

THE LEFT AND CRIME CONTROL

"THE TERM 'SOCIAL CONTROL' HAS LATELY BECOME A MICKEY MOUSE CONCEPT, USED TO INCLUDE ALL SOCIAL PROCESSES RANGING FROM INFANT SOCIALISATION TO PUBLIC EXECUTION; ALL SOCIAL POLICIES WHETHER CALLED HEALTH, EDUCATION OR WELFARE." (S COHEN, PP.101-102).

LEFT REALISM IS IN FUNDAMENTAL DISAGREEMENT WITH CONVENTIONAL AND LEFT IDEALIST APPROACHES TO CRIME CONTROL. THE DRACONIAN PENALTIES ADVOCATED BY THE LAW AND ORDER LOBBY, BY AMPLIFYING AND HARDENING CRIMINALS, SIMPLY SERVE TO MAKE MATTERS WORSE. A FUNDAMENTAL IRONY IS THE POLICIES OF THE 'HARD ON CRIME ADVOCATES' IN FACT ONLY SERVE TO INCREASE CRIME. THEY DO NOT TAKE CRIME SERIOUSLY. ON THE OTHER HAND, THE IDEALISTS, WITH THEIR MYOPIA ABOUT CRIME, SIMPLY TURN THEIR BACK ON THE PROBLEM. THEY LEAVE CRIME TO PROCEED UNHEEDED - THEY HELP CREATE SOCIAL MORES WHICH ENCOURAGE DIVISIVENESS.

FOR THE LEFT IDEALIST SOCIAL CONTROL IS A BUZZ WORD; FOR AS ALL THE MAJOR INSTITUTIONS OF SOCIETY COHERE TO MAINTAIN THE PRESENT CAPITALIST SOCIETY, *CONTROL*, WHETHER IN EDUCATION OR BY THE POLICE, IS AN UNAMBIGUOUS ANATHEMA. NOT ONLY, THEN, IS NO DIFFERENTIATION MADE BETWEEN INSTITUTIONS BUT CONTRADICTIONS WITHIN INSTITUTIONS AND THE POSSIBILITY OF LASTING REFORMS WHICH WILL MITIGATE REPRESSION AND OPEN UP POTENTIALITIES FOR CHANGE ARE RULED OUT OF COURT. CONVERSELY, ALL REBELLION OR DEVIANCE IS INTERPRETED AS THE BLOSSOMING OF

CONSCIOUSNESS, A HIT BACK AT THE SYSTEM. EVERYTHING, FROM TRUANCY, THROUGH FOOTBALL HOOLIGANISM, TO HUSTLING, HAS BEEN SEEN IN THIS LIGHT.

REALISM DISCARDS SUCH A ROUSSEAUESQUE CONCEPTION OF HUMAN NATURE; IT STRESSES THE NECESSITY OF DISCIPLINE; IT DOES NOT QUESTION THE NEED FOR ORDER; RATHER IT ASKS WHOSE ORDER, WHOSE DISCIPLINE AND FOR WHAT PURPOSE? REALISM INSTRUCTS US THAT TO CONTROL CRIME ONE MUST BE FAITHFUL TO THE NATURE OF CRIME, THAT IS UNDERSTAND WHERE THE PHENOMENON HAS COME FROM, WHAT IS ITS NATURE AND WHAT IS ITS IMPACT. TO ATTEMPT THE CONTROL OF CRIME WITHOUT UNDERSTANDING ITS AETIOLOGY AS THE ADMINISTRATIVE CRIMINOLOGY DOES IS AN IMPOSSIBILITY. FOR NEO-CLASSICISM, LIKE 19TH CENTURY CLASSICISM BEFORE IT, MAKES THE FUNDAMENTAL MISTAKE OF ASSUMING THAT CONTROL OF AN ACT CAN BE BASED ON ABSTRACT PRINCIPLES WHICH DISREGARD THE INEQUALITY OF THE ACTORS AND THE DEGREE OF DETERMINATION IMPOSED ON THEM BY THEIR PAST CIRCUMSTANCES. FOR THE SAME SANCTION CAN HAVE THE EFFECT OF STOPPING A CRIME, OR OF MAINTAINING IT, OR EVEN EXACERBATING IT, DEPENDING UPON THE REASONS FOR THE OFFENCE. THEORIES OF HEROIN CONTROL, FOR EXAMPLE, WHICH BELIEVE THAT ALL HEROIN USE IS THE SAME PROBLEM GIVEN THAT AN IDENTICAL DIACETYLMORPHINE MOLECULE IS INVOLVED AND THAT THEREFORE GENERAL RULES CAN BE EVOLVED ARE MISTAKEN (EG J Q WILSON, 1975).

FOR IT MAKES ALL THE DIFFERENCE IN THE WORLD WHAT STRUCTURAL DETERMINANTS PROPEL THE ACTOR, WHETHER HE/SHE IS A STREET-JUNKIE, A THERAPEUTIC ADDICT OR A PHYSICIAN USER. GENERALISATIONS ABOUT SOCIAL CONTROL CANNOT BE MADE INDEPENDENTLY OF THE AETIOLOGY OF DEVIANCE AND, FURTHERMORE, CAN ONLY

OPERATE WITHIN DELINEATED POLITICAL AND SOCIAL SITUATIONS. THE NEW ADMINISTRATIVE CRIMINOLOGY, FOR EXAMPLE, MAY SEARCH THE GLOBE FOR EMPIRICAL INSTANCES OF THE EFFICACY OF BEAT POLICING AND WILL PRESENT ITS RESULTS AS A SORT OF ARITHMETIC SUMMATION. BUT SUCH A CONFLATION OF SITUATION IS ABSURD. BEAT POLICING WILL BE EFFECTIVE AND PROGRESSIVE IN ONE POLITICAL SITUATION; IT WILL BE COUNTER-PRODUCTIVE AND REPRESSIVE IN ANOTHER. AFTER ALL, THEY HAVE BEAT POLICING IN SOWETO.

THE SOLUTION TO THE PROBLEM OF CRIME LIES FOR THE REALIST, IN AETIOLOGY. IF ITS CAUSE IS INJUSTICE, THEN ITS SOLUTION MUST LIE IN THIS DIRECTION. THE SOCIAL DEMOCRATIC BRAND OF POSITIVISM, ALTHOUGH SENSING THAT INJUSTICE WAS THE ROOT CAUSE OF CRIME, EITHER DEFLECTED ITS ATTENTIONS TO PURELY INDIVIDUAL DEPRIVATION (EG MATERNAL DEPRIVATION, BROKEN HOMES, ETC.) OR MADE THE FUNDAMENTAL MISTAKE OF BELIEVING THAT AMELIORATING DEPRIVATION QUANTITATIVELY IN AN *ABSOLUTE* SENSE (EG RAISING STANDARDS OF EDUCATION, HOUSING, ETC.) WOULD SOLVE THE PROBLEM OF *RELATIVE* DEPRIVATION. BUT IT IS NOT ABSOLUTE POVERTY WHICH CAUSES CRIME, OR POOR HOUSING, OR UNEMPLOYMENT *PER SE* - IT IS WEALTH UNFAIRLY DISTRIBUTED, IT IS THE HOUSES OF THE RICH CONTRASTING WITH THE HOVELS OF THE POOR, IT IS THE WAY IN WHICH UNEMPLOYMENT CUTS THE CITIZEN OFF WITH BLATANT UNFAIRNESS FROM THE DESIDERATA OF OUR SOCIETY. BUT AT LEAST POSITIVISM SENSED THAT THERE WAS SOMETHING WRONG. THE NEW ADMINISTRATIVE CRIMINOLOGISTS, HAVING NOTED THAT REFORM HAS NOT WORKED, MERELY OFFER THE CERTAINTY OF PUNISHMENT AS A DETERRENT OR REMOVING TEMPTATION OUT OF REACH OR EVEN GREATER SURVEILLANCE. THEY BELIEVE SUCH CONTROL MEASURES WILL SOLVE THE PROBLEM OF

RELATIVE DEPRIVATION. WHY, *ALL* OF THESE CONDITIONS EXIST IN OUR MODERN PRISONS, BUT NOWHERE IS RULE BREAKING GREATER? THEY FAIL TO REALISE THAT SUCH MEASURES ARE AN INSTRUCTION IN UNFAIRNESS, BUT HAVING GIVEN UP THE JOB OF CREATING A RATIONAL WORLD BASED ON JUSTICE, THEY HAVE NO COURSE BUT TO INSTEAD CREATE A SYSTEM OF CONTROL IN WHICH THEIR 'RATIONAL' MAN WOULD OBEY THE DICTATES OF COERCION. BUT, IN REALITY, SUCH A REASONABLE MAN DOES NOT MERELY WEIGH UP THE SANCTIONS POSITIVE AND NEGATIVE BEFORE HIM LIKE THE PUPPETS BELIEVED BY CLASSICAL ECONOMISTS, HE ASSESSES THESE IN TERMS OF DEPRIVATION EXPERIENCED IN THE PAST. AS IT IS THE INEQUALITIES IN THE ECONOMIC SPHERE ARE REINFORCED AND CONFIRMED FOR A LARGE NUMBER OF THE WORKING CLASS BY THE INEQUALITIES OF JUSTICE IN THE STREETS AND COURTS.

THE CENTRAL TENET OF REALISM IS THAT SOCIAL CONTROL MUST BE TAILORED TO THE NATURE OF CRIME. CLASSICISM IN ALL ITS VARIETIES (FROM BECCARIA TO THE NEW ADMINISTRATIVE CRIMINOLOGY) ATTEMPTS TO FOIST ON THE OFFENDER THE NOTION OF AN ABSTRACT ECONOMIC MAN MAXIMISING CHOICES OUTSIDE OF HIS OR HER NOTION OF JUSTICE. THE PROBLEM, THEN, IS HOW TO CREATE A MARKETPLACE OF PUNISHMENT AND REWARD IN WHICH THIS ABSTRACTION CAN LEARN TO "BE RATIONAL." IN CONTRAST POSITIVISM LOOKS FOR THE ESSENCE OF THE OFFENDER - A PRODUCT OF PAST BACKGROUND AND PATHOLOGY - WHILST THE CONSERVATIVE SEES AN EQUALLY ESSENTIAL NATURAL PROPENSITY TO EVIL. ALL OF THESE CONCEPTIONS ARE REMOTE FROM ACTUALITY OF REAL HUMAN ACTORS. THE CLASSICIST ABSTRACTION DOES NOT EXIST: A PERSON MAKES CHOICES BASED ON EXPERIENCES OF SOCIAL JUSTICE WHICH HAVE BEEN CREATED RATHER THAN

ALLAYED BY LIMITATION IN CHOICE. THE POSITIVIST AND CONSERVATIVE 'ESSENCE OF CRIMINALITY' IS AN ABSURDITY - IT OCCURS ON THE LEVEL OF APPEARANCES ONLY AFTER THE OFFENDER HAS BEEN "PROCESSED" BY THE CRIMINAL JUSTICE SYSTEM. IT IS THE SELF-FULFILLING PROPHECY RATHER THAN THE CORRECTNESS OF THEORY WHICH SUBSTANTIATES THE NOTION OF 'THE CRIMINAL MAN' IN REALITY. AT ITS INCEPTION, THE VAST MAJORITY OF OFFENCES ARE MINOR, AMATEURISH AND SPORADIC. THEY ARE COMMITTED OUT OF CHOICE BUT ARE CHOSEN WITHIN A SYSTEM OF DETERMINATION. WHEREAS NEO-CLASSICIST THEORY PRESENTS US WITH A SIMPLISTIC VOLUNTARISM AND A CORRESPONDINGLY NAIVE NOTION OF DETERRENCE, A WHOLE RANGE OF THEORY, FROM SOCIAL DEMOCRATIC TYPES OF POSITIVISM TO IDEALISM, PRESENTS US WITH THE REVERSE. THAT IS A BELIEF THAT THERE IS A SIMPLE DETERMINED LINE OF CAUSALITY BETWEEN CIRCUMSTANCES AND CRIME. POOR CONDITIONS CAUSE CRIME. THEREFORE, IT IS ARGUED THAT IT IS IMPOSSIBLE TO PREVENT CRIME WITHOUT CHANGING THESE CIRCUMSTANCES. FURTHERMORE, IT FOLLOWS THAT IT IS WRONG TO PUNISH THE OFFENDER FOR CONDITIONS BEYOND HIS/HER CONTROL. THUS TO PUNISH THE CRIMINAL IS TO BLAME THE VICTIM. THE OFFENDER THUS NEATLY BECOMES THE VICTIM AND THE VICTIM IS LARGELY IGNORED. AND, OF COURSE, ANY NOTION OF DETERRENCE IS COMMITTED FORTHWITH TO THE DUSTBIN OF CONCEPTUAL IMPOSSIBILITY. THIS, AS COUNTLESS CONSERVATIVE AND NEO-CLASSICIST THEORIES HAVE QUITE CORRECTLY POINTED OUT, IGNORES MORAL CHOICE. IT DOES NOT SQUARE AT ALL WITH THE FUNDAMENTAL HONESTY OF THE MASS OF THE POOR. OF COURSE, BY SUBSTITUTING FOR THE DETERMINED OFFENDER A NOTION OF THE HUMAN ACTOR, WITH A SEEMINGLY UNLIMITED CAPACITY FOR CHOICE, CONSERVATIVES COMMIT A MIRROR IMAGE ERROR. THE OBVIOUS MUST BE STATED: HUMAN BEINGS MAKE CHOICES

BUT THEY DO SO IN A VARYING ARRAY OF CIRCUMSTANCES BEYOND THEIR CHOOSING. THEY ARE BOTH DETERMINED AND DETERMINING, AND ANY SYSTEM OF JUSTICE, PUNISHMENT AND DETERRENCE WHICH DOES NOT TAKE THIS TO BE ITS CORE, IS PROFOUNDLY UNREALISTIC. WITH THIS IN MIND THE NOTION OF MORAL RESPONSIBILITY IS VITAL. WE MUST RESIST, AS COHEN PUTS IT IN AN ESSAY AIMED AGAINST THE WIDESPREAD REJECTION OF GUILT AND RESPONSIBILITY IN RADICAL CRIMINOLOGY, THE "CONSTANT SOCIOLOGICAL IMPULSE TO SHIFT ACCOUNTABILITY FOR CRIME ONTO HIGHER AND HIGHER LEVELS OF SOCIAL STRUCTURE. NOT JUST FAMILY, NEIGHBOURHOOD, SOCIAL CLASS POSITION, BUT THE WHOLE SYSTEM - CAPITALISM IN ALL ITS WAYS - IS TO BLAME". (1979, P.30). FOR TO EXPLAIN IT AT A STRUCTURAL LEVEL IS NOT TO TAKE BLAME AWAY. IT IS TO PUT BLAME IN CONTEXT, IT IS TO PROVIDE THE DETERMINING CIRCUMSTANCES, NOT IN THE RANDOM AND INDIVIDUALISTIC WAY OF THE MITIGATING CIRCUMSTANCES OF THE LAW COURTS, BUT IN A SUBSTANTIVE FUNCTION. IT IS TO PUT CHOICE WITHIN THE RUBRIC OF CIRCUMSTANCES WHICH SURROUND IT. IT IS NOT TO EXCUSE BUT TO SITUATE.

THE BLANKET DENIAL OF RESPONSIBILITY WHETHER ONE IS TALKING OF THE JUVENILE VANDAL, THE HEROIN ADDICT OR THE WIFE BATTERER IS AN ANATHEMA. THEY DO NOT HAVE TO ACT IN THIS WAY. SUCH THEORIES ARE NOT MERELY INCORRECT, THEY ACTUALLY ENCOURAGE CRIME BY ALLOWING PEOPLE THE DISPENSATION OF LOSS OF RESPONSIBILITY. AND, GIVEN SUCH A CHOICE, DETERRENCE IS FAR FROM BEING EITHER IMPRACTICAL, COUNTER-PRODUCTIVE OF CONCEPTUALLY ILLOGICAL. WHAT NEEDS TO BE UNDERLINED IS THAT IT IS DETERRENCE WITH A JUSTICE THAT IS EFFECTIVE. FOR EXAMPLE, RADICAL CRIMINOLOGY NEEDS TO MOVE FROM A POSITION

WHICH INSISTS ON SOLELY POINTING OUT HOW EXISTING SYSTEMS OF POLICING RESULT IN THE ALIENATION OF YOUTH; HARASSMENT; DEVIANCY AMPLIFICATION; ETC. IT MUST SAY ALL OF THESE THINGS AND THEN PROCEED TO DEMONSTRATE HOW POLICING WITHIN A SYSTEM OF DEMOCRATIC CONTROL INVOLVING THE MINIMUM COERCION NECESSARY CAN HELP CONTROL WITH JUSTICE THE OFFENDER AND ASSUAGE THE SENSE OF INJUSTICE OF THE VICTIM. THE MIRROR IMAGE NATURE OF CURRENT IDEAS ON CRIME AND PUNISHMENT CAN BE SEEN IN THE TWO ABSTRACT SYSTEMS OF JUSTICE WHICH DOMINATE OUR PENAL AND SENTENCING SYSTEM. ONE, EPITOMISED BY THE ADULT TRIAL (FOR EXAMPLE IN THE CROWN COURT IN BRITAIN) HAS THE NOTION OF THE FREE-WILLED, RESPONSIBLE ACTOR. MITIGATING CIRCUMSTANCES ARE ALLOWED AS RANDOM, UNSYSTEMATISED, MARGINAL EXCUSES. THEY ENTER ONLY PERIPHERALLY THE REALM OF FREEDOM WHICH CITIZENS AS OFFENDERS ARE PRESENTED AS INHABITING. ALL PEOPLE IN THIS SCHEME ARE HELD AS EQUALLY RESPONSIBLE FOR THEIR DEEDS, AND THE SERIOUSNESS OF THE OFFENCE IS JUDGED AGAINST A SCALE OF WELL-INTENTIONED BUT RATHER ILL-DEFINED NOTIONS OF SOCIAL HARM.

THE OTHER SYSTEM IS ITS UTTER OPPOSITE: HERE, THE INDIVIDUAL IS VIEWED AS A DETERMINED CREATURE WHO IS A PRODUCT OF CIRCUMSTANCES. THIS MODE OF JUSTICE IS SEEN IN THE JUVENILE COURT.

ADVOCATES FROM BOTH CAMPS ATTEMPT TO COLLAPSE ONE SYSTEM INTO THE OTHER. POSITIVISTS, SUCH AS BARBARA WOOTTON OR HANS EYSENCK VIEW THE ADULT COURTS AS PRE-SCIENTIFIC INCORPORATING AS THEY DO THE METAPHYSICS OF FREEWILL, WHEREAS NEO-CLASSICISTS OF THE 'JUSTICE FOR CHILDREN' AND 'BACK TO JUSTICE' MOVEMENTS SEEK TO TRANSFORM THE JUVENILE COURTS

AND TO RID THE ADULT COURTS OF POSITIVIST ELEMENTS SUCH AS THE NOTION OF REHABILITATION AND INDETERMINATE SENTENCE.

BOTH SYSTEMS OF JUSTICE HAVE OPPOSITE YET EQUALLY ABSTRACT NOTIONS OF EVALUATION SOCIAL HARM. IN THE FIRST CASE HARM IS JUDGED, IF IT PROPERTY, BY COST. £500 WORTH OF THEFT IS CONSIDERABLY MORE IMPORTANT THAN £5 WORTH. WHO WAS THE VICTIM OF THE THEFT IS OF LITTLE IMPORTANCE. IN THE OTHER, THE DEGREE OF SOCIAL HARM IS DEEMED INCONSEQUENTIAL. AFTER ALL, DOES IT REALLY MATTER WHETHER A DELINQUENT STOLE £5 OR £500; ISN'T IT THE BASIC PROBLEMS WHICH HE SUFFERS IN TERMS OF HIS PERSONALITY AND SOCIAL SKILLS OF WHICH THE THEFT IS A MERE SYMPTOM?

