

What Criminal Justice Policies Might the Lib Dem-Con Government Pursue?

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Predicting what might happen in politics is no easy task (after all, as Harold Wilson noted, “a week is a long time in politics”); similarly predicting what might happen with regards to crime policies is also no easy task. However, given what we know about recent history and what we can discern about the current Lib Dem-Con government, what might the current government do about crime and criminal justice? In order to provide a sketch of what we might expect, we need, of course, to examine stated policies. However, there are also lessons to be learnt from previous incoming Tory-led governments. Let us start with the stated policies...

The Queen’s Speech

The Queen’s Speech only made reference to criminal justice at one point: that relating to a Bill that will “make the police service more accountable to local people, create a dedicated Border Police Force and set out measures to tackle alcohol-related violence and disorder”. The main things which this Bill (if passed) would do are to produce increased police accountability through directly elected individuals, tighten immigration controls, and provide the police with “stronger powers to tackle alcohol-fuelled crime and disorder”. All of this sounds like fairly standard fare; but might other ‘hidden impacts’ on the CJS and crime in the UK be lurking behind other policies? Let us consider the last time we had a Tory-led administration elected on the basis of an economic crisis.

Past Historical Precedent

Margaret Thatcher’s first government was elected in May 1979. Some of the parallels with the current situation are striking; a weak, Labour-led administration which had been losing popularity in the polls and an election fought over an economic crisis. Other parallels emerge on closer inspection too: Thatcher at the time of her election both as leader of her party (in 1975) and as Prime Minister was not popular amongst her own parliamentary party. Hailsham and Carrington (two Tory Grandees) had both wanted rid of her in 1977, and it was not really until June 1982 (after the Falklands War) that her position as leader became unassailable. Similar problems may of course come to haunt both Cameron and Clegg (respectively Leaders of the Tory and Liberal Democratic Parties); right-wingers in the Tories and left-wingers in the Lib Dems may withdraw support from their party leaders if their performances and policies do not impress.

But of the similarities between 1979 and 2010 it is the construction of their being an economic crisis which is perhaps the most important for the criminal justice system and crime. The construction of the economic basis to the crisis of the Winter of Discontent and the country’s economic decline more generally, coupled with Thatcher’s relatively weak position meant that she needed to share power with the Wets in her government. This meant that, in drawing up her first cabinet, she prioritized the Treasury in terms of getting ‘her’ key personal and had to let the other two ‘big’ offices of State (Home and Foreign) go to Wets (Whitelaw and Carrington respectively).

Does this mean that there was little Thatcherite influence on the criminal justice system? Yes and no. Clearly, focusing on the economy and passing various legislation aimed at consolidating her electoral base (such as the right-to-buy one’s own council house) meant that there was less *policy* focus on

matters of crime in the early administrations (of course, there was plenty of *talk* about crime, especially from Thatcher herself). Following this, after the 1983 general election the focus of activity was social security reform, further discounts on council housing and shifts in economic policy. The Miners' Strike (1984-85) also soaked up a lot of attention, of course. As such, criminal justice policies were: a) not a major part of the policy landscape (despite the Thatcherite instinct to be tough on wrong-doing); and b) any policies which were pursued were often left to the paternalist left-wing of her Party (her Home Secretaries were the rather 'damp' Whitelaw, Brittan and Hurd with only Waddington (Oct 1989-Nov 1990) a 'dry').

But - and it is one of those rather big 'buts' - the social and economic policies which she pursued had huge impacts on crime and hence the criminal justice system. As I and others have argued elsewhere (Farrall and Hay, 2010; Jennings and Farrall, 2010; Farrall and Jennings, 2010) the economic, housing, social security and education policies pursued between 1979 and 1990 had the effect of forcing crime onto the political agenda. This was:

- the result of economic policies which increased inequality and strengthened the relationship between unemployment and crime (Jennings and Farrall, 2010);
- housing policies which had the by-product of creating the spatial concentration of poverty, ethnicity and social deprivation (Farrall, 2006; Farrall and Hay, 2010);
- social security policies which became 'meaner' in an attempt to reduce the expenditure incurred (in part) by high levels of unemployment but which allowed levels of inequality to go unchecked (hence increasing crime, Jennings and Farrall, 2010); and
- education policies which encouraged school heads to exclude unruly pupils, thereby creating a pool of disaffected young children without very many forms of formal or informal social control (Farrall and Hay, 2010).

