

The Decline of Penal Populism in the UK?

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In the past 25 years or so, penal policy in the UK has been marked by what Stuart Hall once described as ‘authoritarian populism’, characterised by attempts to exploit popular fears and anxieties about crime and insecurity for political ends (Hall, 1988). In 1995, Anthony Bottoms wrote of the existence of ‘populist punitiveness’ in Britain, whereby ‘politicians tap into, and use for their own purposes, what they believe to be the public’s generally punitive stance’, especially with regard to violent and sexual offences (Bottoms, 1995: 40). Many of New Labour’s crime policies could be regarded as distinctly populist in nature, responding as they did to the clamour of public pressure rather than to expert advice (Bell, 2011). Yet, in recent years, there are some signs that penal populism may be in abeyance.

Opinion polls show a decline in the number of people considering crime to be one of the most significant problems facing Britain. Following a peak in public concern about crime in 2007, in 2017 it dropped to its lowest level since 1991; from being considered as THE most important issue facing Britain in 2007, crime has fallen to tenth place, cited as the most important issue by just 12% of the population (Ipsos MORI, 2017). Furthermore, it seems that crime has somewhat less salience in mainstream political debate than it did a decade ago. Whilst crime continues to be a key issue in election manifestoes and in speeches from party leaders, there have been considerably fewer speeches on the issue in the past 8 years than during the previous 8-year period (British Political Speech Archive, 2018). In the most recent televised leaders’ debates prior to the 2017 general election, crime featured significantly less than in the first televised debates held in 2010.

Nonetheless, there is evidence that political parties and politicians continue to use crime as a populist issue, postulating simplistic links between penal policy and crime rates, in order to boost political credibility. At the most recent party conferences, both Sajid Javid, the current Home Secretary, and Diane Abbott, the shadow Home Secretary, vied to represent their respective parties as the real parties of ‘law and order’ (Javid, 2018; Abbott, 2018). A comparison of Labour and Conservative election manifestoes over the past four general elections (2005, 2010, 2015 and

2017) reveals the continued salience of crime as an electoral issue and a certain political consensus concerning: the need to highlight apparent rising crime rates when in opposition; the role of individual pathologies such as drug and alcohol abuse in driving crime rates; the need to combine punishment and rehabilitation in prison; the importance of protecting victims and giving them more rights. Although there are differences in emphasis, all manifestoes over the period dedicate at least one section to the issue, even if it is often combined with issues of security more generally - concerning border control, for example. In general, the manifestoes fail to challenge popular public perceptions about crime. Most recently, the Labour Party asserted that there is a direct link between police numbers and crime (2017: 76), blaming conservative cuts of over 20,000 officers since 2010 for increases in violent crime in particular (Abbott, 2018), despite there being much disagreement over the existence of such a direct link.¹ Furthermore, the Labour Party's focus on increased violent crime tends to pander to public fears for political gain, obscuring the fact that crime trends as a whole have been declining. It may also exaggerate the extent of the problem regarding knife crime, echoing tabloid fears that London is currently experiencing a 'knife crime crisis'. According to police recorded crime data, violent crime, particularly entailing use of a knife or a sharp instrument, has significantly increased – by 16 % between 2016/17 (Allen and Audickas, 2018: 6) – yet this increase needs to be set against longer-term trends in incidences of violent crime which have decreased by 68% between 1995 and 2017 (ONS, 2018).

The Conservative Party has for its part adopted a somewhat populist policy in response to the knife crime problem, with Home Secretary Sajid Javid recently encouraging the Metropolitan Police to make full use of their powers of stop and search to address the problem. This is despite the fact that the government's own serious violent crime strategy stated no later than last April that the data do not support the assertion that the reduction in the use of stop and search, encouraged by the Prime Minister herself, has driven the rise in knife crime. It cited research demonstrating that 'changes in the level of stop and search have only minimal

¹ A 2011 review of the evidence concerning the link between police numbers and crime rates concluded that while increased police numbers may help reduce rates of property crime, they have little impact on violent crime rates. See Bradford, 2011. In April 2018, there was much controversy over the purported link between police numbers and violent crime rates when *The Guardian* revealed that a Home Office memorandum which was not made public suggested that falling police numbers was 'not the main driver' of rising violent crime 'but has likely contributed' (see Dodd, 2018). This is not the same as affirming a direct causal link, as the Labour Party suggested.

effects – at best – on trends in violent crime, even when measured at the local level’ (HM Government, 2018: 24).

Such knee-jerk policy responses to crime problems suggest that penal populism is alive and well. Yet, it may be asked whether a change of government, driven by the so-called ‘new politics’ of Jeremy Corbyn, could represent a challenge to populism. The ‘new politics’ are meant to be about genuine democratic empowerment whereby ordinary people play a role in horizontal processes of decision-making characterised by dialogue and debate, markedly different from a politics of authoritarian populism whereby popular fears are exploited from above (Bell, 2018). In the past twenty years or so, parties of all political stripes have highlighted the need to give a voice to victims of crime, providing them with more financial, legal and personal support and allowing them to recount their experiences before the courts. Yet, the focus on the victim has often been a mark of penal populism, whereby victims’ rights have invariably been pitted against those of offenders, the rights of the latter thought to be justly diminished when those of the former are increased. Whilst the Labour Party has so far given no clear indication that it seeks to move beyond such a narrow conception of the role of the victim in penal politics, its wider desire to foster genuine dialogue and debate between citizens and their representatives could be an opportunity to engage victims and offenders in an open dialogue about criminal justice policies, thus engaging them in a genuinely new form of participatory penal politics.

In addition, despite its rather populist focus on police numbers, the Labour Party at present does show some signs of departure from the populist penal politics of the past, directing its attention to questions of access to justice for the most disadvantaged members of society and promising to tackle discrimination in the justice system against BAME communities (Labour Party, 2017). The focus seems to have moved away from demonising the poorest communities and ‘dysfunctional families’ as the source of the crime problem, instead focussing on how they can be best protected from crime. Of course, New Labour also focussed on the crime that blights the poorest communities, apparently adopting a left realist approach to the problem, yet it failed to address the material inequalities that the left realists saw as being essential to any strategy to tackle crime (Lea and Young, 1993). Corbyn, on the contrary, has promised to ‘invest in young people and communities’ to ensure that there are ‘no more left-behind areas and no more forgotten communities’

(Corbyn, 2018). Rather than highlighting the 'antisocial behaviour' that affects poor communities, as per its New Labour predecessors, the current Labour Party has concentrated on the negative social impact of austerity policies, thus widening the crime debate beyond the individual. In its most recent manifesto, the Party also adopted a much broader notion of 'security' than its predecessors did when it comes to ensuring community safety, promising to invest adequately not just in police services but also in fire and rescue services. Furthermore, in a point of departure from the populist policies of the past, incarceration is no longer seen as an adequate response to crime, with the most recent manifesto affirming that 'prisons are too often dumping grounds for people who need treatment more than they need punishment' (Labour Party, 2017: 82).

Finally, the Labour Party's current reluctance to engage in scapegoating more generally, notably by challenging the populist discourse about the negative impact of immigration on public services, may help to create an environment in which it becomes more difficult to scapegoat the poor and the vulnerable for social and crime problems, instead involving them in democratic dialogue about the problems which affect them most. This could foster the development of genuinely popular policies from below.

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