A SOCIALIST SYSTEM OF JUSTICE WOULD SEEK TO PUT BOTH OFFENDER AND VICTIM INTO CONTEXT. WE MUST EMPHASISE THAT PEOPLE REALLY DO HAVE CHOICES AND THUS ARE RESPONSIBLE FOR THEIR ACTIONS. BUT WE MUST REALISTICALLY APPRAISE THAT SUCH FREEDOM EXISTS IN VERY DETERMINATE YET VARIABLE CIRCUMSTANCES. TO JUDGE AN UNEMPLOYED YOUTH STEALING £50 AS EQUAL TO AN ACCOUNTANT FIDDLING £50 ON INCOME TAX IS INVIDIOUS.

SECONDLY, THAT THE IMPACT OF THE SAME CRIME IS VERY DIFFERENT ON DIFFERENT VICTIMS: £50 STOLEN FROM AN OLD AGE PENSIONER IS VERY DIFFERENT FROM £50 STOLEN FROM WOOLWORTH'S. BOTH THE CHOICES ARE AVAILABLE TO THE OFFENDER AND THE FREEDOM OF THE VICTIM ARE ARTICULATED BY THE OFFENCE AND ARE VITAL VARIABLES IN TERMS OF JUSTICE.

WE HAVE SEEN HOW, IN THE DISCUSSION OF AETIOLOGY, THE DIFFERENT THEORIES ANSWERED DIFFERENT QUESTIONS

ABOUT THE TRIANGLE OF OFFENDER, SOCIAL REACTION AND THE VICTIM. POSITIVISM ASKED, WHY THE OFFENDER? NEO-CLASSICISM AND LEFT IDEALISM - FROM OPPOSITE POLITICAL PERSPECTIVES - ASKED WHY SOCIAL REACTION? AND CONVENTIONAL VICTIMOLOGY ASKED, WHY IS SUCH AND SUCH A PERSON VICTIMISED? THE JOB OF REALISM IS TO TACKLE ALL THREE SIDES OF THE DEVIANCY PROCESS. A SIMILAR, UNREALISTIC DIVISION OF LABOUR OCCURS IN THE FIELD OF SOCIAL CONTROL, IN ANSWER TO THE QUESTION, WHAT IS TO BE DONE ABOUT CRIME? EACH THEORY FOCUSES LARGELY ON JUST ONE SIDE OF THE TRIANGLE. THE NEW ADMINISTRATIVE CRIMINOLOGY IS INTERESTED IN WHAT IS THE APPROPRIATE SENTENCE, POLICE METHOD OR PRECAUTION AGAINST CRIME (IE SOCIAL REACTION) SEEMINGLY INDEPENDENT OF THE BACKGROUND OF THE OFFENDER AND WITH THE VICTIM MERELY A RISK STATISTIC IN THE BACKGROUND. LEFT IDEALISM, PARTICULARLY IN ITS SOCIAL CONTROL MODE, *ABSOLUTIONISM*, IS ONCE MORE A MIRROR IMAGE OF ADMINISTRATIVE CRIMINOLOGY. IT SEEKS TO RESTRICT PENALTY, OFTEN QUITE WITHOUT REGARD TO THE NATURE OF THE OFFENDER - WHO BECOMES THE 'SECOND' AND MAIN VICTIM, WHILST THE 'FIRST' VICTIM IS RELEGATED TO THE BACKGROUND. POSITIVISM, OF COURSE, TRADITIONALLY FOCUSES ON THE OFFENDER (WHAT CAN BE DONE WITH HIM OR HER?), IGNORING THE STATE AND WITH LITTLE INTEREST IN THE VICTIM. LASTLY, CONVENTIONAL VICTIMOLOGY SPENDS CONSIDERABLE TIME DISCUSSING WHAT CAN BE DONE ABOUT VICTIMISATION, HOW IT CAN BE AVOIDED, WHAT COMPENSATION AND COUNSELLING CAN BE GIVEN FOR THE VICTIM, WITHOUT MUCH AWARENESS OF THE RELATIONSHIP OF OFFENDER TO VICTIM OR WHETHER THE STATE'S REACTION TO THE OFFENDER IS IN THE VICTIM'S BEST INTEREST.

REALISM WOULD SEEK TO BRING TOGETHER THE TRIANGLE.

AS WE HAVE SEEN, IT IS INTERESTED NOT ONLY IN THE SOCIAL SITUATION OF THE OFFENDER, BUT THE VICTIM ALSO; THE WAY IN WHICH THE INJUSTICES WHICH LED TO THE OFFENCE COMPOUND THE INJUSTICES WHICH HAVE OCCURRED TO THE VICTIM. HOW, FOR EXAMPLE, AS ALAN PHIPPS HAS POINTED OUT IN THIS VOLUME, THE WORKING-CLASS OFFENDER VICTIMISES THE WORKING-CLASS VICTIM AND ONE LOCUS OF INEQUALITY IMPACTS AND INCREASES ANOTHER. AND, OF COURSE, IN ORDER TO JUDGE WHAT IS AN APPROPRIATE SOCIAL REACTION WE MUST WEIGH THESE SUBSTANTIVE MATTERS, BOTH IN TERMS OF GUILT AND LIKELY IMPACT.

Realism and Reform:

If Functionalism is the Theory, Impossibilism is the Practice

REALISM SETS ITS FACE AGAINST IMPOSSIBILISM. THAT IS THE TENDENCY BOTH IN LEFT AND LIBERAL CIRCLES TO SUGGEST THAT ANY PROGRAMME OF REFORM IS MERELY AN EXTENSION OF THE SOCIAL CONTROL 'NET'. INDEED, THE CENTRAL PROBLEMATIC OF THEIR PARADIGM IS TO ATTEMPT TO DEMONSTRATE HOW ANY SEEMING REFORM, HOWEVER "SOFT" IN ITS ASPECT, IS ACTUALLY AN EXTENSION OF THE SOCIAL CONTROL APPARATUS. EVERYTHING, THEN, FROM INTERMEDIATE TREATMENT THROUGH TO 'CAUTIONING' AND SUSPENDED SENTENCES, IS SEEN AS INCREASING THE DEGREE OF CONTROL AND SURVEILLANCE.

BUT, OF COURSE, SUCH IMPOSSIBILISM BY ITSELF CREATES AN EXTRAORDINARY SENSE OF IMPOTENCE, NOT TO SAY IRRELEVANCE, FOR THE WOULD BE ACTIVIST. THE PROBLEM IS: HOW IS IT POSSIBLE TO WORK FOR REFORMS WHICH WILL NOT BE SNAPPED UP AND CORRUPTED BY THE SYSTEM, PROPPING UP ITS LEGITIMACY AND OFTEN ADDING TO ITS EFFECTIVENESS AS A MODE OF REPRESSION IN THE PROCESS?

THE ANSWER TO THIS QUESTION FINDS ITS MOST SOPHISTICATED FORM IN *ABOLITIONISM* A LEFT IDEALIST CURRENT PARTICULARLY STRONG IN WESTERN EUROPE. ABOLITIONISM ATTEMPTS TO TACKLE THE PROBLEM OF WHAT STRATEGY IS FEASIBLE IN A CLASS SOCIETY, GIVEN THAT ALL PROPOSALS HOWEVER RADICAL, ARE IN DANGER OF COOPTION: OF BEING TURNED INTO EVEN MORE SOPHISTICATED INSTRUMENTS OF DOMINATION. 'POSITIVE' REFORMS ARE THOSE WHICH CAN BE COOPTED, WHICH CAN BE INCORPORATED WITHIN THE SYSTEM, ADDING TO BOTH ITS LEGITIMACY AND ITS EFFECTIVENESS. 'NEGATIVE' REFORMS, HOWEVER, INVOLVE DEMANDS FOR THE REMOVAL OR CHANGE IN PARTS OF THE EXISTING SYSTEM, IN A WAY WHICH CANNOT BE INCORPORATED. AT HEART, IT SUGGESTS THAT NEGATIVE REFORMS ARE ONES WHICH DISPLACE INSTITUTIONS WHICH PERFORM ESSENTIAL FUNCTIONS WITHIN THE EXISTING SYSTEM. THEY THUS DIRECTLY COMPETE WITH THE *STATUS QUO* (SEE T MATHIESON, 1974).

REALISTS TAKE ISSUE WITH THIS DISTINCTION BETWEEN POSITIVE AND NEGATIVE REFORMS AND WITH THE FUNCTIONALIST THEORIES OF THE STATE WHICH UNDERWRITE THEM. FOR THEM THERE IS NO SUCH THING AS A REFORM WHICH IS WITHOUT CONTRADICTIONS. FOR EXAMPLE, ELSEWHERE WE HAVE SHOWN (GREENWOOD AND YOUNG, 1975) HOW THE RIGHT TO ABORTION AS A FORMAL DEMAND CONCEALS THE SUBSTANTIAL INEQUALITIES WHICH FORCE SOME WOMEN TO HAVE ABORTIONS. PROGRESSIVE ABORTION LEGISLATION INVOLVES GAIN ON THE LEVEL OF WOMEN'S RIGHTS BUT IS SIMULTANEOUSLY A CONTROL MEASURE ON THE PART OF POPULATION CONTROLLERS. REFORMS, BECAUSE THEY MERGE FROM A CLASS-DIVIDED SOCIETY, WILL ALWAYS DISPLAY SUCH A TWO-SIDED NATURE. THE SEARCH, THEN, FOR THE 'PURE',

'NEGATIVE', REFORM IS A CHIMERA WHICH WE CAN WELL DO WITHOUT.

IN ORDER TO SECURELY GROUND OUR CRITIQUE OF IMPOSSIBILISM WE MUST FIRST BRIEFLY LOOK AT THE NATURE OF REFORM IN A CAPITALIST SOCIETY.

INSTITUTIONS ARISE IN OUR SOCIETY OUT OF CONFLICT BETWEEN GROUPS OF PEOPLE COALESCING AROUND MATERIAL AND IDEOLOGICAL CONTRADICTIONS WHICH CONTINUALLY ARISE WITHIN CAPITALISM. CLASS CONFLICT IS NOT AN EPISODIC BUSINESS OCCURRING MERELY AT REVOLUTIONARY BREAKS IN THE SYSTEM, BUT ENDEMIC AND CONTINUOUS. ANY REFORM OF ANY SIGNIFICANCE IS RIVEN BY SUCH A CONFLICT, BOTH IN ITS INCEPTION AND IN ITS IMPLEMENTATION. BECAUSE OF THIS, IT IS IMPOSSIBLE TO EXPLAIN REFORMS AS TELEOLOGICALLY "CAUSED" ONE-SIDEDLY BY THE NEEDS OF THE SYSTEM AND THE INTERESTS OF THE POWERFUL. AND THEIR EFFORTS ARE SELDOM UNAMBIGUOUSLY FUNCTIONAL OR DYSFUNCTIONAL TO ANY ONE PARTICULAR GROUP - EVEN WHERE THE *INTENTION* BEHIND THEIR INNOVATION WAS UNAMBIGUOUSLY FUNCTIONAL OR INSTRUMENTAL. CAPITALISM, BY ITS VERY NATURE, THROWS UP CONSTANT CONTRADICTIONS. FOR EXAMPLE, THE CONTRADICTION BETWEEN THE ESPOUSAL OF A MERITOCRATIC SYSTEM OF JUSTICE (EG THE AMERICAN DREAM) OR THE ACTUAL LACK OF OPPORTUNITIES, CAN GIVE RISE TO CRIME. IT CAN ALSO, IF POLITICAL POSSIBILITIES ARE PRESENT, GIVE RISE TO A WIDESPREAD PRESSURE FOR REFORM. IT CAN BE THE VERY MOTHER OF SOCIAL DEMOCRACY. SIMILARLY, AS WRITERS SUCH AS MACPHERSON AND PIVEN AND CLOWARD POINT OUT, THE EXISTENCE OF MASS DEMOCRACY IN WESTERN CAPITALIST COUNTRIES - ITSELF THE PRODUCT OF THE PRESSURE FOR REFORM FROM SUBORDINATE SECTIONS OF SOCIETY - CONSTANTLY RAISES THE SPECTRE OF

DISTRIBUTION OF WEALTH AND POWER AND GIVES RISE TO THE POTENTIALITY FOR CHANGE.

PAUL WILLIS POWERFULLY PUT IT:

"CAPITALISM FREEDOMS ARE POTENTIALLY REAL FREEDOMS AND CAPITALISM TAKES THE WAGER... THAT THE FREEDOMS WILL BE USED FOR SELF-DETERMINATION. THE DOMINANT CLASS COULD NEVER BATTEN DOWN THE HATCH ON THESE FREEDOMS WITHOUT HELP FROM BELOW. AND IF THESE FREEDOMS ARE NOT USED AT THIS TIME FOR THEIR FULL, SUBVERSIVE, OPPOSITION OR INDEPENDENT PURPOSES, CAPITALISM WILL NOT TAKE THE BLAME. IT MAKES ITS OWN WAGER ON UNCERTAINTY, OTHERS CAN MAKE THEIRS." (1977, P.175).

AND IN TERMS OF SIMPLE FISCAL RESTRAINTS AND ECONOMIC CRISES, OPENINGS FOR CHANGE CONSTANTLY OCCUR. ONE INTERPRETATION OF THE PARTIAL DECARCERATION THAT HAS OCCURRED IN PRISONS AND MENTAL HOSPITALS OVER THE LAST DECADE MAY BE CYNICALLY SEEN AS THE MERE DECANTING OF A POPULATION ONTO A LONG-SUFFERING COMMUNITY WHICH IS DIRECTLY IN THE INTERESTS OF THE POWERS THAT BE (EG SCULL, 1977). NO DOUBT THERE IS A DEGREE OF TRUTH IN THIS BUT GAINS WERE MADE IN THE PROCESS IN TERMS OF INDIVIDUALS BEING DECARCERATED TO THEIR ADVANTAGE, AND THESE GAINS COULD HAVE BEEN GREATER GIVEN MORE OPPORTUNE POLITICAL INTERVENTION. THE VERY FACT OF CAPITALIST SOCIETIES IN WHICH THERE ARE WIDELY DIFFERENT INCARCERATION RATES - THE UK IS AT PRESENT FOUR TIMES THAT OF THE NETHERLANDS, FOR EXAMPLE - SHOWS THE LEVEL OF LEEWAY POSSIBLE WITHIN SIMILAR TYPES OF SOCIAL FORMATION.

CRISIS IS THUS ENGENDERED BY THE SYSTEM; WHETHER IT IS CRISIS OF LEGITIMACY OR OF ECONOMIC MANAGEMENT. AND IT IS EXPERIENCED BY PEOPLE AS A VIOLATION OF THEIR EXPECTATIONS OF JUSTICE. THE PRESSURES FOR REFORM ARISE OUT OF THE REALITY OF PEOPLE'S LIVES;

THEY ARE PROPELLED FROM WITHIN CAPITALISM; UTILISING THE LANGUAGE OF JUSTICE AND THE MASS BASE OF DISCONTENT CREATED BY THE SYSTEM.

THE SYSTEM OF SOCIAL CONTROL IS, THEREFORE, NEITHER A SEAMLESS WEB OF COERCION NOR NON-CONTRADICTORY IN ITS FORM. THAT IS, GAINS CAN BE WON BOTH WITHIN THE LACUNAE OF THE STATE APPARATUS AS WITHIN THE APPARATUS ITSELF. BUT THEY HAVE TO BE FOUGHT FOR BOTH AT THEIR GENESIS AND IN THEIR MAINTENANCE. BOTH IN THE EFFECTS ON THE WORKING CLASS OFFENDER AND IN THEIR APPRAISAL OF IT, MANY OF THESE INNOVATIONS ARE BENEFICIAL - NOT ONLY IN COMPARISON WITH THE 'HARD' EDGE OF THE CULTURAL APPARATUS, BUT EVEN IN THE POSSIBILITIES THAT THEY CAN OPEN UP FOR THE OFFENDER.

OF COURSE, THE EXTENSION OF THE NET OF REPRESSIVE SOCIAL CONTROL IS ALWAYS A POSSIBILITY, BUT IT IS NOT A *NECESSITY* AND, FURTHERMORE, THE POSSIBILITY OF REFORM IS ALWAYS PRESENT.

ALL OF THIS IS VERY DIFFERENT FROM AN ABSTRACT IDEAL REFORM, WHICH IS NON- CONTRADICTORY, NON-COOPTABLE AND EMERGES FROM OUTSIDE OF THE SYSTEM; AN IDEAL GENERATED BY A DETACHED INTELLIGENTSIA. THIS IS NOT TO UNDERESTIMATE THE CHASM BETWEEN TRADITIONAL POLITICS AND THE REVOLUTIONARY TRANSFORMATION OF SOCIETY; IT SIMPLY PINPOINTS THAT THE BRIDGE ACROSS MUST UTILISE THE BUILDING BLOCKS PROVIDED BY THE PRESENT ORDER OF THINGS.

IT SHOULD BE NOTED ALSO THAT IN ABSOLUTIONISM THERE IS AN IMPLICIT ASSUMPTION THAT TO WIDEN THE NET OF SOCIAL CONTROL IS *PER SE* DISADVANTAGEOUS TO THE MASS OF THE POPULATION. PART OF THIS STEMS OUT OF A

DISTINCT ANTI-STATE TENDENCY WHICH IS SHARED BOTH BY THE NEO-CLASSICISTS AND THE NEW LEFT. TO PUT IT SIMPLY, BOTH DO NOT WANT SOCIAL DEMOCRACY TO WORK - FOR DIFFERENT POLITICAL REASONS - AND WISH TO UNDER-RATE THE CONTRIBUTION OF THE WELFARE STATE. INDEED, EDWIN LEMERT, ONE OF THE FOUNDERS OF THE NEW DEVIANCY THEORY, EXPLICITLY ARGUES THAT THE ORIGINS OF RADICAL SOCIOLOGY WERE IN SUCH AN OPPOSITION (SEE E LEMERT, 1972,P.16). THE NEW LEFT, FROM ITS UNCOMPROMISINGLY REVOLUTIONARY STANCE, READILY ESPOUSED SUCH A POSITION, VIEWING MUCH OF THE WELFARE APPARATUS AS AN INSTRUMENT OF REFORMISM WHICH SIMPLY PROVIDED PALLIATIVES TO THE POPULATION IN ORDER TO OIL THE MACHINERY OF CAPITALISM. THEY JOINED, THEN, AN EASY ALLIANCE WITH THOSE LIBERALS WHO, ALTHOUGH TOTALLY OPPOSED TO SOCIALISM, WERE IN AGREEMENT IN OPPOSING THE ENCROACHMENTS OF THE STATE. UNABLE TO DISTINGUISH PROGRESSIVE OR REGRESSIVE STATE INTERVENTIONS, THE LEFT IDEALISTS WERE UNABLE TO TAKE NOTE THAT THE NET WHICH ENTRAPPED OFFENDERS COULD ALSO FUNCTION AS A SAFETY NET. CHILD-SAVING, FOR EXAMPLE, COULD - AND CAN - BE BOTH HYPOCRITICAL AND HUMANITARIAN. TAKEN TO AN EXTREME THIS PERSPECTIVE CAN RESULT IN POLICIES WHICH, FOR EXAMPLE, CAN LEAD TO AN OPPOSITION TO INCREASING THE NUMBER OF PEOPLE ON THE REGISTER OF POTENTIAL CHILD ABUSERS BECAUSE TO DO SO STIGMATISES THEIR PARENTS. HERE IS AN AREA - VIOLENCE AGAINST CHILDREN - WHERE, TO THE CONTRARY, ONE ONLY WISHES THE NET WERE WIDENED, BECAUSE WHO CAN SPEAK FOR THE NEGLECTED CHILD OTHER THAN STATE AND THE SOCIAL WORK PROFESSIONALS? AND, SIMILARLY, ON PUBLIC HOUSING ESTATES, IT IS VERY COMMON FOR PEOPLE TO BE CONSTANTLY WORRIED BY TEENAGE VANDALS. OLD PEOPLE PARTICULARLY SUFFER FROM THIS, BUT SO DO WOMEN AND ETHNIC MINORITIES. IF MORE OF THESE

YOUNGSTERS ARE CAUTIONED BY THE POLICE THIS IS SEEN AS SPREADING THE NET OF STATE INTERVENTION. BUT WHO IS OPPOSED TO PROTECTION AGAINST HARASSMENT, SEXUAL ASSAULT AND RACISM? IT IS ONE THING TO JUSTIFIABLY ARGUE AGAINST THE FORM OF STATE INTERVENTION: POLICE ILLEGALITY, SOCIAL WORK STEREOTYPING AND LENGTHY INSTITUTIONALISATION. BUT THIS IS NOT THE SAME AS SAYING THERE SHOULD BE NO INTERVENTION. YET REPEATEDLY, IN REACTION AGAINST THE SEVERITY AND INJUSTICE OF EXISTING PENALTIES, LEFT IDEALISTS AND LIBERALS FIND THEMSELVES ARGUING AGAINST INTERVENTION AND SOCIAL CONTROL *PER SE*.