As such, Thatcherite social and economic policies *did* have big impacts on crime in that: a) acquisitive crime rose dramatically during the 1980s and 1990s; and b) public fear of crime and recognition that crime was an important issue both rose too (Farrall and Jennings, 2010). This 'production' of a social problem ('rising crime') could not be left alone for long, and it was that most Thatcherite of John Major's two Home Secretaries (Michael Howard) who launched his now famous crusade on crime with the mantra "prison works" in 1993. From 1992 and the expulsion of the UK Pound from the Exchange Rate Mechanism, Major was looking around for a way of promoting the rapidly fragmenting Tory Party; crime and law and order was one such target. Crime thus came to the fore as a policy concern for Major's government as a result of earlier social and economic policies, public concern and far wider economic factors relating to the UK Pound.

What can this tell us about what Cameron and Clegg may do? The answers, of course, have to remain sketchy. Partly this reflects the fragility of coalition governments in the UK (since the Second World War, there has only been one similar pact, that between the Labour Party and the Liberal Party in the late-1970s, and this lasted less than 18 months). It remains to be seen if the Lib Dems can carry their grass-roots supporters and Grandees with them, or if Cameron can hold together what looks like a marriage of convenience past a referendum on proportional representation (expected to come to a head around May 2011). With very large cuts to public expenditure expected, it is likely that there will be a rise in unemployment. With few jobs left in the heavy manufacturing sectors, these job cuts are likely to hit middle class families, either directly in terms of the loss of salaries, or indirectly in terms of the loss of opportunities for sons and daughters graduating from university. Despite claims that the cuts of the Thatcher years will be avoided (Clegg, interview with *The Observer*, 6th June 2010), there are still signs that the cuts are going to be very deep. And unlike the mood in 1979 (or even 1945), there is no sense amongst the public that there must be some sort of sharp change in the direction in the way the country is run; in any case there is very little left to de-nationalize.

So where does this leave us? My prediction is that there will be no major policy attention given to criminal justice in the foreseeable future; the economy and cuts to social and health provision will take up too much ministerial attention. So I am not expecting anything like the 1998 Crime and Disorder Act and the activity which that generated. Prison places may fall (it is more expensive than community disposals, after all), so we may see a *very quiet* shift in sentencing patterns (after all, no Tory PM would want to publically announce this) - and if this sounds unlikely, bear in mind that it was the Tories who last presided over a fall in prison numbers in the late-1980s (although this was most likely the result of restrictions placed on the sentencing of young people introduced by the 1982 and 1988 Criminal Justice Acts, itself the result of ideas initiated in the 1970s (Faulkner, 2001: 110)). Increased sentences for those convicted of carrying knives and a pledge to increase prison places may see the number of prisoners increase - but these will have to be paid for and justified financially. It is also likely that there will be cuts to police paperwork, but probably at the expense of the police accepting greater involvement of the public at setting policies (via elected police chiefs) and an increase in private sector involvement in the CJS. If the coalition lasts long enough for the public to grow comfortable with Cameron, then the Lib Dems will be ditched at the earliest possible publically-acceptable point (after the next general election around 2014-15 - if they get that far). At this point one might see more subtle shifts in thinking in terms of criminal justice, but these will probably not go far beyond what the Labour Party had initiated ('community payback').

This leaves us with a government which will focus on the economy, and, as such, if there *is* any major activity on crime and criminal justice it is likely to be reactive rather than proactive. These reactions may either be to sudden events on a par with the murder of James Bulger (although the response to the Cumbria murders suggest that it would take a lot to produce a reaction on crime-related issues) or the consequences of their economic and social policies downstream (Farrall and Jennings, 2010), assuming that their coalition stands the tests of time.

If this all sounds rather like 'much of the same', I suspect that is because we will get much of the same. The economy is going to be the focus, not crime, and until the economy is 'fixed' crime will find it hard to push itself onto the policy agenda (Farrall and Jennings, 2010). In any case, as Tim Newburn reminds us: "It is clearly the case that political positioning by the main parties has narrowed the range of opinions expressed on issues of penal policy and has privileged punitive discourses" (2007:458). Newburn's is probably as close to a decent prediction as we will get, for a while at least; the tenor for debate and policy has already been set. However, as I wrote at the start, a week is a long time in politics...

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