal justice and detailed policy documents often exist. Whilst many minority parties have one overriding objective, whether that relates to political independence, protecting the environment or withdrawing from the European Union, they still have to demonstrate competency in order to expand their

constituencies. Progressive minority parties in particular have to develop convincing narratives about how they would respond to crime. The history of the Labour party in the late 1980s demonstrates that criminal justice policy can be an electoral liability to parties on the left.

Plaid Cymru, a nationalist and broadly left-wing party, have attempted this task in a detailed policy document which claims to represent 'an alternative criminal justice strategy' (Wood, 2008). The emphasis is on addressing the underlying causes of crime and reducing the fear of crime (ibid). As with the Green Party, decarceration forms an important part of Plaid Cymru's sentencing strategy. The policy document details the rise in the use of custody since Labour took office despite the fall in recorded crime and maintains that governmental policy was not responsible for this reduction by citing international comparisons. As an alternative to imprisonment, Plaid Cymru favour more extensive use of public sector community rehabilitation. Those serving prison sentences would be entitled to a basic minimum standard of, amongst other matters, 'rehabilitation and resettlement services'. The party's approach is evidence-based, comparative and represents a serious contribution to the debate.

The essential argument presented here is encapsulated by Webb (2005) who comments that 'since 1974 the two-party label has become a simplification which obscures almost as much as it reveals about party politics in the UK'. This fact has been lost to criminologists. There are

historical explanations – traditionally minority parties had little electoral success and minimal policy impact. Neither explanation remains valid (Dunleavy, 2005). Minority parties are attracting far greater popular support and several of them have had responsibility for determining criminal justice policy. In this context, a two-party analysis is no longer sufficient. A brief survey of the views of three minority parties shows that not all politicians are punitive by nature and that progressive alternatives are being advanced by some British political parties. ■

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