Realisms and the Prison

THE STANDARD HISTORY OF THE PRISON WAS ONE OF REFORM AND ITS FAILURE - THIS IN THE CLASSICIST TRADITION FROM BECCARIA TO WILSON. AGAINST THIS, A "REVISIONIST" READING OF THE HISTORY AND DEVELOPMENT HAS GROWN ARGUING THAT, FAR FROM HUMANITARIAN PROGRESS, THE REAL MEANING OF THE PRISON WAS TO CREATE DIVISIONS WITH THE WORKING CLASS (SEE COHEN AND SCULL, 1985). THIS REVISIONIST INTERPRETATION IS SHARED BY MANY SOCIALIST HISTORIANS AND CONTEMPORARY LEFT IDEALISTS TODAY. IN NO OTHER BRANCH OF RADICAL CRIMINOLOGY HAS FUNCTIONALISM TAKEN SUCH A ROOT AND DEVELOPED SUCH A TAKEN-FOR-GRANTED EQUALITY AS IN THE DEBATE ON THE POSSIBILITY OF PRISON REFORM. HOW CAN IT BE, IT IS ASKED, THAT SUCH AN INEFFICIENT INSTRUMENT IN TERMS OF REFORM, WITH ITS HIGH RECIDIVISM RATE AND ITS ROLE AS A "UNIVERSITY OF CRIME" CAN CONTINUE FOR OVER A CENTURY OF BLATANT FAILURE? THE ANSWER TO THIS, IN THE BEST TRADITION OF FUNCTIONALISM, IS THAT THE PRISON IS, IN FACT, FAR FROM A FAILURE, BUT A FUNCTIONAL NECESSITY IN THE PERPETUATION OF CAPITALISM. ALL OF THE MAJOR RADICAL WRITERS ON

PRISONS EXPLICITLY TAKE UP A FUNCTIONALIST EXPLANATION OF ITS PERSISTENCE (EG MATHIESON, 1974; FITZGERALD, 1977; MELOSSI AND PAVARINI, 1981).

SUCH LEFT FUNCTIONALIST THEORY OF THE FAILURE OF THE PRISONS CAN BE SEEN CLEARLY IN JEFFREY REIMAN'S BRILLIANT POLEMIC AGAINST THE PRISON AND THE CLASS SOCIETY, *THE RICH GET RICHER AND THE POOR GET POORER*, WHERE HE DESCRIBES WHAT HE CALLS THE PYRRHIC RETREAT THEORY OF THE CRIMINAL JUSTICE SYSTEM. THUS HE WRITES:

"[THIS] THEORY VEERS AWAY FROM TRADITIONAL MARXIST ACCOUNTS OF LEGAL INSTITUTIONS INsofar AS SUCH ACCOUNTS GENERALLY EMPHASISE THE REPRESSIVE FUNCTION OF THE CRIMINAL JUSTICE SYSTEM, WHILE MY VIEW EMPHASISES ITS IDEOLOGICAL FUNCTION. ON THE WHOLE, MARXISTS SEE THE CRIMINAL JUSTICE SYSTEM AS SERVING THE POWERFUL BY SUCCESSFULLY REPRESSING THE POOR. MY VIEW IS THAT THE SYSTEM SERVES THE POWERFUL BY ITS FAILURE TO REDUCE CRIME, NOT BY ITS SUCCESS. NEEDLESS TO ADD, INsofar AS THE SYSTEM FAILS IN SOME RESPECTS AND SUCCEEDS IN OTHERS, THESE APPROACHES ARE NOT NECESSARILY INCOMPATIBLE. NEVERTHELESS, IT IS IMPORTANT TO KEEP IN MIND THAT IN LOOKING AT THE IDEOLOGICAL RATHER THAN THE REPRESSIVE FUNCTION OF CRIMINAL JUSTICE, I SHALL FOCUS PRIMARILY ON THE IMAGE ITS FAILURE CONVEYS RATHER THAN ON WHAT IT ACTUALLY SUCCEEDS IN REPRESSING. TO THESE REMARKS SHOULD BE ADDED THE RECOGNITION THAT SINCE THE 1960S, A NEW GENERATION OF MARXIST THEORISTS, PRIMARILY FRENCH, HAS BEGUN TO LOOK SPECIFICALLY AT THE IDEOLOGICAL FUNCTION PERFORMED BY THE INSTITUTIONS OF THE STATE. MOST NOTEWORTHY IN THIS RESPECT IS THE WORK OF LOUIS ALTHUSSER AND NICOS POULANTZAS." (1979, PP.6-7)

THUS HE LOCATES HIS POSITION - AS WITH SO MUCH LEFT IDEALIST WORK OF THE *LAST TEN YEARS* - AS ONE INFLUENCED BY ALTHUSSERIAN FUNCTIONALISM. AND HE INDICATES CLEARLY THAT THE FUNCTION OF THE "FUTURE" OF THE PRISON IS TO HELP DIVIDE AND RULE THE WORKING CLASS:

"THE MESSAGE IS TWO-PRONGED: (1) BY FOCUSING ON

INDIVIDUAL CRIMINALS, THE CRIMINAL JUSTICE SYSTEM DIVERTS ATTENTION AWAY FROM THE IRRATIONALITIES AND INJUSTICES OF OUR SOCIAL AND ECONOMIC INSTITUTIONS. (2) BY FOCUSING ON POOR CRIMINALS, THE CRIMINAL JUSTICE SYSTEM DIVERTS ATTENTION AWAY FROM THE RICH AND POWERFUL WHO MOST PROFIT FROM OUR SOCIAL AND ECONOMIC INSTITUTIONS, AND THE FAILURE TO REDUCE CRIME AT ALL REINFORCES THIS BY DIVERTING FEAR AND HOSTILITY ON TO THE POOR. THE SUM TOTAL OF THIS IS TO DIVERT ATTENTION BOTH FROM THE INJUSTICE OF THE SOCIAL ORDER AND FROM THOSE WHO OCCUPY POSITIONS OF POWER AND PRIVILEGE IN THAT ORDER." (1979, PP.167-8).

THE CAPITALIST SYSTEM GENERATES A SURPLUS POPULATION WHO ARE UNABLE TO FIND LABOUR. THE CRIMINALISATION AND INCARCERATION OF THIS POPULATION HAS FUNCTIONS ON A NUMBER OF LEVELS. FIRSTLY, IT REMOVES THEM FROM DISTURBING THE PRODUCTIVE PROCESS, THEN IT BLAMES SUCH A NEED FOR 'SANITATION' ON THEIR INDIVIDUAL QUALITIES. SECONDLY, IT DISTRACTS THE ATTENTION OF THE WORKING CLASS AWAY FROM RULING CLASS CRIME AND GENERAL SOCIAL INEQUALITY ONTO THIS SCAPEGOAT POPULATION. THUS A FAILURE OF CAPITALISM IS TURNED IDEOLOGICALLY INTO A SUCCESS (SEE M FITZGERALD, 1977).

MY CRITICISM OF THE REVISIONIST OR LEFT IDEALIST POSITION ON THE PRISONS IS BRIEFLY AS FOLLOWS:

- a. Roots of Crime: it ignores Social Disorganisation and Individualism

I HAVE ARGUED THROUGHOUT THAT CRIME IS, BY AND LARGE, A RESULT OF THE BREAKDOWN OF CLASS SOLIDARITY. THIS WAS AS TRUE IN THE 19TH CENTURY AS TODAY. THE IDEA, THEN, THAT THE PRISON WAS INTRODUCED AND CONTINUES AS A STRATEGY OF THE POWERFUL TO INDIVIDUALISE THE COLLECTIVE FIGHT-BACK OF THE SURPLUS POPULATION IS A POSITION WHICH

REMAINS AT THE LEVEL OF APPEARANCES. IT IS CORRECT ON ONE LEVEL AND COMPLETELY INACCURATE ON THE OTHER. FIRST OF ALL IT MAKES MASSIVE ASSUMPTIONS AS TO THE COLLECTIVE NATURE OF SUCH CULTURES AND THE LEVEL OF ORGANISATION. SECONDLY, IT ASSUMES THAT MORE THAN A SMALL AMOUNT OF CRIME REPRESENTS THIS COLLECTIVITY. THE TRUTH IS THAT THE MAJORITY OF CRIME IS AN INDIVIDUALISTIC RESPONSE - IT DOES NOT HAVE TO BE INDIVIDUALISED BY THE POWERS THAT BE. ONE MIGHT NOT LIKE THE SORT OF INDIVIDUALISTIC ANALYSIS WHICH 19TH CENTURY REFORMERS OR CONTEMPORARY MEMBERS OF THE WORKING CLASS, FOR THAT MATTER, TACK ON TO OFFENDERS - BUT THAT IS NOT THE SAME THING AS DENYING INDIVIDUALISM AND DISORGANISATION. SOCIAL AND MATERIAL SITUATIONS CAN CREATE INDIVIDUAL, ANTI-SOCIAL OUTCOMES - TO RECOGNISE THIS FACT IS NOT TO HOLD ANY COURT FOR CLASSICIST OR POSITIVIST THEORIES. AS WE HAVE SEEN THESE THEORIES PICK UPON WHAT IS ONE MOVEMENT OF A CONTRADICTIONARY PHENOMENON AND CREATE EITHER THE ABSTRACTION OF FREE-WILLED INDIVIDUALISM IN ITS PLACE OR THAT OF THE PATHOLOGICAL, DETERMINED CRIMINAL. CLASSICISM AND POSITIVISM, THE TWO POLARITIES OF BOURGEOIS THOUGHT, ARE EACH CAST IN THE MODE OF ANALYTICAL INDIVIDUALISM - AND EACH REFLECT ONE-SIDED AND ATAVISTIC IMAGES OF REALITY.

THE REFORMERS DID NOT INDIVIDUALISE THE CRIMINAL, FOR IT INDIVIDUALISTIC MODE OF BEHAVIOUR IN THE FIRST PLACE. THEY MERELY IN AN INCORRECT CONTEXT, THERE IS NO REASON, THEREFORE, TO WAS AN PUT IT INVENT A CONSPIRACY ON THEIR PART TO TURN COLLECTIVE RESISTANCE INTO INDIVIDUAL EFFECT. AND THEIR INTERPRETATION STRUCK READY CHORDS WITHIN THE WORKING CLASS AND THE OFFENDER HIMSELF - AS IT CONTINUES TO DO SO TODAY. THIS WAS THE BASIS OF ITS IDEOLOGICAL EFFECTIVENESS; ITS PARTIAL ROOTS IN

REALITY. THUS MICHAEL IGNATIEFF COMMENTS:

"IF WE RETURN TO WHAT REFORMERS SAID THEY DOING, IT BECOMES CLEARER TO ME NOW THAN IT WAS WHEN I WROTE *A JUST MEASURE OF PAIN* (1978) THAT THE ADOPTION OF THE PENITENTIARY IN PARTICULAR AND THE INSTITUTIONAL SOLUTION IN GENERAL CANNOT BE EXPLAINED IN TERMS OF THEIR SUPPOSED UTILITY IN MANUFACTURING SOCIAL DIVISIONS WITHIN THE WORKING CLASS. THIS IS BECAUSE AT BOTTOM REFORMERS, LIKE MOST OF THEIR OWN CLASS, UNDERSTOOD DEVIANCE IN IRREDUCIBLE INDIVIDUAL RATHER THAN COLLECTIVE TERMS; NOT ULTIMATELY AS COLLECTIVE SOCIAL DISOBEDIENCE, HOWEVER MUCH DISTRESS AND COLLECTIVE ALIENATION INFLUENCED INDIVIDUALS, BUT A HIGHLY PERSONAL DESCENT INTO SIN AND ERROR. GIVEN THIS INDIVIDUALISTS READING OF DEVIANCE, THE APPEAL OF INSTITUTIONAL SOLUTIONS LAY IN THE DRAMA OF GUILT WHICH THEY FORCED EACH OFFENDER TO PLAY OUT - THE DRAMA OF SUFFERING, REPENTANCE, REFLECTION AND AMENDMENT, WATCHED OVER BY THE TUTELARY EYE OF THE CHAPLAIN." (1985, P.92)

IGNATIEFF IS CORRECT IN HIS DENUNCIATION OF THE REVISIONIST NOTIONS OF CONSPIRACY, BUT HE DOES NOT GO FAR ENOUGH; FOR THE DELUSIONS WHICH THE REFORMERS HELD ABOUT CRIMINAL XXXX WERE GROUNDED IN REALITY.

A CENTRAL PROBLEM WITH LEFT IDEALIST HISTORIES OF THE EVOLUTION OF THE PRISON AND CRIMINAL LAW IS THEIR TENDENCY TO FOCUS ON THE ATYPICAL INSTANCES WHERE THERE WAS WIDESPREAD COLLECTIVE OPPOSITION AND IGNORE THE VAST MAJORITY OF INSTANCES WHERE NO SUCH RESISTANCE EXISTED. THUS SMUGGLERS, COSTERMONGERS, POACHERS, BOOTLEGGERS, BECAME THE FOCUS OF ATTENTION, NOT THIEVES, RAPISTS, BURGLARS AND MURDERERS. JOHN LANGBEIN PICKS UP THIS WITH VENOM WHEN HE WRITES OF DOUGLAS HAY'S WORK ON 18TH CENTURY ENGLISH CRIMINAL PROCEDURE (1975):

"WE MAY COME CLOSE TO UNDERSTANDING HOW [HE] WENT ASTRAY IF WE REFLECT UPON [THE WAY] IN WHICH HAY

TAKES IT FOR GRANTED THAT THE CRIMINAL LAW LACKED THE ADHERENCE OF THE LOWER ORDERS. TO BE SURE, THERE WERE CORNERS OF THE CRIMINAL LAW THAT DID NOT COMMAND UNIVERSAL REGARD. THE SOURCE OF HAY'S UNDOING, I SUSPECT, IS THAT THE ONLY PART OF THE SUBSTANTIVE CRIMINAL LAW WITH WHICH HE WAS DEEPLY ACQUAINTED WHEN HE WROTE HIS ESSAY WAS THE UNIQUELY CLASS-BASED AND ARBITRARY GAME LAW. THERE CERTAINLY WAS POPULAR DISSATISFACTION WITH THE GAME LAW (AND NOT CONFINED TO THE POOR), BUT TO EXTRAPOLATE FROM THAT BIZARRE SCHEME (NOTE ??? OF IT MISDEMEANOUR) TO THE WHOLE OF THE LAW OF FELONY WOULD BE A GRIEVOUS ERROR, JUST AS IT WOULD BE FOLLY IN OUR OWN DAY TO EQUATE PUBLIC ATTITUDES TOWARDS MARIJUANA OFFENCES AND, SAY, AUTOMOBILE THEFT. WHEN HAY SPEAKS INDIFFERENTLY OF STEALING WOOD FROM A LORD'S PARK AND SHEEP FROM A FARMER'S FOLD, HE IS MAKING THAT SORT OF ERROR. THE PROPERTY CRIMES THAT WERE OF MAJOR CONSEQUENCE IN THE WORKLOAD OF 18TH CENTURY CRIMINAL COURTS - IN PARTICULAR THE THEFT OF LIVESTOCK, SHOP GOODS, AND PERSONAL AND HOUSEHOLD BELONGINGS - WERE THOSE ABOUT WHOSE BLAMEWORTHINESS THERE WAS A MORAL CONSENSUS THAT KNEW NO CLASS LINES. THAT IS WHY MEN OF THE NON-ELITE COULD PREDOMINATE (AS PROSECUTORS AND JURORS) IN CONVICTING PERSONS WHO COMMITTED PROPERTY CRIMES."

b. Division within the Working Class: It Ignores Agreement

THE COLLECTIVE OPPOSITION TO RULING CLASS LAW IS, THUS, FOCUSED UPON RATHER THAN THE VAST MAJORITY OF CRIME WHICH INVOLVES INDIVIDUALISTIC ADAPTATIONS AND WHICH WERE, AND ARE, IN GENERAL COLLECTIVELY CONDEMNED. IT IS IMPORTANT TO UNDERLINE THAT THE MAJORITY OF CRIME IS INTRA-CLASS RATHER THAN INTER-CLASS. THIS IS SO TODAY AND IT WAS SO AT THE BIRTH OF THE PENITENTIARY IN THE 19TH CENTURY. IT IS QUITE INSUFFICIENT FOR IDEALIST REVISIONIST AUTHORS TO CATALOGUE THAT THE MAJORITY OF PEOPLE IN PRISON ARE WORKING CLASS - FOR SO ARE THEIR *VICTIMS*. AND, AS VICTIMS, THEY BECOME FREQUENTLY INVOLVED IN USING PROSECUTION AGAINST OTHER WORKING CLASS PEOPLE WHO OFFENDED AGAINST THEM. THE HISTORY OF CRIMINAL LAW - AND OF THE POLICE AND PRISONS - INVOLVES A CONSIDERABLE DEGREE OF WORKING CLASS COMPLICITY

AND COOPERATION. THIS IS WHAT MAKES THE NOTION THAT STATE-MANUFACTURED CRIME WITHIN THE WORKING CLASS SO LUDICROUS. IGNATIEFF IS VERY CLEAR ABOUT THIS:

"AS REGARDS IMPRISONMENT, THE DIVIDE-AND-RULE ARGUMENT SEEMS TO ME NOW TO HAVE FALLEN PREY UNWITTINGLY TO THE PROBLEM INHERENT IN WHAT CRIMINOLOGISTS CALL 'LABELLING THEORY'. THE NOTORIOUS DIFFICULTY WITH THIS APPROACH IS THAT IT MAKES THE STATE'S SANCTIONS THE EXCLUSIVE SOURCE OF THE BOUNDARY BETWEEN THE DEVIANT AND THE RESPECTABLE. THIS WOULD SEEM TO IGNORE THE DEGREE TO WHICH, IN THE 19TH AS IN THE 20TH CENTURY, THE MORAL SANCTIONS CONDEMNING MURDER, RAPE, SEXUAL AND PERSONAL ASSAULT WERE PRIOR TO AND INDEPENDENT OF THE PUNITIVE SANCTION, COMMANDING ASSENT ACROSS CLASS LINES. IN PUNISHING THESE OFFENCES, THE STATE SIMPLY RATIFIED A LINE OF DEMARCATION ALREADY INDIGENOUS TO THE POOR. EVEN IN THE CASE OF PETTY PROPERTY CRIME, IT IS NOT CLEAR THAT THE CRIMINAL SANCTION WAS LABELLING ACTS WHICH THE POOR EXCUSED AS AN INEVITABLE RESPONSE TO DISTRESS OR WHICH THEY JUSTIFIED IN THE VERNACULAR OF NATURAL JUSTICE. THE POOR, NO LESS THAN THE RICH, WERE VICTIMS OF PROPERTY CRIME, AND ANY STUDY OF LONDON POLICE COURTS IN THE 19TH CENTURY SHOWS THAT THEY WERE PREPARED TO GO TO LAW TO PUNISH MEMBERS OF THEIR OWN CLASS (DAVIS, 1980; PHILIPS, 1977). IF A CONSTANT PROCESS OF DEMARCATION WAS UNDER WAY BETWEEN CRIMINALS AND THE WORKING CLASSES, IT WAS A PROCESS IN WHICH THE WORKING CLASSES THEMSELVES PLAYED A PROMINENT PART, BOTH IN THEIR RESORT TO LAW AND THE INFORMAL SANCTIONING BEHAVIOUR WHICH ENFORCED THEIR OWN CODES OF RESPECTABILITY. DOUBTLESS THERE WAS A SYMPATHY FOR THE FIRST-TIME OFFENCES AND JUVENILES CONVICTED FOR MINOR PROPERTY OFFENCES DURING HARD TIMES; DOUBTLESS THERE WERE OFFENDERS WHOM WORKING PEOPLE FELT WERE UNJUSTLY CONVICTED. CERTAINLY REPEATED IMPRISONMENT DID ISOLATE THE CRIMINAL FROM HIS OWN CLASS. BUT IT IS A SERIOUS OVER-ESTIMATION OF THE ROLE OF THE STATE TO ASSUME THAT ITS SANCTIONING POWERS WERE THE EXCLUSIVE SOURCE OF THE SOCIAL DIVISION BETWEEN CRIMINAL AND RESPECTABLE. THE STRATEGY OF MASS IMPRISONMENT IS BETTER UNDERSTOOD IN CLASS TERMS AS AN ATTEMPT BY THE AUTHORITIES TO LEND SYMBOLIC REINFORCEMENT TO VALUES OF PERSONAL HONOUR WHICH THEY THEMSELVES KNEW WERE INDIGENOUS TO THE POOR." (1985, PP.90-91).

IT MIGHT BE ARGUED THAT ALL THAT IS BEING REFLECTED

IN THE DIVISION BETWEEN THE RESPECTABLE WORKING CLASS AND THE POOR - BETWEEN THE UNEMPLOYED AND THE SURPLUS POPULATION. THE FORMER SUPPORT CRIME CONTROL; THE LATTER ARE CRIMINAL. ALL OF THESE DISTINCTIONS ARE INACCURATE. MOST POOR PEOPLE ARE RESPECTABLE; VERY FEW UNEMPLOYED ARE COMMITTED CRIMINALS. CRIME OF A VERY PROFESSIONAL NATURE IS A COMPLETELY MINORITY PHENOMENON; CRIME OF A MORE MINOR NATURE IS FREQUENT AMONGST THE LOWER WORKING CLASS; BUT IS A PRODUCT OF DISORGANISATION AND ALMOST UNIVERSALLY DEPLORED. IT IS JUST ANOTHER SLUR UPON THE UNEMPLOYED TO SUGGEST THAT CRIMINALITY IS A GENERALLY APPROVED MODE OF BEHAVIOUR. AS WITH SO MANY OF THE CONVENTIONAL WISDOMS OF CRIMINOLOGY IT IS COMPLETELY EXPLODED WHEN ONE ADDS THE QUESTION OF GENDER. A CONSTANT OF THE SOCIAL DISORGANISATION OF THE SLUM IS VIOLENCE AGAINST WOMEN. THIS HAS ALWAYS CONTRIBUTED TOWARDS HALF OF THE HOMICIDE STATISTICS; VIRTUALLY ALL OF THE INSTANCES OF RAPE AND A LARGE PROPORTION OF SERIOUS ASSAULTS. ALL OF THESE HAVE ALWAYS, RIGHTLY, BEEN REGARDED AS SERIOUS OFFENCES. ARE WE REALLY TO BELIEVE THAT THE MAJORITY OF POOR PEOPLE EVER THOUGHT OTHERWISE?

c. The Indispensability of Prison:

It Ignores their Lack of Function and Possibility of Alternatives
 THE PROBLEMS WITH THE LEFT FUNCTIONALIST THEORY OF THE PRISONS PARALLEL THAT OF FUNCTIONALIST THEORY GENERALLY. AS THE PRISON IS SEEN AS ESSENTIAL TO THE FUNCTIONING OF CAPITALISM; REFORM IS NOT ON THE CARDS. THIS RESULTS IN AN INABILITY TO TAKE ALTERNATIVES SERIOUSLY OR; INDEED; TO ALLOW FOR THE REAL DIFFICULTIES IN CONSTRUCTING ALTERNATIVES TO PRISON. IGNATIEFF; IN A CRITIQUE OF THE FUNCTIONALISM INHERENT IN HIS EARLIER WORK; WRITES:

"WHEN APPLIED TO PRISON HISTORY, THIS MODEL IMPLIES THAT INSTITUTIONS 'WORK', WHEREAS THE PRISON IS, PERHAPS, THE CLASSIC EXAMPLE OF AN INSTITUTION WHICH WORKS BADLY AND WHICH NONETHELESS SURVIVES IN THE FACE OF RECURRENT SCEPTICISM AS TO ITS DETERRENT OR REFORMATIVE CAPACITY. INSTEAD OF LOOKING FOR SOME HIDDEN FUNCTION WHICH PRISONS ACTUALLY SUCCEED IN DISCHARGING, WE OUGHT TO WORK FREE OF SUCH FUNCTIONALIST ASSUMPTIONS ALTOGETHER AND BEGIN TO THINK OF SOCIETY IN MUCH MORE DYNAMIC AND HISTORICAL TERMS, AS BEING ORDERED BY INSTITUTIONS LIKE THE PRISONS WHICH FAIL THEIR CONSTITUENCIES AND WHICH LIMP ALONG BECAUSE NO ALTERNATIVE CAN BE FOUND OR BECAUSE CONFLICT OVER ALTERNATIVES IS TOO GREAT TO BE MEDIATED INTO COMPROMISE." (1985, P.96).

THUS, IF WE WISH TO LOOK AT THE CAUSES OF THE PRISON, WE CAN SEE IT CLEARLY IN THE INTERPLAY BETWEEN THE REFORMERS' CONCEPTION OF CRIME - ITSELF GROUNDED PARTIALLY IN REALITY - CONFLICTS AND CONVERGENCES BETWEEN THE DEMANDS FOR CONTROL FROM A WIDE SECTION OF THE POPULATION, THE FEARS OF THE PROPRIETARY, AND THE ECONOMICS OF THE SITUATION. SIMILARLY, THE DEMANDS FOR ALTERNATIVES TODAY MEET RESISTANCE FROM THE WORKING CLASS, SCEPTICISM FROM GOVERNMENT FROM BOTH THE POINT OF VIEW OF THEIR OWN IDEAS ON CRIME AND THE POSSIBILITY OF LOSING VOTES, AND EXTREMELY CONFLICTING IDEAS OF WHAT SHOULD BE DONE EMANATING FROM BOTH THE ABOLITIONIST AND REFORMIST CAMPS. THE MERE SUGGESTION OF SETTING UP A HALF-WAY HOUSE IN A COMMUNITY SENDS SHIVERS OF APPREHENSION IN THE PUBLIC; AND THERE ARE A THOUSAND DIFFERENT APPROACHES TO RUN IT SUCCESSFULLY.

BUT NONE OF THIS IS TO SUGGEST THAT THE PRISON IS NECESSARILY FUNCTIONAL TO THE POWERS THAT BE, LET ALONE TO THE WORKING CLASS. THIS IS A QUITE SEPARATE

QUESTION FROM CAUSALITY AND HAS TO BE ASSESSED AS SUCH. THUS IT IS IMPORTANT TO ASSESS DISPASSIONATELY THE LIKELY DETERRENT EFFECT OF PRISON ON VARIOUS TYPES OF OFFENDERS (EG SEE JILL BOX-GRAINGER'S DISCUSSION OF SENTENCING RAPISTS IN THIS VOLUME). THE DETERRENT EFFECTS BOTH ON THE OFFENDERS AND WOULD-BE OFFENDERS ARE FAR FROM AS OBVIOUS AS BOTH ABOLITIONISTS AND THE LAW AND ORDER LOBBY WOULD HAVE US BELIEVE.

d. Functionalism and the Anomaly of Decarceration

IT IS IMPORTANT TO REALISE HOW ANOMALOUS THE PHENOMENON OF DECARCERATION WAS TO SUCH A FUNCTIONALIST PARADIGM AND, INDEED, HOW THE WHOLE NATURE OF THE DEBATE HAD A LEFT IDEALISTIC PROBLEMATIC AT ITS HEART. FOR HOW COULD DECARCERATION BE FEASIBLE IF INCARCERATION IS AS FUNCTIONALLY ESSENTIAL FOR CAPITALISM?

ANDREW SCULL, OF COURSE, IN HIS FAMOUS BOOK "SOLVES" THE PROBLEM WITHIN THE CONFINES OF THE LEFT FUNCTIONALIST PARADIGM BY FIRST OF ALL DISMISSING ANY NOTION THAT DECARCERATION WAS A PRODUCT OF HUMANITARIANISM OR RADICAL CRITIQUE OF THE PRISON. HE THEN PROCEEDS TO ARGUE THAT IN A SITUATION OF "FISCAL CRISIS" THE DECARCERATION OF PRISONERS INTO THE COMMUNITY WAS *EVEN* MORE FUNCTIONAL FOR CAPITALISM THAN IMPRISONMENT.

ROGER MATTHEWS, IN HIS CRITIQUE OF *DECARCERATION*, POINTS TO THE WAY IN WHICH THE THEORETICAL WEAKNESSES AND POLITICAL PITFALLS OF THE WORK ARE A DIRECT PRODUCT OF SCULL'S FUNCTIONALISM AND THAT THIS LEADS TO A CONVERGENCE WITH RIGHT-WING PUNITIVE THEORIES OF CRIME OF THE SORT THAT WE HAVE REPEATEDLY SEEN THROUGHOUT THIS DISCUSSION:

"SCULL'S ATTEMPT TO PROVIDE A RADICAL ANALYSIS IS DEEPLY FLAWED BY HIS FUNCTIONALIST METAPHYSICS WHICH FAIL TO ANALYSE CAPITALISM AS A DYNAMIC CONTRADICTIONARY WHOLE, AND THUS GIVES AN INFLATED IMPORTANCE TO THE STATE DEVALUING ALL ATTEMPTS AT MOBILISATION WITHIN THE SOCIAL FORMATION. THE IMPLICATIONS OF SUCH AN ANALYSIS ARE, AT THE ROOT, INHERENTLY CONSERVATIVE. SCULL'S FAILURE TO PROVIDE ANY CONCRETE ANALYSIS OF 'CRIME' IN CAPITALIST SOCIETY DETRACTS ENORMOUSLY FROM HIS ACCOUNT OF DECARCERATION.

"SUCH ABSTENTIONISM SEVERELY FORECLOSES THE POSSIBILITY OF RADICAL PRACTICE. IN SCULL, HOWEVER, NOT ONLY IS THERE NO ANALYSIS OF CRIME BUT ALSO NO SUBSTANTIVE ANALYSIS OF THE DEVELOPMENTS OF INCARCERATION. THUS THERE IS NO POINT OF COMPARISON BETWEEN INSTITUTIONAL AND NON-INSTITUTIONAL FORMS OF CONTROL. SCULL'S INVECTIVE AGAINST COMMUNITY CONTROL THUS DISAPPEARS IN A WHIRLPOOL OF MORAL INDIGNATION.

"SCULL'S SELF-CHARACTERISATION AS STANDING ALONE OUTSIDE THE 'GROWING HARMONY OF INTERESTS' ACROSS THE POLITICAL SPECTRUM SUPPORTING DECARCERATION IS SERIOUSLY MISTAKEN. HE IS, IN FACT, IN 'GOOD' COMPANY.

AN INFLUENTIAL GROUP OF RADICAL CONSERVATIVE CRIMINOLOGISTS ARE ALSO ARGUING AGAINST COMMUNITY CONTROL AND FOR THE STRICTER APPLICATION OF PRISON SENTENCES." (R MATTHEWS, 1979, P.111).

YET DESPITE SCULL'S ATTEMPT TO RESCUE LEFT IDEALIST NOTIONS OF THE PRISON FROM CHANGES IN REALITY, THE DECREASE IN THE PRISON POPULATION WHERE IT OCCURRED SAT VERY UNEASILY WITH THE NOTION OF THE ESSENTIAL FUNCTION OF THE PRISON. FORTUNATELY, THE FACTS ALLOWED THE TRADITIONAL APPROACH TO REASSERT ITSELF. FOR IN THE YEARS AFTER THE PUBLICATION OF *DECARCERATION* (1977), THE PRISON POPULATION IN THE UNITED STATES ONCE AGAIN BEGAN TO RISE, WHILST IN BRITAIN IT NEVER ACTUALLY DECREASED, MERELY PAUSING FOR A SHORT WHILE BEFORE CONTINUING ITS STEADY INCREMENT. THIS ALLOWS INCARCERATION TO BE CONTINUED TO BE SEEN AS AN ESSENTIAL FUNCTION AND THE PLOY OF DECARCERATION TO BE VIEWED IN REALITY AS A MERE WIDENING OF THE NET; THE DEVELOPMENT OF COMMUNITY CONTROLS *IN ADDITION* TO THE PRISON (SEE A

SCULL, 1983). ONE BEGINS TO UNDERSTAND THE SENSE OF RELIEF WITH WHICH BARBARA HUDSON EXPRESSED IN A RECENT REVIEW OF THE LITERATURE, WHEN SHE ENDS HER ARTICLE: "THE DECARCERATION ERA - BOTH SYMBOLICALLY AND IN PRACTICE - IS TRULY OVER!" (1984, P.58).

THE PROBLEM, HOWEVER, WAS FAR FROM OVER - IT WOULD NOT GO AWAY BECAUSE OF THE PUZZLING DATA FROM OTHER COUNTRIES. GENERALISATIONS ABOUT SOCIAL PROCESSES ARE CONSTANTLY SUSCEPTIBLE TO CHOOSING THE COUNTRIES WHICH FIT THE THEORY AND BLANDLY IGNORING ALL ELSE. FOR EXAMPLE, THE CONCEPT OF THE ESSENTIAL FUNCTION OF PRISONS MESHES WELL WITH THE NOTION OF A POLITICAL CRISIS MATCHING THE RECESSION AND THE 'INEVITABLE' SWING TO THE RIGHT OF SOCIAL POLICIES.

A SURE SIGN OF THIS FOR LEFT IDEALISTS IS THE STEADY INCREASE IN THE PRISON POPULATION AND THE FAILURE OF ATTEMPTS OF DECARCERATION. UNFORTUNATELY FOR THIS THEORY, HOWEVER TRUE THIS IS OF THE UNITED STATES AND GREAT BRITAIN, IT IS SIMPLY NOT TRUE OF ALL CAPITALIST COUNTRIES. TO TAKE THE NETHERLANDS FOR EXAMPLE, DESPITE A VERY SIMILAR RISE IN CRIME OVER THE RECENT PERIOD TO THAT IN ENGLAND AND WALES, THE PRISON POPULATION HAS BEEN IN DECLINE. THIS CAN BE CLEARLY SEEN FROM THE FOLLOWING GRAPH REPRODUCED FROM DR HANS TULKENS' PAMPHLET ON DUTCH PENAL PRACTICES (1979). AND AS TULKENS, THE HEAD OF DUTCH PRISON ADMINISTRATION MAKES CLEAR, THIS HAS BEEN A RESULT OF QUITE EXPLICIT PENAL POLICY.

SIMILARLY, BILES (1983) HAS SHOWN THAT THERE WAS, IN THE 1970S IN AUSTRALIA, AN OBVERSE RELATIONSHIP BETWEEN CRIME RATES AND INCARCERATION RATES. THUS IT WOULD SEEM THAT REFORM IS DEMONSTRABLY POSSIBLE GIVEN SUFFICIENT POLITICAL WILL.

e. The Impossibility of Reform: It Ignores what is Potentially Progressive in Rehabilitation

LIBERALISM AND LEFT IDEALISM SHARE A NUMBER OF CONVERGENCES. WE HAVE SEEN HOW BOTH SCHOOLS OF THOUGHT PLAY DOWN THE PROBLEM OF CRIME; BOTH FIND THE CAUSES OF CRIME OBVIOUS AND RATIONAL TO THE EXTENT THAT THEY ARE ALMOST UNNECESSARY TO EXPLAIN AND BOTH, FINALLY, SEE REHABILITATION AS FUTILE AND COUNTER-PRODUCTIVE. THUS THE TRADITIONAL SOCIAL DEMOCRATIC AGENDA OF THE NEW PENOLOGY WAS UNDERMINED. AS CULLEN AND WOZNIAK POINTED OUT, THE INTELLECTUAL WORK OF DEMOLISHING THE CONCEPT OF REHABILITATION CAME FROM PROGRESSIVE SOURCES:

"THE LEFT'S DISENCHANTMENT WITH THE REHABILITATED IDEAL WAS OF NO SMALL CONSEQUENCE. FOR THE HISTORICAL RECORD SUGGESTS THAT AS LONG AS THOSE WITH PROGRESSIVE LEANINGS HOLD TENACIOUSLY TO THE BELIEF THAT IT IS BEST TO REFORM OFFENDERS AND NOT MERELY TO INFLICT PAIN UPON THEM, TREATMENT IDEOLOGY HAD PERSISTED AND RIVALLED THE MORE PUNITIVE POLICIES ADVOCATED BY THE RIGHT. HOWEVER, ONCE THIS IDEOLOGICAL STAND WAS FORFEITED BY THE LEFT, THE POWER-BASE UNDERLYING THERAPY WAS ERODED AND THE DECLINE OF THE REHABILITATIVE IDEAL WAS ASSURED."

TONY PLATT, IN AN ACCURATE PIECE OF DENUNCIATION, ELABORATES THIS IDEA FURTHER, FOR IT WAS THIS ALLIANCE WHICH SET THE SCENE FOR THE EMERGENCE OF THE NEW ADMINISTRATIVE CRIMINOLOGY OF THE RIGHT:

"WHEN IT CAME TO THE QUESTION OF 'REHABILITATION' THE NEW LEFT RADICALS AND PETTY BOURGEOIS LIBERALS FOUND COMMON GROUND UNITING IN THEIR EXPOSED OF THE COERCIVE NATURE OF 'TREATMENT' AND VIOLATION OF PRISONERS' CIVIL LIBERTIES (EG THE RIGHT TO REFUSE TREATMENT). THE CRITIQUE OF 'REHABILITATION' WAS, OF COURSE, USEFUL AND PLAYED AN IMPORTANT ROLE IN DEMYSTIFYING THE REALITIES OF PRISON LIFE. BUT RATHER THAN FIGHT FOR AN AUTHENTIC PROGRAM OF PRISON REFORM (THE PRISONERS' MOVEMENT, FOR EXAMPLE, HAD PUT FORWARD VERY CONCRETE DEMANDS CONCERNING EDUCATION, TREATMENT, JOB TRAINING, ETC.), THE NEW LEFT REJECTED REFORMS AS A CONCESSION TO THE STATE,

AND UNITED WITH LIBERALS, WHO STRESSED THE PRIMACY OF INDIVIDUAL RIGHTS VIS-A- VIS THE STATE. THUS, BOOKS LIKE *STRUGGLE FOR JUSTICE* AND *RADICAL NON-INTERVENTION*, WHICH WERE WRITTEN BY LIBERALS, WERE EMBRACED BY NEW LEFT RADICALS BECAUSE THE FORMER OPPOSED 'REHABILITATION' AND THE LATTER PROPOSED THAT THE BEST KINDS OF REFORMS WERE THOSE THAT DO NOTHING AT ALL. THE NEW LEFT'S CRITIQUE OF REFORM MADE IT SO MUCH EASIER FOR THE RIGHT TO ARGUE THAT REHABILITATION DOES NOT WORK AND THAT THE GOAL OF PRISONS SHOULD BE 'PUNISHMENT' AND NOT 'TREATMENT'. OBJECTIVELY, THE POSITIONS ARE INDISTINGUISHABLE: THE RADICALS OPPOSE THE 'CRIME TREATMENT'; THE LIBERALS CALL FOR 'RADICAL NON-INTERVENTION' AND THE CONSERVATIVES ADVOCATE 'BENIGN NEGLECT.'" (1982, PP.39-40).

AND, INDEED, IF ONE READS CLOSELY ARCH-CONSERVATIVES LIKE ERNEST VAN DEN HAAG OR ADMINISTRATIVE CRIMINOLOGISTS LIKE J Q WILSON ON THE SUBJECT OF REHABILITATION, ONE CANNOT HELP BEING STRUCK BY THE WAYS IN WHICH THEY HAVE BEEN INFLUENCED BY NEW DEVIANCY THEORY AND LEFT IDEALISM. BY THE TIME - 1975 - THAT VAN DEN HAAG HAD GOT ROUND TO DENOUNCING THE IDEA OF CRIME AS SICKNESS OR REHABILITATION AS TREATMENT AND INSISTING THAT THE POOR HAD A CHOICE IN THEIR CRIMINALITY - ALL OF THESE IDEAS WERE WAITING FOR HIM ON THE SHELF, SO TO SPEAK. FOR THESE IDEAS HAD BEEN WELL REHEARSED AND FORMULATED BY LEFT IDEALIST CRIMINOLOGISTS AND NEW DEVIANCY THEORISTS IN THEIR ATTACK ON POSITIVISM. SUCH AN ATTACK, AS WE HAVE SEEN, LED TO AN INVERSION, TO A SIMPLISTIC VOLUNTARISM WHERE WORKING CLASS CRIME WAS SEEN AS A RESULT OF FREE CHOICE ARISING OUT OF POVERTY, THE LAW WAS SEEN AS AN INSTRUMENT OF THE RULING CLASS AND THAT 'REHABILITATION', 'THERAPY' AND 'TREATMENT' WITHIN THE PRISON WERE SMOKESCREENS FOR PUNISHMENT. SUCH A PROCESS OF DEMYSTIFICATION WAS POSITIVELY WELCOMED BY THE RIGHT. THEY HAD ALWAYS BELIEVED THAT CRIME WAS A RESULT OF CHOICE

(‘DISHONESTY’), THEY WERE ONLY TOO READY TO ADMIT THE NECESSITY OF LEGAL COERCION AND WERE READY BELIEVERS IN THE NEED FOR PUNISHMENT. THUS VAN DEN HAAG IS QUITE HAPPY WITH THE NOTION OF LAWS DEFENDING THE PROPERTY OF THE WEALTHY:

”SINCE THE LAW QUITE DELIBERATELY RESTRICTS THE TEMPTED, AS WELL AS THE UNTEMPTED, THERE IS A KERNEL OF TRUTH IN THE BELIEF, HELD BY REVOLUTIONARIES OF VARIOUS PERSUASIONS (MOST ELABORATELY BY MARXISTS) THAT THE LAW IS A DEVICE OF THE RICH AND POWERFUL TO KEEP THE POOR AND POWERLESS IN CHECK. THE THREAT OF THE LAW IS MEANT TO RESTRAIN THOSE WHO WOULD DO WHAT THE LAW PROHIBITS. OBVIOUSLY, THE POOR AND POWERLESS ARE MORE TEMPTED TO TAKE WHAT IS NOT THEIRS, OR TO REBEL, THAN THE POWERFUL AND WEALTHY, WHO NEED NOT TAKE WHAT THEY ALREADY HAVE.

HOWEVER, THE DISCOVERY THAT THE PENAL LAW RESTRAINS THE POOR AND POWERFULNESS MORE THAN THE WEALTHY AND POWERFUL, WHO ARE LESS PRESSED OR TEMPTED, TO DO WHAT IT FORBIDS IS ABOUT AS REVEALING AS THE DISCLOSURE THAT THE PROHIBITION LAWS WERE MEANT TO RESTRAIN DRINKERS MORE THAN THE TEETOTALLERS WHO IMPOSED THEM. OBVIOUSLY, THE LAW RESTRAINS SOME GROUPS MORE THAN OTHERS AND IS VIOLATED BY SOME GROUPS MORE OFTEN THAN BY OTHERS SO BECAUSE THE TEMPTATION TO BREAK THE LAWS IS UNEQUALLY DISTRIBUTED, BECAUSE OF DIFFERENT PERSONALITIES AND DIFFERENT LIVING CONDITIONS, THE LAWS - AND THE PUNISHMENTS FOR VIOLATING THEM - MUST WEIGH OR FALL MOST HEAVILY ON SOME PERSONS AND GROUPS. THOSE LESS FAVOURED BY SOCIETY ARE MORE TEMPTED TO VIOLATE LAWS AND THEREFORE SUFFER PUNISHMENT FOR DOING SO MORE OFTEN.” (1975, PP.45-46).

THUS COERCION IS AN INEVITABLE PART OF THE SYSTEM, AND ITS FOCUS MUST OF NECESSITY BE ON THOSE MOST TEMPTED, NAMELY THE POOR. AND WILSON HAS COMPLETELY TAKEN ABOARD THE IMPOSSIBILIST APPROACH TO REHABILITATION:

”SUPPOSE WE ABANDON ENTIRELY THE REHABILITATION THEORY OF SENTENCING INSTEAD, WE WOULD VIEW THE CORRECTIONAL SYSTEM AS HAVING A VERY DIFFERENT FUNCTION - NAMELY TO ISOLATE AND TO PUNISH. IT IS A MEASURE OF OUR CONFUSION THAT SUCH A STATEMENT WILL STRIKE MANY ESTABLISHED READERS TODAY AS COMPEL

EVEN BARBARIC. IT IS NOT. IT IS MERELY A RECOGNITION THAT SOCIETY AT A MINIMUM MUST BE ABLE TO PROTECT ITSELF FROM DANGEROUS OFFENDERS ... IT IS ALSO A FRANK ADMISSION THAT SOCIETY REALLY DOES NOT KNOW HOW TO DO MUCH ELSE.”(1975,P.193).

THE FUNDAMENTAL MESSAGE OF DEVIANCY THEORY WAS THAT REHABILITATION DID NOT WORK AS MEASURED BY RECIDIVISM RATES. THAT IN ITS THERAPEUTIC FORM IT WAS A MYSTIFICATION WHICH ATTEMPTED TO PATHOLOGISE THE OFFENDER, WHILST IN ITS CLASSICIST FORM IT WAS A MORAL INDIGNITY INFLICTED UPON THE POOR. FURTHER, THAT IN THE RECENT PERIOD, IT GAVE RISE TO THE INDETERMINATE SENTENCE WHICH WAS A VIOLATION OF THE PRISONER RIGHTS APART FROM TENDING TO LENGTHEN CIRCUMSTANCES. A LOT OF THIS IS COMPLETELY RIGHT. BUT NOTE THE SHADES OF IMPOSSIBILISM HERE: ALL REHABILITATION DOES NOT WORK, IT MUST OF NECESSITY BE REPRESSIVE, IT LEADS INEVITABLY TO THE INDETERMINATE SENTENCE AND A LENGTHENING OF THE STAY IN PRISON. YET WHEN ONE COMES TO PARTICULAR STRUGGLES: THE ACTION FOR EXAMPLE TO KEEP THE SPECIAL UNIT AT BARLINIE PRISON, GLASGOW, OPEN OR THE VARIOUS ARGUMENTS BY THE PRISON MOVEMENTS FOR BETTER EDUCATION FACILITIES, COUNSELLING, ETC. - ALL OF THESE, FAR FROM REJECTING THE CONCEPT OF REHABILITATION, TENDED TO GO ALONG WITH IT AS MORE THAN A DISTINCT POSSIBILITY BUT RATHER A DIRECT POLITICAL DEMAND.

WE HAVE SEEN A TASK OF REALISM IS TO ATTEMPT TO AVOID THE EITHER-OR MODELS OF VOLUNTARISM AND DETERMINISM, OF PUNISHMENT AND TREATMENT WHICH BEGUILE THE MAJORITY OF THINKING ABOUT CRIME AND THE PRISON. IT MUST INSIST THAT THE CHOICE CONCERNING REHABILITATION IS NEITHER PUNISHMENT NOR A MYSTIFIED NOTION OF ILLNESS. A SOCIALIST CONCEPTION OF REHABILITATION MUST START FROM THE

CONTRADICTIONARY NATURE OF CRIME ITSELF. CRIME SPRINGS FROM SOCIAL INJUSTICE, BUT IS EXPRESSED IN AN INDIVIDUALISTIC MANNER, OFTEN WITH ANTI- SOCIAL RESULTS. REHABILITATION MUST RELATE DIRECTLY TO THE INJUSTICE AT THE SOURCE OF CRIME AND THE INJUSTICE WHICH THE VICTIM SUFFERS. THE 19TH CENTURY REFORMERS WERE COMPLETELY CORRECT IN SEEING CRIME AS A MORAL PROBLEM WHICH THE OFFENDER MUST CONTEMPLATE - THEY WERE WRONG IN THAT THEY BELIEVED A CONTEXT OF PUNISHMENT OR OF RELIGION'S REFLECTION WOULD MAKE SENSE OF IT. THE POST-WAR POSITIVISTS, WITH THEIR SOCIAL DEMOCRATIC EMPHASIS ON THE BRUTALISING EFFECTS OF CIRCUMSTANCES EMPHASISED, QUITE RIGHTLY, THE WAY IN WHICH CIRCUMSTANCES LED UP TO THE OFFENCE, BUT THEY COULD NOT SEE IT IN TERMS OF AN INDIVIDUAL EXPERIENCING INJUSTICE AND MAKING MORAL CHOICES. IT WAS THE FABIAN ÉLITE WHICH KNEW ABOUT INJUSTICE, FOR THE POOR THIS WAS CONCEIVED OF SIMPLY AS 'PROPELLING CIRCUMSTANCES'. THE BRITTLE NATURE OF THE CRIMINAL CONSCIOUSNESS, ITS ROOTS IN CONTRADICTION, MAKE FOR THE POSSIBILITY OF CHANGE. AND CHANGE OF A QUITE REMARKABLE KIND, HAS FREQUENTLY OCCURRED. FOR A MINORITY OF PROFESSIONAL CRIMINALS - GEORGE JACKSON, MALCOLM X, JIMMY BOYLE, JOHN MCVICAR, - TO NAME A FEW, HAVE SEEN THROUGH THEIR PREDICAMENT WITH DRAMATIC CHANGES IN THEIR OUTLOOK. REHABILITATION WHICH IS NOT ABOUT MORALITY, ABOUT THE INJUSTICES OF THE WORLD, ABOUT OFFENDERS AND VICTIMS, ABOUT THE STATE AND THE OFFENDER, IS NOT WORTH A JOT. AS IT IS, THE PRESENT SYSTEMS OF 'REHABILITATION' HAVE EXACTLY THE OPPOSITE EFFECTS: THE PUNITIVE SYSTEM, BELOVED BY NEO-CLASSICISM, COMMITS INJUSTICES UPON THE INMATE SO THAT ANY TRACE OF GUILT IS ABSOLVED IN A SETTING OF UNFAIRNESS. THE THERAPEUTIC SYSTEM, EVOLVED BY POSITIVISM, SEEKS TO TREAT OFFENDERS AND CONVINC

THEM OF THEIR MALAISE; ANY FEELINGS OF GUILT ARE DENOUNCED AS A METAPHYSIC BY THE THERAPIST. SOCIALIST REHABILITATION MUST OPEN POSSIBILITIES THROUGH TRAINING AND EDUCATION. TO DO THIS RELATES CLEARLY TO EXISTING INMATE ORGANISATIONS AND THEIR DEMANDS FOR BETTER EDUCATIONAL AND TRAINING FACILITIES.

Realism: A Slate of Reforms

I HAVE ARGUED THROUGHOUT THAT CRIME IS A FUNCTION OF THREE CAUSES LIE IN RELATIVE DEPRIVATION; ITS LACK OF CONTROL PROCESSES; ITS IN THE COMMUNITY BECAUSE OF SUCH DISORGANISATION AND THE ADVERSE EFFECTS OF OFFICIAL REACTION. THESE THREE STRANDS, OF COURSE, REFER BACK TO THE THREE MAJOR THEMES IN SOCIOLOGICAL CRIMINOLOGY: SUBCULTURAL THEORY, SOCIAL DISORGANISATION THEORY AND LABELLING THEORY. IT IS THE MAJOR TASK OF RADICAL CRIMINOLOGY TO ACHIEVE A SYNTHESIS OF THESE HITHERTO POLITICAL AND THEORETICALLY SEPARATE ADVERSARIES, UNDER THE RUBRIC OF MARXIST THEORY. IN THE MEANTIME, HOWEVER, IT IS IMPORTANT TO STRESS THAT ANY SLATE OR PROPOSED REFORMS MUST TACKLE EACH OF THESE AREAS. ANY THEORY WHICH SIMPLY FOCUSES ON ONE - FOR EXAMPLE - NEO-CLASSICIST THEORY IS DOOMED TO FAILURE.

Tackle Relative Deprivation

CRIME IS A RESULT OF RELATIVE DEPRIVATION AT THE HEART OF WHICH IS THE INDIVIDUAL FEELING A SENSE OF INJUSTICE AT THE REWARDS WHICH HE/SHE IS RECEIVING. THE UNFAIR CONSIGNMENT OF SOMEONE TO ECONOMIC MARGINALISATION OR UNEMPLOYMENT IS THUS A KEY FACTOR IN CRIME AMONGST SIGNIFICANT SECTORS OF THE POPULATION. BUT FULL EMPLOYMENT ALONE WILL NOT SOLVE THE PROBLEM OF WORKING CLASS CRIME. FOR RELATIVE DEPRIVATION CAN REMAIN AND BE JUST AS

MUCH A PROBLEM FOR THE EMPLOYED AS THE UNEMPLOYED. THE FUNDAMENTAL FLAW IN THE MASSIVE ATTEMPTS IN THE UNITED STATES DURING THE 1960S TO IMPLEMENT OPPORTUNITY THEORY WAS NOT MERELY THE INEFFICIENCY OF ITS MANAGEMENT, BUT THE TOTAL ABSENCE OF GENUINELY REDISTRIBUTIVE POLITICS. JAMES JONES RECOGNISES THIS WHEN HE NOTES FATALISTICALLY:

"IT IS NOT FEASIBLE FOR A GOVERNMENT TO CHANGE FUNDAMENTAL INEQUALITIES WITHIN THE ECONOMIC, SOCIAL AND POLITICAL STRUCTURES. IT IS FAR EASIER TO IMPLY THAT THOSE WHO SUFFER FROM SOCIAL PROBLEMS ARE GUILTY OF SOME MISDEED OR ARE PSYCHOLOGICALLY SICK." (1971, P.586)

AND, OF COURSE, SOMETIMES THEY ARE, BUT THEIR MISDEED OR MALAISE IS A PRODUCT OF INEQUALITIES WHICH WILL CONTINUOUSLY REPRODUCE CRIMINALITY UNLESS THE FUNDAMENTAL CONDITIONS ARE TACKLED.

FOR SURE, IT WAS NOT THAT THE KENNEDY AND JOHNSON ADMINISTRATIONS DID NOT SPEND A LOT OF MONEY ON THE POOR. BOTH FOR IDEALISTIC REASONS AND FOR MORE INSTRUMENTAL POLITICAL REASONS THIS WAS A PERIOD OF MASSIVE GOVERNMENT SPENDING. IN 1964, FOR EXAMPLE, TITLE 11 OF THE ECONOMIC OPPORTUNITY ACT ALLOCATED \$350 MILLION TO COMMUNITY ACTION PROGRAMMES WHICH, IN PRESIDENT JOHNSON'S WORDS, WOULD "STRIKE POVERTY AT ITS SOURCE". BUT NONE OF THIS HALTED THE RISE IN THE CRIME RATE (SEE PIVEN, 1971).

THE COLOSSAL FAILURE OF SO MANY GOVERNMENTS TO DEAL WITH THE SEEMINGLY INEXORABLE RISE IN CRIME IN THE PRESENT PERIOD IS THEIR UNWILLINGNESS TO DEAL WITH THE PROBLEMS OF INJUSTICE. THE FAIR DISTRIBUTION OF INCOME, EDUCATION AND LIFE CHANCES IS NOT ACHIEVED BY MERELY THROWING MONEY AT THE PROBLEM - ALL THAT HAPPENS, IF THERE IS THE REQUISITE MODICUM OF

EFFICIENCY, IS THAT THE CLASS STRUCTURE IS MERELY JACKED UP A LITTLE HIGHER AND THE OLD DIFFERENTIALS OF RELATIVE DEPRIVATION REMAIN. THIS WAS THE FUNDAMENTAL FLAW IN SOCIAL DEMOCRATIC POSITIVISM IN BOTH THE UNITED STATES AND BRITAIN IN THE POST-WAR PERIOD. WHAT IS NECESSARY IS WHAT JONES THINKS IS IMPOSSIBLE: A GOVERNMENT AND A POLITICAL SET-UP WHICH WILL STRIVE TO CHANGE THE FUNDAMENTALS OF SOCIAL LIFE. BUT SUCH CHANGES DO OCCUR, LET ONE HASTEN TO SAY - IN CUBA, FOR EXAMPLE, OVER THE PERIOD 1959-1968 THE HOMICIDE RATES FELL 84%, THE INCIDENCE OF RAPE HALVED, AND PROPERTY CRIMES WERE DOWN ONE THIRD (SEE J BRADY, 1982).

Tackle Social Disorganisation and Political Impotence

RELATIVE DEPRIVATION ALWAYS GIVES RISE TO DISCONTENT, BUT DISCONTENT DOES NOT INVARIABLY RESULT IN CRIME. AS JOHN LEA AND I HAVE ARGUED, THE CRIME EQUATION IS AS FOLLOWS: RELATIVE DEPRIVATION WITHOUT POLITICAL CHANNEL LEADS TO CRIME. THAT IS THE COMBINATION OF ECONOMIC AND POLITICAL MARGINALISATION IS PARTICULARLY CONDUCTIVE TO A HIGH LEVEL OF CRIME. IT IS NO COINCIDENCE THAT GROUPS OF PEOPLE WHO ARE UNEMPLOYED AND ALSO TARGETS OF POLICE HARASSMENT HAVE HIGH CRIME RATES. BLACK YOUTH IN BRITAIN, FOR EXAMPLE, NOT ONLY ARE ECONOMICALLY DISCONTENTED BUT THEIR ABUSIVE POLICING UNDERLINES THEIR POLITICAL INCOMPETENCE (SEE J LEA AND J YOUNG, 1982). THIS IS A RECIPE FOR ALIENATION AND A DESCENT INTO A 'VICIOUS CIRCLE' WHICH XXXXXX A DISCRETE POPULATION. SIMILARLY, AT AN INTERNATIONAL LEVEL, IT IS SIGNIFICANT THAT THE UNITED STATES NOT ONLY HAS AN ATYPICALLY HIGH CRIME RATE WHEN COMPARED TO ALL OTHER DEVELOPED COUNTRIES, BUT IT IS ALSO UNIQUE IN HAVING NO SUBSTANTIAL SOCIALIST PARTY. THERE IS NO COLLECTIVE

AVENUE WHEREIN GENUINE FEELINGS OF DEPRIVATION CAN FIND EXPRESSION AND ADVANCE. NOT ONLY IS CRIME CONTROL A MATERIAL NECESSITY FOR THE WORKING CLASS AN THEREFORE AN ESSENTIAL PART OF ANY SOCIALIST PROGRAMME - THE ABSENCE OF AN ALTERNATIVE POLITICS FOR MARGINALISED YOUTH THAT CAN GIVE THEIR LIVES MEANING AND POTENTIAL CONTRIBUTES SUBSTANTIALLY TO THE CREATION OF CRIME AND DISORGANISATION. JEREMY SEABROOK PUTS THIS ELOQUENTLY WHEN HE WRITES:

"THE YOUNG POOR SEE NO MEANING IN THE FIGHT FOR A BETTER WORLD; THE BETTER WORLD EXISTS ALREADY, IN SUCH CLOSE PARALLEL TO THAT WORSE AND UNBEARABLE ONE WHICH THEY INHABIT. THEY ARE THUS CUT OFF FROM ANY SENSE OF COLLECTIVE HOPE AND ACTION. HOPE LIES ONLY IN INDIVIDUAL ESCAPE - THE BIG WIN, THE MASSIVE HAUL, THE LUCKY STROKE, THE WINDFALL, THE RIGHT NUMBER, A WINNING TICKET.

"BECAUSE THE BETTER LIFE HAS BEEN TAKEN OVER AND REDEFINED IN TERMS OF THE CAPITALIST VERSION, ALL THE STRUGGLES OF THE LABOUR MOVEMENT HAVE BECOME ECLIPSED FOR THE POOR, ANOTHER MANGLED AND SHADOWED HOPE. THE RICH ARE NO LONGER GUILTY; JUST SUCCESSFUL. THE POOR HAVE BEEN RE-FASHIONED IN THE IMAGE OF THE RICH. FOR AS LONG AS THEY REMAIN IN OPPOSITION TO THEM, COLLECTIVE HOPE - AN ALTERNATIVE, IN FACT - REMAINED.

"IT IS BECAUSE THESE VISIONS OF AN ALTERNATIVE HAVE BEEN CONCLUDED THAT THE DISPOSSESSED TURN ON EACH OTHER. THE POOR PREY ON THE POOR; AND THIS IS AN ACT OF POLITICAL DESPAIR." (1983, P.64)

SOCIALISTS MUST BE INVOLVED IN TACKLING CRIME FOR MATERIAL, POLITICAL AND IDEOLOGICAL REASONS. MATERIALLY, THEN, TO PURSUE THE CAUSE OF JUSTICE IN WORKING CLASS COMMUNITIES. POLITICALLY TO PROVIDE AN ALTERNATIVE POLITICS WHICH WILL HARNESS THE ENERGIES OF THE MARGINALISED IN THE PROCESS DIMINISHING THE CAUSES OF CRIME WHILST PROVIDING A HUMANE AND EFFICACIOUS CRIME CONTROL. SUCH POLITICS OF CRIME CONTROL ARE PART OF THE WIDE SWEEP OF GRASSROOTS POLITICS - RANGING FROM THE CONTROL OF POLLUTION, INDUSTRIAL SAFETY, TRAFFIC CONTROL,

ENVIRONMENTAL IMPROVEMENTS - IN FACT, REPRESENT A UNITED INTEREST OF A DIVIDED COMMUNITY. IN THIS PROCESS OF SEEKING OUT A COMMON POLITICAL INTEREST AND EXERTING PUBLIC CONTROL, IT WILL SERVE TO RECREATE A SENSE OF COMMUNITY BOTH IN CONSCIOUSNESS AND IN MUSCLE, RATHER THAN RESURRECT A MYTHICAL ENTITY WHICH HAS LONG SINCE DISAPPEARED. LASTLY, IDEOLOGICALLY, IT WILL COMBAT THE TENDENCY OF A DIVIDED AND DISILLUSIONED PUBLIC TO MOVE TO THE RIGHT, TO CONSTRUCT A QUASI-COMMUNITY OUT OF SHABBY NATIONALISM AND RACISM. AND IT WILL REPLACE THE 'WAR AGAINST CRIME' NOTION OF CONVENTIONAL POLITICS WITH THE NOTION THAT THE FIGHT AGAINST CRIME IS ONE THAT IS AGAINST THE MATERIAL DEPRIVATION OF CAPITALISM AND THE RANK INDIVIDUALISM OF ITS VALUES. FOR TOO LONG THE POLITICS OF LAW AND ORDER HAVE BEEN A MONOPOLY OF THE RIGHT. YET THE LEFT HAVE EVERY REASON MATERIALLY, POLITICALLY AND IDEOLOGICALLY TO INTERVENE IN THIS AREA.

Transform the Social Control System

IN TERMS OF CONCRETE REFORMS. REALISM INSTRUCTS US TO TAKE NOTE OF THE NATURE OF THE OFFENCE, THE OFFENDER AND THE IMPACT. IT INSTRUCTS US THAT THE PROBLEM IN THE MAIN IS CRIME AND NOT THE CRIMINAL. THAT IN REALITY THE VAST MAJORITY OF CRIMES ARE MINOR, AMATEURISH AND OF LITTLE CONSEQUENCE IN ISOLATION. THAT THE AVERAGE OFFENDER IS NOT COMMITTED TO CRIME, BUT DRIFTS INTO ILLEGALITY SPORADICALLY AND WITHOUT COMPULSION. BUT IF ONE PINPRICK IS OF LITTLE SIGNIFICANCE, A THOUSAND, REPEATED DAILY, CERTAINLY ARE. TO PROTECT THE PUBLIC AGAINST CRIME IS NOT IDENTICAL TO A POLICY OF BEING HARSH ON THE OFFENDER - INDEED, THE REVERSE IS TRUE.

THE PRESENT SYSTEM OF SOCIAL CONTROL DOES NOT CORRESPOND TO THE NATURE OF CRIME, THE CHARACTERISTICS OF THE OFFENDER NOR THE EXPRESSED WISHES OF THE VICTIM. IT IS RADICAL TRANSFORMATION OF THE RELATIONSHIP BETWEEN FORMAL AND INFORMAL CONTROL SYSTEMS THAT IS THE KEY TO MATCHING DEVIANCE AND CONTROL IN AN EFFECTIVE MANNER.

ALTHOUGH CRITICAL, REALISM HAS A LOT TO LEARN FROM THE ABOLITIONISTS. IT CAN ONLY AGREE THAT THE PUBLIC ARE ONLY A MINOR PART OF EXISTING SYSTEMS OF SOCIAL CONTROL AND THAT PUBLIC 'INFORMAL' SYSTEMS ARE OF MUCH GREATER PRIORITY. IT IS COMPLETELY CORRECT THAT THE PRISONS ARE COUNTER-PRODUCTIVE, THAT THEY CREATE PROBLEMS RATHER THAN SOLVE THEM. IT IS TRUE THAT THE COURTS AND LAW REPRESENT A 'THEFT OF CONFLICT' (N CHRISTIE, 1975) - THAT THE POLICE ARE BEMUSED AND ALIENATED BY THE COURTROOM RATIONALE; THAT WHAT THE VICTIM WANTS IS A RESOLUTION OF CONFLICT, OFTEN ON AN INTERPERSONAL BASIS (SEE G HANAK, 1983). BUT IT DOES NOT PROPOSE TOTAL ABOLITION. IN THE CASE OF POLICE, FOR EXAMPLE, WE ARGUE FOR MINIMAL POLICING (KINSEY, LEA AND YOUNG, 1985). THAT IS A MINIMUM COERCIVE FORCE IS NECESSARY IN THIS AND IN ALL KNOWN INDUSTRIAL SOCIETIES. WITH REGARDS TO THE COURT SYSTEM, WE WOULD SIMILARLY ARGUE AGAINST INVOLVING THE FORMAL SYSTEM WHEREVER POSSIBLE, BUT WE WOULD CERTAINLY NOT URGE THE REMOVAL OF THE COURT SYSTEM IN TOTO, WITH ITS FUNDAMENTAL PROTECTION OF RIGHTS AND THE PERSON.

THERE ARE TWO GENERAL CAVEATS THAT MUST BE MADE CONCERNING ABOLITIONISM AND THE RELATIONSHIPS BETWEEN INFORMAL AND FORMAL CONTROL SYSTEMS. FIRSTLY, THEY ARE NOT TWO SEPARATE SYSTEMS; LEGAL AND NON-LEGAL FORMS ARE INTERDEPENDENT. FOR EXAMPLE,

THE IMPACT OF LEGAL RULES IN TERMS OF PUBLIC CENSURE IS VERY LARGELY A FUNCTION OF INFORMAL CONDUCT NORMS (SEE S HENRY, 1983); AND THE IMPACT OF INFORMAL RULES IN A HIGHLY ORGANISED, INFORMAL, COMMUNITY SUCH AS A KIBBUTZ, IS DEPENDENT ULTIMATELY ON THE POSSIBILITY OF OUTSIDE COERCIVE SANCTIONS.

SECONDLY, THE DISTINCTION BETWEEN 'REPRESSIVE' FORMAL SYSTEMS OF CONTROL AND 'NON-REPRESSIVE' INFORMAL SYSTEMS IS INCORRECT. INFORMAL CONTROL MECHANISMS, SUCH AS IN JAPAN, CAN BE MORE REPRESSIVE IN THE DEGREE OF SURVEILLANCE AND PRESSURE THAN THE MORE PERFUNCTORY NATURE OF SOME OF THE LESS OPPRESSIVE FORMAL SYSTEMS (SEE S SCHEERER, 1983). THUS BOTH INFORMAL AND FORMAL SYSTEMS NECESSITATE RULES IN ORDER TO PREVENT UNWARRANTED HARASSMENT AND STIGMATISATION. I AM NOW IN A POSITION TO SUMMARISE THE VARIOUS TRANSFORMATIONS OF THE CONTROL SYSTEM WHICH WOULD BE NECESSARY FOR A REALIST POSITION:

Maximum Use of Pre-Legal Mitigation

THE NOTION OF THE POLICE, COURTS, FINES AND PRISON, HOLDS AN ALMOST MAGICAL FASCINATION FOR LAY-PERSON AND SOCIOLOGIST ALIKE. BUT, OF COURSE, AS IGNATIEFF HAS SUGGESTED, THEY HAVE FAR FROM A MONOPOLY OF CONFLICT RESOLUTION. IN FACT, THE VAST MAJORITY OF ILLEGALITIES ARE ALREADY DEALT WITH BY INFORMAL OR PRE-LEGAL MECHANISMS. DAVID SMITH BRINGS THIS OUT WELL IN HIS INTRODUCTION TO THE POLICY STUDIES INSTITUTE REPORT ON POLICING IN LONDON. HE EXPLICITLY DOWN-GRADES THE NOTION OF THE CENTRALITY OF THE POLICE - THE PROCESS OF SOCIAL CONTROL. THUS HE WRITES:

"ALTHOUGH THERE IS SOME TRUTH IN THE PLATITUDE THAT

'THE POLICE ARE DEPENDENT ON THE SUPPORT OF THE PUBLIC; THE FORMULATION IS TOO SIMPLE AND DOES NOT GO FAR ENOUGH. THE POLICE ARE NOT, FOR THE MOST PART, THE PRIME MOVERS, THE INITIATORS OF THE SOCIETAL PROCESSES THAT CONTROL DEVIANT BEHAVIOUR; ON THE CONTRARY, THEY WORK, FOR THE MOST PART, AT THE MARGINS, WHERE THE USUAL PROCESSES OF CONTROL HAVE BROKEN DOWN. MOST OF THE TIME THEY ARE RESPONDING TO DIRECT REQUESTS FROM INDIVIDUALS OR OTHER AGENCIES, AND EVEN THEN THEY CAN ONLY ACT EFFECTIVELY WHERE THE ASSUMPTIONS AND VALUES THAT GOVERN THEIR ACTIONS ARE MORE GENERALLY SHARED. EVEN WITHIN THAT SMALL PROPORTION OF THEIR TOTAL ACTIVITY IN WHICH THEY APPEAR TO BE TAKING THE INITIATIVE, THE POLICE ACT AS A CONTINUATION AND DEVELOPMENT (BY SPECIALISTS) OF MORE GENERAL EFFORTS BY THE MASS OF PEOPLE AND INSTITUTIONS TO MAINTAIN ORDER, CONTROL AND COHERENCE. IN OTHER WORDS, THE POLICE ARE A SMALL BUT EXTREMELY IMPORTANT ELEMENT WITHIN A MUCH LARGER COMPLEX OF INTER-RELATED SYSTEMS OF CONTROL. THEY REQUIRE SUPPORT, THOUGH NOT UNCRITICAL SUPPORT OR UNTHINKING OBEDIENCE; FOR THEY THEMSELVES ARE ONLY SUPPORTING (NOT INITIATING OR DIRECTING) THE WIDER FORMS OF SOCIAL CONTROL.'" (1983, P.10)

THE TWO EXAMPLES HE TAKES ARE THE BRITISH GAS CORPORATION AND THE PAYMENT OF BILLS AND DISRUPTIVE BEHAVIOUR IN SCHOOLS. HE NOTES THAT THERE ARE TWELVE AND A HALF MILLION CONSUMERS OF THE BRITISH GAS CORPORATION; THREE- QUARTERS OF THESE PAY THEIR BILLS BEFORE RECEIVING A REMINDER; A FURTHER 19% PAY AFTER RECEIVING THE FINAL NOTICE. THE REMAINING 5.6% ARE SENT A DISCONNECTION NOTICE WHICH IS THEN FOLLOWED BY OFFICIALS OF THE GAS BOARD VISITING THE CUSTOMERS. DISCONNECTION OCCURS IN ONLY 0.074% OF CASES AND A POLICE OFFICER IS PRESENT IN LESS THAN 5% OF THESE CASES OR LESS THAN 1 IN 30,000 CASES OF NON-PAYMENT. THUS, ALTHOUGH THE COERCIVE MACHINERY OF THE LAW IS USED, AND IS ALWAYS A POSSIBILITY, IT IS ONLY BROUGHT INTO PRACTICE IN A MICROSCOPIC NUMBER OF CASES - NEGOTIATION BETWEEN GAS BOARD AND CUSTOMER BEING SUFFICIENT IN THE VAST MAJORITY OF CASES.

HIS SECOND EXAMPLE IS EVEN MORE APPROPRIATE: THE CONTROL OF DISRUPTIVE BEHAVIOUR IN SCHOOL. GIVEN A VERY LARGE NUMBER OF OFFENDERS ARE, IN FACT, CHILDREN AND YOUNG PEOPLE IT IS INTERESTING TO NOTE HOW THE SCHOOL SYSTEM, ALTHOUGH HOUSING THEM FOR A LARGE PROPORTION OF THEIR DAY, VERY RARELY, IN NEARLY EVERY DEVELOPED COUNTRY, INVOLVES A DIRECT POLICE INTERVENTION. THUS, ALTHOUGH NUMEROUS FIGHTS, THEFTS AND DAMAGE TO PROPERTY OCCURS, MOST OF WHICH COULD BE INTERPRETED AS CRIMINAL, THE SCHOOL, IN CONJUNCTION WITH THE FAMILY CONCERNED, DEALS WITH THESE SITUATIONS.

NUMEROUS STUDIES OF VICTIM ASSESSMENT OF LEGAL SETTLEMENTS SUGGEST THAT THERE IS A PROFOUND PUBLIC ALIENATION FROM SUCH FORMAL PROCESSES. THUS GEHARD HANAK, IN HIS STUDIES OF VICTIMS WHO COMPLAINED TO THE POLICE IN VIENNA (1983), FOUND THAT WHAT PEOPLE WANTED WAS RESTITUTION OF THE OBJECTS STOLEN, APOLOGIES FOR VIOLENCE AND A SENSE THAT THE INJUSTICE WAS TALKED THROUGH. FEW WANTED IMPRISONMENT OR FINES PAID TO THE STATE AND OF THE MINORITY WHO WANTED COURT ACTION, A LARGE PROPORTION WERE SUBSEQUENTLY FOUND TO BE DISAPPOINTED WITH THE ALIEN ATMOSPHERE OF THE COURTROOM, WITH ITS ABSTRACTION FROM REALITY AND SENSE OF JUSTICE OF THE PARTICIPANTS. IT IS ESSENTIAL, THEN, TO SET UP PRE-LEGAL LITIGATION SCHEMES WITHIN THE COMMUNITY WHICH CAN MORE EFFECTIVELY DEAL WITH INJUSTICE OVER INCIDENTS SUCH AS DOMESTIC VIOLENCE AND JUVENILE VANDALISM, BOTH IN TERMS OF WISHES OF THE PARTICIPANT AND THE ABILITY TO WIELD EFFECTIVELY SOCIAL CENSURE.

The Democratisation of the Courts

THE COURTS, THEN, MUST BE USED MINIMALLY AND THEY MUST MOVE TO A SYSTEM - WHICH EMBODIES A SENSE OF THE SUBSTANTIVE PREDICAMENTS OF THE OFFENDERS RATHER THAN THE PRESENT ABSTRACT SYSTEMS OF VOLUNTARISM IN THE ADULT COURTS AND DETERMINISM IN THEIR JUVENILE EQUIVALENTS. BUT ON A FORMAL LEVEL IT IS IMPORTANT THAT A DEMOCRATISATION OF CONTROL OCCURS. PAT CARLEN POINTS US IN THE RIGHT DIRECTION WHEN SHE SUGGESTS THE ESTABLISHMENT OF LOCAL LAY TRIBUNALS WHICH WOULD OPERATE UNDER THE PRINCIPLE OF ONLY PROSECUTING WHERE NECESSARY AND STAND AS A MAJOR FILTER BETWEEN THE OFFENDER AND THE COURT SYSTEM.

IT WOULD NOT GET RID OF THE COURTS: "THE JUDICIARY WOULD STILL FULFIL A JUDICIAL FUNCTION, BUT JUDICIAL INTERVENTION WOULD FOLLOW UPON THE LAY DECISION TO PROSECUTE" (1983, P.213). HER CASE FOR MINIMALISM AS AGAINST A TOTAL ABOLITIONISM IS PUT WELL:

"FIRST, I WILL ANSWER THE POSSIBLE CHARGE OF LIBERTARIANISM. I HAVE NOT TRIED TO ARGUE THAT I CAN FORESEE A TIME WHEN NO INDIVIDUALS WILL BE INTERPELLATED AS GUILTY CITIZENS WORTH OF SOCIAL CENSURE AND EVEN CUSTODIAL RESTRAINT (ALTHOUGH, OF COURSE, THAT IS NOT TO SAY THAT THE TIME WILL NOT COME) NOR HAVE I ARGUED THAT PUNISHMENT OR THE THREAT OF PUNISHMENT WILL HAVE NO PART TO PLAY IN A SOCIALISED JUSTICE. I WOULD, HOWEVER, EXPECT SUCH PUNISHMENTS AS ARE IMPOSED TO BE PUBLICLY JUSTIFIED AND DEBATED. WHAT I HAVE ARGUED FOR IS, FIRST, MORE INFORMED PUBLIC DEBATE ABOUT THE RELATIONSHIPS BETWEEN LAW- BREAKING, INEQUALITY AND PENAL POLICY; SECOND, AND RELATEDLY, MORE LAY INVOLVEMENT IN THE PROSECUTION AND DISPOSAL OF LAW- BREAKERS; AND FINALLY, PARLIAMENTARY LEGISLATION FOR THE LIMITATION OF THE POWERS OF THE JUDICIARY AND FOR THE SETTING UP OF AGENCIES EMPOWERED TO RESPOND TO LAW-BREAKING IN WAYS WHICH WOULD NOT BE PRIMARILY PUNITIVE, WHERE EMPHASIS WOULD BE SHIFTED AWAY FROM THE RIGHT TO PUNISH, ON TO THE POWER TO REMEDY FRACTURED SOCIAL RELATIONS." (1983, PP.214-215)

c. The Minimal Use of a Publicly Accountable Police Force

IN REALITY SUCCESSFUL POLICING IS OVERWHELMINGLY DEPENDENT UPON PUBLIC WITNESSING. 95% OF CRIMES KNOWN TO THE POLICE IN THE INNER CITIES OF BRITAIN ARE REPORTED BY THE PUBLIC AND OVER 70% BY THE ACTUAL VICTIMS THEMSELVES. WITHOUT PUBLIC COOPERATION, POLICING BECOMES HAMSTRUNG AND LEADS INEVITABLY TO THE USE OF EXCESSIVE FORCE AND HARASSMENT. SUCH A VICIOUS CIRCLE RESULTS IN FURTHER DISTANCING OF THE PUBLIC, AND IN LESS PUBLIC INFORMATION ABOUT CRIME BEING AVAILABLE TO THE POLICE, TO LOWER CLEAR-UP RATES AND THE ALIENATION OF 'SUSPECT' POPULATIONS - THE FIRST STEP IN THEIR CRIMINALISATION. LACK OF PUBLIC SUPPORT LEADS TO BAD POLICING AND HIGHER CRIME RATES. THE DEMOCRATIC ACCOUNTABILITY OF THE POLICE IS THE FIRST STEP IN BREAKING THIS CIRCLE.

IN *LOSING THE FIGHT AGAINST CRIME*, KINSEY, LEA AND MYSELF ARGUED FOR MINIMAL POLICING. THAT IS A SITUATION WHERE THE POLICE ARE USED ONLY IN THE MINIMUM OF CASES WHERE COERCION IS NECESSARY, THAT THEIR ROLE SHOULD BE LIMITED TO ARREST AND NO OTHER PART OF THE PROSECUTION PROCESS, THAT THEY SHOULD BE DISTINCTLY SEPARATE FROM OTHER AGENCIES SUCH AS SOCIAL WORK OR TEACHING, AND THAT THEY SHOULD ONLY ACT UPON PUBLIC INITIATION AND REQUEST.

DAVID SMITH, COMMENTING ON THE LIMITED USE OF THE POLICE BY THE GAS BOARD AND SCHOOLS MAKES A SIMILAR POINT:

"EXAMPLES OF THIS KIND SHOW THAT IT IS MOSTLY NOT THE POLICE BUT OTHER AGENCIES AND INDIVIDUALS THAT 'SET THE AGENDA' FOR LAW ENFORCEMENT. IN EXAMPLES LIKE THE ONES THAT HAVE BEEN QUOTED, THERE IS LITTLE DANGER THAT THE POLICE WILL LACK SUPPORT BECAUSE IT IS HARD FOR THEM TO BE OUT OF STEP WITH THE LIMITED AND SPECIFIC DEMANDS THAT ARE BEING MADE, OR WITH

THE EXPECTATIONS OF THE PEOPLE INVOLVED (EVEN OF THE OFFENDERS). HOWEVER, WHERE THE POLICE DO TAKE THE INITIATIVE - FOR EXAMPLE, BY STOPPING AND SEARCHING A LARGE NUMBER OF PEOPLE MORE OR LESS AT RANDOM IN BRIXTON - THEY CANNOT BE RESPONDING TO A SPECIFIC REQUEST, THEY ARE 'DEFINING THE AGENDA' THEMSELVES, AND THERE IS NO BUILT-IN MECHANISM TO ENSURE THAT WHAT THEY ARE DOING FITS IN WITH THE EXPECTATIONS OF THE MAJORITY OR WITH THE PRACTICES OF THE OTHER AGENCIES IN SOCIETY THAT ARE RESPONSIBLE FOR CONTROLLING DEVIANT BEHAVIOUR MOST OF THE TIME. THE DANGER IS THAT IF THE POLICE COME TO INITIATE MORE OF THEIR ACTIVITY THEMSELVES, THEY WILL BECOME ISOLATED FROM THE PEOPLE THEY ARE SUPPOSED TO BE HELPING, UNLESS WAYS CAN BE FOUND OF INVOLVING PEOPLE OUTSIDE THE POLICE FORCE IN THE DECISION-MAKING." (1983, PP.12-13)

IT SHOULD BE STRESSED THAT THE CONCEPT OF MINIMAL POLICING SETS ITSELF FIRMLY AGAINST THE INFLUENTIAL NOTION OF 'ORDER POLICING' AS ADVOCATED BY WILSON AND KELLING (SEE J Q WILSON AND G KELLING, 1982) AND OTHER ADHERENTS TO ADMINISTRATIVE CRIMINOLOGY. THEY ARGUE THAT BEAT POLICING DOES NOT DIRECTLY OR IMMEDIATELY WORK, BUT BY ENFORCING ORDER IN AN AREA - IRRESPECTIVE OF WHETHER AN ACTIVITY IS CLEARLY ILLEGAL OR NOT - THE COMMUNITY WILL, IN THE LONG RUN-, DEVELOP ITS OWN INFORMAL RESISTANCE TO ILLEGALITY AND THE CRIME RATE WILL GRADUALLY DECLINE. MINIMAL POLICING STATES THAT THE POLICE CAN INTERVENE ONLY WHEN AN ILLEGALITY HAS OCCURRED AND THE PUBLIC REQUEST SUCH A MEASURE. AS IT IS, THE POLICE INTERVENE OFTEN WHERE NO ILLEGALITY HAS OCCURRED (AS DETAILED IN THE ABOVE QUOTE) AND REFUSE TO ACT WHEN THERE HAS BEEN BOTH OFFENCE AND REQUEST FOR HELP (AS IN DOMESTIC VIOLENCE CASES). THE REASONS WHY BEAT POLICING DOES NOT WORK IS PRECISELY BECAUSE SUCH ORDER OCCURS. IN THESE INSTANCES, AS WE HAVE DOCUMENTED ELSEWHERE (KINSEY *ET AL*, 1985), IT RESULTS IN THE HARASSMENT OF INNOCENT GROUPS OF PEOPLE, USUALLY YOUNG AND/OR MEMBERS OF ETHNIC GROUPS, AND THE LONG-TERM ALIENATION OF PRECISELY

THESE PARTS OF THE POPULATION THAT THE POLICE NEED SUPPORT FROM IN ORDER TO DEAL WITH CRIME.

d. Decriminalisation

I HAVE ARGUED FOR THE MINIMAL USE OF CRIMINAL SANCTIONS, BUT THIS IS NOT IDENTICAL WITH THE DECRIMINALISATION OF OFFENCES COMPLETELY. THE ALLIANCE, ONCE AGAIN, OF LIBERAL CRIMINOLOGISTS SUCH AS NORVAL MORRIS AND EDWIN SCHUR, COMBINES WITH LEFT IDEALISTS TO DEMAND A WIDESPREAD DECRIMINALISATION OF 'MINOR' PROPERTY OFFENCES AND 'CRIMES WITHOUT VICTIMS'. BY THIS THEY WANT THE REMOVAL OF THESE OFFENCES FROM THE STATUTE BOOK. I HAVE ARGUED THAT OFFENCES MUST BE ASSESSED, IN PART, BY THEIR IMPACT. MOST PROPERTY OFFENCES AGAINST WORKING CLASS PEOPLE INVOLVE SMALL AMOUNTS OF VALUE - FOR OBVIOUS REASONS - BUT THIS DOES NOT MAKE THEM MINOR IN THEIR IMPACT. SIMILARLY, MOST ACTS OF DOMESTIC VIOLENCE ARE MINOR - AS ARE MOST ACTS OF VANDALISM. BUT REPEATED MINOR OFFENCES ARE OF MAJOR IMPACT. IT HAS BEEN THE HISTORICAL ROLE OF LIBERALISM, IN THE NAME OF FREEDOM, TO REMOVE THE DEFENCES OF THE WEAK. IT HAS BEEN A POLITICAL MISTAKE OF LEFT IDEALISTS TO CONNIVE IN THIS PROCESS UNDER THE BANNER OF IMPOSSIBILISM. TO RETAIN CRIMINAL SANCTIONS FOR MINOR PROPERTY OFFENCES AND ACTS OF VIOLENCE IS NOT TO ARGUE FOR HARSH SENTENCES, BUT - AS WITH THE WHOLE CONCEPT OF MINIMALISM - TO ARGUE FOR THEIR NECESSITY AS AN ELEMENT IN THE REPERTOIRE OF RESPONSES.

LET US NOW EXAMINE A LIST OF SO-CALLED 'CRIMES WITHOUT VICTIMS': PROSTITUTION, DRUG USE, ILLEGAL GAMBLING, PORNOGRAPHY, ABORTION, HOMOSEXUALITY, ETC. THE FIRST THING ONE NOTES ABOUT THIS LIST IS THAT IT IS A MIXED BAG WE ARE ASKED TO AGREE IN EACH

CASE THAT THERE IS NO VICTIM; WE ARE ASKED TO AGREE THAT EACH CATEGORY CONTAINS ACTIVITIES OF HOMOGENOUS INNOCUOUSNESS; WE ARE ASKED TO AGREE THAT IN WHATEVER SOCIAL CONTEXT THESE OCCUR, WE WOULD FIND THEM INOFFENSIVE. THE REASON FOR SUCH AN ABSTRACT RAGBAG OF ACTIVITIES; ALL THEY HAVE IN COMMON IS AN AGREEMENT BETWEEN TWO OR MORE PARTNERS. WHY SHOULD WE INTERFERE; THE LIBERALS ASK US; IN FREE INDIVIDUALS DOING THEIR OWN THING? OUR ANSWER TO THEM MUST BE CLEAR; BECAUSE INDIVIDUALS ARE NOT FREE; BECAUSE IT IS PRECISELY THE STRUCTURAL DETERMINANTS WHICH THE XXXXX CHOSE TO IGNORE WHICH IMPRISON AND ENMESH HUMAN ACTION AND RATIONALITY. FURTHERMORE; THAT THE EXERCISE OF POWER IS NOT AN INHERENT EVIL; FOR IT CAN BE USED TO COMBAT THE REPRESSIVE INSTITUTIONS WHICH SURROUND US. IN A SIMILAR FASHION THE LEFT IDEALIST ASKS US WHY SHOULD WE INTERFERE? ARE NOT THESE CRIMES WHICH ARE FORCED UPON PEOPLE BECAUSE OF CAPITALISM AND SURELY NO REFORM SHORT OF TOTAL SOCIAL TRANSFORMATION WOULD SOLVE THE PROBLEMS? SOCIAL INTERVENTION WOULD MERELY EXACERBATE THE PROBLEMS WHICH THESE PEOPLE FACE. AGAINST THIS; REALISM ARGUES FOR THE POSSIBILITY OF RADICAL REFORM AND; ONCE AGAIN; MAKES THE DISTINCTION BETWEEN INTERVENTION APPROPRIATE TO THE SPECIFIC NATURE OF EACH OFFENCE AND INAPPROPRIATE UNREALISTIC POLICIES.

IT IS BECAUSE SOCIAL INTERVENTION CAN HAVE A PROGRESSIVE AS WELL AS DELETERIOUS CONSEQUENCES THAT WE MUST DISCRIMINATE AMONGST 'CRIMES WITHOUT VICTIMS'; WE MUST SEPARATE THESE CATEGORIES WHICH ARE PRESENTED TO US. TO PRESENT CONSENSUS BETWEEN PARTNERS AS AN ARGUMENT FOR THE INNOCUOUSNESS OF AN ACTIVITY; IS TO IGNORE THAT CONTRACTUAL AGREEMENT

IN A CAPITALIST SOCIETY IS VERY OFTEN NOT AN AGREEMENT BETWEEN EQUALS BUT ONE BETWEEN THOSE OF UNEQUAL POWER. NOR IS SUCH A 'FREE CONTRACT' BESET MERELY BY MATERIAL CONSTRAINTS; THE IDEOLOGICAL DOMINATION OF BOURGEOIS IDEAS AND CATEGORIES SCARCELY MAKES FOR A *RATIONAL* CONTRACT BETWEEN FREE INDIVIDUALS.

IF WE TURN, THEN, TO THE STRUCTURAL CAUSES OF 'CRIMES WITHOUT VICTIMS' WILL BE MORE CAPABLE OF DISCRIMINATION BETWEEN THEM. TO DO WE THIS WE MUST PLACE ACTIVITIES IN THEIR SOCIAL AND HISTORICAL CONTEXT, NOT GENERALISING UPON SUCH AN ABSTRACT AND SPURIOUS BASIS AS CONSENSUAL ACTIVITIES. LET ME GIVE YOU SOME EXAMPLES.

Prostitution Versus Homosexuality

IN PROSTITUTION WE CAN SEE THE EPITOME OF THE SEXIST RELATIONSHIPS OF OUR SOCIETY; THE END POINT IN THE COMMODITIFICATION OF THE SEX. THE PROSTITUTE STANDS A VICTIM, ALBEIT OFTEN WILFULLY; TO THE REPRESSIVE STRUCTURE OF THE WIDER SOCIETY. IN HOMOSEXUALITY, PARTICULARLY AS MANIFESTED IN THE STRUGGLE OF THE 'GAY MOVEMENT', WE CAN SEE AN ATTEMPT TO OVERCOME THESE REPRESSIVE STRUCTURES, AN ATTEMPT TO OVERCOME VICTIMISATION. THE DECRIMINALISATION OF PROSTITUTION IS OF RADICALLY DIFFERENT SIGNIFICANCE TO THE DECRIMINALISATION OF HOMOSEXUALITY. THE FIRST INVOLVES THE ETHOS OF THE MARKET PLACE; THE PLACING OF PROSTITUTES IN LAISSEZ-FAIRE SITUATIONS WHICH WOULD RESULT IN A MORE THOROUGH-GOING COMMERCIALISATION AND EXPLOITATION. THIS IS NOT, OF COURSE, TO ARGUE FOR THE LEGAL PERSECUTION OF PROSTITUTES; IT IS TO MAINTAIN THAT LAWS MUST BE USED TO LIMIT THEIR

EXPLOITATION (SEE R MATTHEWS, XXXX). THE SECOND INVOLVES THE REMOVAL OF THE LEGAL MEASURES OF STIGMATISATION AND THE ENACTMENT OF RULES TO PROTECT THE EXPLOITATION OF MINORS IDENTICAL TO THOSE THAT PERTAIN TO HETEROSEXUALS.

Heroin Use Versus Marihuana Use

THE WORLD OF THE STREET ADDICT IS A PRODUCT OF THE DESPAIR OF THE GHETTO; TO DECRIMINALISE HEROIN WOULD BE TO EXPOSE THE IMMISERISED TO THE TENDER MERCIES OF BIG BUSINESS. THE PROBLEM WITH MARIHUANA USE IN ADVANCED INDUSTRIAL COUNTIES IS MERELY THE PROBLEM OF ITS ILLEGALITY. IN THE FIRST INSTANCE WE WOULD CALL FOR LEGALISATION AND STATE CONTROL; IN THE SECOND FOR TOTAL DECRIMINALISATION WITHIN THE LEGAL RUBRIC OF THE USUAL FOOD AND DRUGS ACTS.

Abortion

ABORTION MAY BE THE FREE CHOICE OF WOMEN TO CONTROL THEIR OWN FERTILITY, BUT IT MAY OFTEN BE A CHOICE FORCED UPON THEM BY ECONOMIC CIRCUMSTANCE. IN THIS THEY ARE VICTIMS - THE ECONOMIC CASUALTIES OF THE SYSTEM. ONE MAY, THEN, CALL FOR THE DECRIMINALISATION OF ABORTION, YET NOTE THAT SUCH A *GAIN*, UNLESS COUPLED WITH STATUTORY PROVISION OF CRÈCHES, EQUAL EDUCATION AND EMPLOYMENT OPPORTUNITIES FOR WOMEN, AND A BASIC STANDARD OF LIVING, WILL NOT INVOLVE A REAL CHOICE.

SEVERAL PRINCIPLES EMERGE FROM THE ABOVE CURSORY ANALYSIS; AN ACT MUST BE SEEN IN TERMS OF ITS STRUCTURAL CAUSATION; IT MAY INVOLVE A LIBERATIVE ENDEAVOUR OR THE VICTIMISATION OF THE 'WILLING' PARTNERS THROUGH THE STRUCTURAL DETERMINANTS

IMPOSED UPON THEM. LEGAL INTERVENTION MUST BE A TWO-PRONGED AFFAIR: ONE AIMED AT THE STRUCTURAL CAUSES OF THE PROBLEM; THE OTHER AT ITS CONTROL AND CONTAINMENT.

MARIJUANA USE IS A PROBLEM AT NEITHER LEVEL AND WE MAY TALK OF TOTAL DECRIMINALISATION; ABORTION IS OFTEN A PROBLEM IN ITS STRUCTURAL CAUSES, SO WE MAY TALK OF DECRIMINALISATION AT THE LEVEL OF CONTROL AND POSITIVE INTERVENTION IN THE AREA OF THE POSITION OF WOMEN. (EQUAL EMPLOYMENT OPPORTUNITIES, STATUTORY PROVISION OF NURSERIES, ETC). FOR PROSTITUTION AND HEROIN USE, OUR PRIMARY TARGET MUST BE STRUCTURAL CAUSES COMBINED WITH A CONTROL PRACTICE WHICH AIMS TO PROTECT THE VICTIMS FROM IMMISERISATION AND EXPLOITATION.

e. Demarginalisation and the Minimal Use of Prisons

INSTEAD OF MARGINALISING AND EXCLUDING AN OFFENDER, REALISTS WOULD ARGUE FOR ALTERNATIVES TO PRISON WHICH HELP TO INTEGRATE RATHER THAN SEPARATE THE OFFENDER. THEY WOULD THEREFORE ADVOCATE SUCH MEASURES AS COMMUNITY SERVICE ORDERS, VICTIM RESTITUTION SCHEMES AND WIDESPREAD DECARCERATION.

THE MARGINALISATION OF THE OFFENDER WHICH OCCURS AT THE PRESENT DOES NOT INVOLVE JUST THE PHYSICAL AND SOCIAL EXCLUSION OF THE OFFENDER IN THE PRISONS, IT CRUCIALLY INVOLVES HIS/HER ETHICAL ALIENATION; A SEVERANCE OF THE MORAL BOND WITH THE COMMUNITY. THE INSTITUTIONS THAT ARE INVOLVED IN CRIME CONTROLLING AND CONTAINING CRIMINALS MUST EPITOMISE JUSTICE - NOT, AS THEY DO AT THE MOMENT, CREATE VERITABLE HAVENS OF LAWLESSNESS.

PRISON SHOULD ONLY BE USED IN THOSE CIRCUMSTANCES

WHERE THERE IS EXTREME DANGER TO THE COMMUNITY, THE DEVELOPMENT OF WEEKEND PRISONS WHICH PERMIT PEOPLE TO MAINTAIN THEIR JOBS AND SOCIAL RELATIONSHIPS ARE IMPORTANT, BUT WHERE FULL-TERM IMPRISONMENT IS NECESSARY IT SHOULD RESTRICT ITSELF TO CIVILISED FORMS OF CONTAINMENT. LIFE INSIDE PRISON SHOULD BE AS FREE AND AS 'NORMAL' AS POSSIBLE. SUCH A DEMAND IS NOT HUMANITARIAN IDEALISM - IT IS BASED ON THE SIMPLE, REALISTIC-FACT THAT THE RESULT OF PRISON EXPERIENCE IS TO PRODUCE EITHER PITIFUL, INADEQUATE OR HARDENED CRIMINALS. ANY HOSPITAL WHICH MADE THE PEOPLE MORE SICK THAN THEY ORIGINALLY WERE AND WHERE EACH VISIT MADE MORE LIKELY THE NEXT, WOULD HAVE BEEN SHUT DOWN YEARS AGO.

THERE HAS BEEN MUCH DISCUSSION IN ABOLITIONIST CIRCLES AS TO WHOM SHOULD BE IMPRISONED. THE OLD ARGUMENT THAT ONLY A VERY SMALL NUMBER OF EXTREMELY DANGEROUS OFFENDERS SHOULD BE IMPRISONED HAS COME INTO CONFLICT, WITH STRONG CURRENTS ON THE LEFT POINTING OUT THE PROBLEMS OF VIOLENCE AGAINST WOMEN AND RACIST ATTACKS (SEE JILL BOX-GRAINER,XXXX). THIS RADICAL VICTIMOLOGY, AS WE HAVE SEEN, HAS BEEN A CONSIDERABLE MOTOR FORCE ON PROGRESSIVE THINKING ABOUT CRIME. THE USUAL METHOD OF DEALING WITH SUCH ANOMALIES FROM A LEFT IDEALIST PERSPECTIVE IS, AS JOHN LEA AND I POINTED OUT IN *WHAT'S TO BE DONE ABOUT LAW AND ORDER?*, A SORT OF SCHIZOPHRENIA. CRIMES AGAINST WOMEN AND AGAINST BLACKS ARE VIEWED AS REAL CRIMES WHICH MUST BE TAKEN SERIOUSLY, WHILST OTHER WORKING CLASS CRIMES ARE NOT A REAL PROBLEM AND ARE SUBJECT TO MORAL PANICS, ETC. JUST SUCH A SOLUTION HAS OCCURRED AMONGST ABOLITIONISTS. THUS TONY WARD WRITES:

"AT A GENERAL LEVEL THE ISSUES OF POLICING AND

IMPRISONMENT RAISE THE QUESTION: ARE THERE SOME KINDS OF CRIME AGAINST WHICH SOCIALISTS OR LIBERTARIANS SHOULD ACCEPT, AND EVEN ENCOURAGE, THE USE OF THE REPRESSIVE MACHINERY OF THE STATE?

"ONE APPROACH TO THIS PROBLEM IS TO RECOGNISE THAT SOME KIND OF CRIME ARE ACTS OF OPPRESSION ON BEHALF OF A POWERFUL GROUP AGAINST A LESS POWERFUL. RACIAL AND SEXUAL ATTACKS, CORPORATE CRIME, AND CRIMES BY POLICE AND PRISON OFFICERS ARE OBVIOUS EXAMPLES. THESE ARE ALL AREAS WHERE THE EFFORT PUT INTO LAW- ENFORCEMENT IS RELATIVELY LOW; OFTEN, INDEED, SO LOW AS TO SEEM TO CONDONE THE CRIME CONCERNED. IN SOME SUCH CASES, ACTION BY THE STATE COULD HAVE CONCRETE AND DESIRABLE EFFECTS: THE ARREST AND IMPRISONMENT OF SOME RAPISTS AND RACISTS WOULD BE OF REAL BENEFIT TO THEIR VICTIMS. JUST AS ONE MAY ULTIMATELY HOPE FOR THE ABOLITION OF WAGE-LABOUR AND YET ACCEPT THAT IN THE PRESENT STATE OF SOCIETY IT IS BETTER (FOR MANY PEOPLE) TO BE IN EMPLOYMENT THAN OUT OF IT, SO ONE MAY ULTIMATELY HOPE THE ABOLITION OF PENAL 'JUSTICE' AND YET ACCEPT THAT IN THE PRESENT STATE OF SOCIETY IT IS BETTER FOR A FEW PEOPLE TO BE IN PRISON THAN OUT OF IT.

"I AM NOT SUGGESTING THAT [WE] OUT TO CAMPAIGN FOR THE IMPRISONMENT OF RAPISTS, BENT COPPERS OR ANYBODY ELSE; ONLY THAT THE LONG-TERM IDEAL OF ABOLITION HAS TO BE TEMPERED BY ACKNOWLEDGEMENT OF THE LEGITIMATE SHORT-TERM INTERESTS OF THE OPPRESSED.

"ONE OF THE FATAL MISTAKES IS TO FAIL TO DISTINGUISH CLEARLY BETWEEN THE 'CRIMES OF THE POWERFUL' AND THE ORDINARY WORKING- CLASS STREET CRIME WHICH IS ESSENTIALLY AN INTRA-GROUP ACTIVITY AND AGAINST WHICH EXISTING LAW ENFORCEMENT POLICIES ARE OPPRESSIVE, DIVISIVE AND IDEOLOGICALLY MOTIVATED." (1984, P.8)

ONE CAN ONLY AGREE THAT CRIMES OF THE POWERFUL SHOULD BE TAKEN SERIOUSLY, BUT THE SIMPLE DIVISION BETWEEN INTER-GROUP CRIMES (OF THE POWERFUL) AND INTRA-GROUP CRIMES (BETWEEN THE POWERLESS) IS INADEQUATE. THE MAJORITY OF VIOLENCE AGAINST WOMEN IS INTRA-CLASS IN ITS NATURE AND, OF COURSE, USUALLY INVOLVES THE HUSBAND OR LOVER. THUS RAPE AND DOMESTIC VIOLENCE OCCUR WITHIN RELATIVELY POWERLESS GROUPS OF PEOPLE. THE MAJORITY OF MURDER, ASSAULTS, GRIEVOUS BODILY HARM IS BETWEEN WORKING-CLASS MEN: IT IS *INTRA-CLASS* AND *INTRA-RACIAL* IN ITS

NATURE. EVEN RACIST ATTACKS, WHICH ARE OBVIOUSLY INTER-RACIAL, ARE TYPICALLY COMMITTED BY POOR, LOWER, WORKING- CLASS ADOLESCENTS AT THE BOTTOM OF THE HEAP. AS I HAVE REITERATED THROUGHOUT THIS ESSAY, THE PROBLEM OF CRIME IS THAT OF ANTI-SOCIAL ACTS COMMITTED AGAINST LESS POWERFUL PEOPLE, BUT IT IS ALSO A PROBLEM OF DISORGANISATION AND INDIVIDUALISM; OF ANTI-SOCIAL ACTS COMMITTED BETWEEN LESS POWERFUL PEOPLE. OPPRESSION AND POVERTY LEAD TO CRIME; THERE IS NO EXTRAORDINARY REVELATION IN THIS.' AS RICHARD REIMAN PUT IT:

"THERE IS EVIDENCE SUGGESTING THAT THE PARTICULAR PRESSURE OF POVERTY LEADS POOR PEOPLE TO COMMIT A HIGHER PROPORTION OF THE CRIMES THAT PEOPLE FEAR (SUCH AS HOMICIDE, BURGLARY, AND ASSAULT) THAN THEIR NUMBER IN THE POPULATION. THERE IS NO CONTRADICTION BETWEEN THIS AND THE RECOGNITION THAT THOSE WHO ARE WELL-OFF COMMIT MANY MORE CRIMES THAN IS GENERALLY ACKNOWLEDGED BOTH OF THE WIDELY FEARED AND OF THE SORT NOT WIDELY FEARED (SUCH AS 'WHITE COLLAR' CRIMES)." (1979, P.7)

IF OUR DECISION WHETHER TO IMPRISON SOMEONE IS TO BE BASED ON, AT LEAST IN PART, THE CRITERIA OF SERIOUS IMPACT ON THE VICTIM, THEN WE WOULD HAVE A VASTLY REDUCED AND TRANSFORMED PRISON POPULATION.

THUS, FITZGERALD AND SIM (1982) CALCULATE THAT OVER HALF OF PEOPLE IN PRISON IN ENGLAND AND WALES ARE THERE FOR NON-VIOLENT PROPERTY OFFENCES. MAJOR REDUCTIONS NEED TO BE MADE, AS THEY HAVE IN MORE PROGRESSIVE EUROPEAN COUNTRIES; THERE ARE TOO MANY PEOPLE IN PRISON WHO ARE NOT REMOTELY DANGEROUS TO THE COMMUNITY. IN TERMS OF WOMEN, MORE DRAMATIC CHANGES COULD BE MADE FOR, AS VICTORIA GREENWOOD (1983) HAS CALCULATED, IF WOMEN WERE TO BE IMPRISONED AT THE SAME RATE FOR THE SAME SEVERITY OF OFFENCES AS MEN, THEN THERE WOULD BE SCARCELY ANY WOMEN IN PRISON. THERE CERTAINLY WOULD BE NO NEED FOR SEPARATE WOMEN'S PRISONS.

BUT NONE OF THIS WOULD RESULT IN THE ABOLITION OF THE PRISONS NOR WOULD IT REMOVE WORKING CLASS PEOPLE FROM THE PRISON SYSTEM. IN PARTICULAR THE HIGH RATE OF INTER-PERSONAL VIOLENCE, INCLUDING RAPE AND CHILD ABUSE, AMONGST THE LOWER WORKING CLASS IS A FUNCTION OF THE OPPRESSION AND BRUTALISATION OF THEIR LIVES. IT IS DIFFICULT TO KNOW WHAT ALTERNATIVE FORM OF CENSURE SHOULD BE USED AGAINST THE PERSISTENT CHILD ABUSER, THE RAPIST OR THE VIOLENT STREET ROBBER. IF SOCIALISM IS ABOUT ANYTHING IT IS ABOUT THE PROTECTION OF THE VULNERABLE AND THE ESTABLISHMENT OF SOCIAL JUSTICE. IN THIS THE PRISON WILL, NO DOUBT, HAVE A CONTINUING, IF DRAMATICALLY REDUCED, ROLE, BOTH IN THE PRESENT SOCIETY AND IN ANY CONCEIVABLE SOCIAL ORDER AFTER A SOCIALIST TRANSFORMATION. AS THE AUSTRALIAN RADICAL CRIMINOLOGISTS, BROWN AND HOGG REMARK IN THEIR CRITIQUE OF ABOLITIONISM:

"IT BEARS REPEATING IF UNPOPULARLY, THAT INSTITUTIONS ARE NOT *INHERENTLY AND ESSENTIALLY* BRUTALISING AND DESTRUCTIVE - IT IS THE PARTICULAR PRACTICE CONSTITUTING THEM THAT MAKE THEM SO - AND THAT THERE IS NOTHING NECESSARILY PROGRESSIVE ABOUT THE DEFENCE, OR EXPANSION, OF A SPHERE OF PRIVATE INDIVIDUALISTIC RELATIONS, AUTONOMOUS OF REGULATION ACCORDING TO SOCIALLY CONSTRUCTED CRITERIA." (1985, P.21)

LASTLY, IN THIS CONTEXT WE MUST RESUSCITATE THE REHABILITATIVE IDEAL. AS WE HAVE SEEN, AT HEART CRIME IS A MORAL DECISION. IT INVOLVES CHOICE IN STRICTLY DETERMINATE CIRCUMSTANCES WHICH IMPACTS AND TRANSFORMS THE CIRCUMSTANCES AND DETERMINATION OF OTHER. IT IS NOT INEVITABLE, IT IS AFFECTED BY CONSCIOUSNESS AS WELL AS CIRCUMSTANCES, AND IT WILL NOT NECESSARILY RECUR. SOCIALIST REHABILITATION WOULD ENTER INTO THIS AREA;

EDUCATING THE PRISONER, PROVIDING MORAL AS WELL AS TECHNICAL TRAINING FOR THE FUTURE.

IN NICARAGUA, AFTER THE SANDINISTAN REVOLUTION, DESPITE MASSIVE RESENTMENT AGAINST THE NATIONAL GUARDS AS AN INSTITUTION WHICH HAD MAINTAINED, OFTEN WITH GREAT CRUELTY, THE CORRUPT REGIME OF SAMOZA, A PROGRAMME OF REHABILITATION HAS BEGUN.

MANY OF THESE EX-NATIONAL GUARDSMEN ARE JUVENILES AND IT IS TO THEM, WHOSE LIVES HAVE BEEN THOROUGHLY BRUTALISED BY THE AUTHORITARIAN SYSTEM, THAT THE SANDINISTANS HAVE PAID SPECIAL ATTENTION. AS THE SPOKESMAN FROM THE MINISTRY OF SOCIAL WELFARE SAID TO ROSA DEL OLMO:

"WE HAVE ALWAYS THOUGHT THAT THEY CAN BE REHABILITATED OTHERWISE WE WOULD NOT HAVE SPENT SO MUCH TIME AND EFFORT IN PLANNING THIS PROGRAMME. TO US IN THIS COUNTRY, THIS MEANS SO MANY THINGS - TO BEGIN TEACHING PEOPLE HOW TO READ AND WRITE, TO FIGHT AGAINST REPRESSION. AND THESE CHILDREN ALSO HAVE A RIGHT TO THESE THINGS, EVEN THOUGH THEY WERE GUARDS. WE ARE GIVING ALL OUR EFFORTS TO THIS BECAUSE IT WILL DEMONSTRATE TO US AND TO THE WORLD WHAT CAN BE DONE WHEN THERE IS A WILL TO DO IT."
(1982, P.104)

We Must be Realistic About Crime in the Present Period

CRIME, OF COURSE, HAS ALWAYS BEEN A PROBLEM FOR THE WORKING CLASS, BUT IT IS IMPORTANT TO UNDERLINE THAT A CONCERN ABOUT CRIME CONTROL IS REALISTICALLY OF GREATER POLITICAL IMPORTANCE IN THE RECENT PERIOD.

FIRSTLY, IF WE LOCATE THE CAUSES OF CRIME IN RELATIVE DEPRIVATION, IT IS POSSIBLE TO TALK OF A RISING RATE OF RELATIVE DEPRIVATION SINCE THE 1930S.

THAT IS, ASPIRATIONS HAVE CONSISTENTLY RISEN FASTER THAN OPPORTUNITIES. THE CHIEF SOURCES OF THIS ARE THE IMPACT OF THE VAST EXPANSION IN PUBLIC EDUCATION, IN THE MASS MEDIA CONSUMPTION AND THE

WELFARE STATE - ALL CREATING A RISING CONCEPTION OF THE MINIMUM STANDARDS OF LIVING COMMENSURATE WITH CITIZENSHIP *AND* THE NOTION OF EQUAL ACCESS TO SUCCESS WITHIN THE SYSTEM. ASPIRATIONS, THEN, HAVE BEEN INCULCATED THROUGH THE MAJOR INSTITUTIONS OF SOCIETY; THEY HAVE BEEN FORGED IN AN EGALITARIAN FORM AND THEY HAVE RISEN, NOT ONLY ECONOMICALLY, BUT ALSO POLITICALLY. FURTHERMORE, WHILST IN THE GREAT DEPRESSION IT MIGHT HAVE BEEN POSSIBLE TO INTERPRET RESTRICTED OPPORTUNITIES AS A 'FACT OF NATURE' OR AN 'ACT OF GOD', A HALF CENTURY OF KEYNESIAN INTERVENTIONIST POLICIES HAVE SUGGESTED TO MASSES OF PEOPLE IN THE DEVELOPED WORLD THAT SUCH RESTRICTIONS ARE A FUNCTION OF GOVERNMENT. THEY ARE NOT NATURAL; AN AFFLICTION TO BE SUFFERED, BUT SOMETHING WHICH IS UNJUST - A PROBLEM ARTIFICIALLY AFFLICTED THE POOR AND THE UNEMPLOYED.

SECONDLY, WHILST THE CAUSES OF DISCONTENT HAVE INCREASED, THE INFORMAL SOCIAL CONTROLS AND POLITICAL CHANNELS HAVE DIMINISHED FOR LARGE SECTIONS OF THE POPULATION. THE RISE OF MASS UNEMPLOYMENT HAS GENERATED COMMUNITIES NO LONGER LINKED BY THE SOLIDARITY OF CLASS INTERESTS CENTRED AROUND THE MEANS OF PRODUCTION. THE MOST SIMPLE INSTANCE IS IN THE FACTORY TOWN, WHERE THE WHOLE OF THE COMMUNITY WERE UNITED ROUND THE NEED TO WORK TOGETHER BUT WHERE THE FACTORY HAS NOW DISAPPEARED. AND IN THE LARGE CITIES WE HAVE IMMEDIATE PARALLELS. THE SATELLITE AREAS WHERE WHOLE COMMUNITIES WERE SHIFTED AROUND FACTORY ESTATES WHICH HAVE SINCE CLOSED DOWN, LEAVING A WHOLE COMMUNITY ON PUBLIC WELFARE. THE DOCKLANDS, THE MINOR CITIES, WHICH HAVE CEASED TO TRADE AND BUILD, THE SMALLER FACTORIES, NOW CLOSED - WHICH GAVE CHARACTER TO PARTICULAR AREAS. COMMUNITIES

BROUGHT TOGETHER BY SUCH MATERIAL FORCES, DEVELOPED A SENSE OF THEIR OWN CLASS UNITY OF INTERESTS WHICH WENT BEYOND THE FACTORY WALLS. THEY DEVELOPED INFORMAL CONTROLS AROUND SUCH IDENTITY AND KNOWLEDGE OF EACH OTHER. THEY ALSO HAD GENERATED POLITICAL PARTIES WHICH RELATED TO CLASS AND COMMUNITY INTEREST (SEE LEA AND YOUNG, 1972). CAPITALISM BROUGHT PEOPLE TOGETHER ON A MASSIVE SCALE TO BUILD INDUSTRY, CREATED THE BASIS FOR A SOCIAL AND POLITICAL OPPOSITION TO ITSELF. BUT NOW, IN THE RECESSION, IT CREATES A "SURPLUS POPULATION" WHERE ALL THE SOCIAL BASIS OF CLASS IDENTITY AND POLITICAL SOLIDARITY IS REMORSELESSLY UNDERCUT. IN VAST AREAS OF OUR CITIES, THE RECENT RECESSION HAS GENERATED ALL CONDITIONS FOR SOCIAL AND POLITICAL DISINTEGRATION, ONE OF THE CONSEQUENCES OF WHICH IS A RISE IN THE CRIME RATE.

THESE AREAS ARE, OF COURSE, THE NATURAL HEARTLANDS OF SOCIALIST POLITICS - FROM ROME TO LONDON, FROM PARIS TO MADRID, THEY ARE THE AREAS WHICH RETURN SOCIALIST AND COMMUNIST DEPUTIES. BUT THE POLITICS OF ORGANISED LABOUR WHICH DOMINATE THE TRADITIONAL SOCIALIST AGENDA FIT VERY UNEASILY WITH THE CONCERNS OF THE INNER CITY POOR. IT IS IMPORTANT, THEN, TO ASK WHAT ARE THE SORT OF ISSUES WHICH UNIFY AREAS WHERE PEOPLE ARE PREDOMINANTLY UNEMPLOYED AND WORKING IN THE BLACK ECONOMY, IN SMALL SWEAT SHOPS, ETC? OFTEN IT IS ARGUED THAT IN MARGINAL AREAS THE POLITICS OF THE MARGINAL SHOULD PREDOMINATE. THIS IS THE POLITICS OF WHAT ONE COULD TERM *RADICAL PLURALISM*, WHERE EACH OF THE PLURALITY OF THE GROUPS EXISTING IN THE INNER CITY ARE REPRESENTED ONE BY ONE UNTIL A MAJORITY IS ACHIEVED. THE TROUBLE WITH RADICAL PLURALISM IS THAT MANY OF THESE 'RADICAL' TENDENCIES SIMPLY DO NOT FIT WELL

WITH EACH OTHER; INDEED, THEY OFTEN OPENLY CONFLICT. THUS RADICAL FEMINISM, BLACK SEPARATISM, THE UNION OF MUSLIM FAMILIES, LIBERTARIAN SQUATTERS' GROUPS, GAY ADVOCATES, REVOLUTIONARY SOCIALISTS AND IRISH CULTURAL SOCIETIES, SIMPLY DO NOT ADD UP TO AN IDENTITY OF INTERESTS. YET MORE THAN A TRACE OF SUCH POLITICS HAVE BEEN CONCEIVED OF IN RADICALLY CONTROLLED AREAS AS FAR APART AS LONDON AND SAN FRANCISCO.

IF WE FOCUS, INSTEAD, ON *ISSUES* WHICH SUCH A DISPARATE AND HETEROGENEOUS COLLECTIVES HAVE IN COMMON, WE COME UP WITH AN ENTIRELY DIFFERENT POLITICAL STRATEGY. FACILITIES IN CHILD CARE, DEFENCE OF THE HEALTH SERVICE, EXPANSION OF LEISURE PROVISIONS, ENVIRONMENTAL PROBLEMS - ALL INVOLVE INTERESTS WHICH THE BROAD POPULATION HAVE IN COMMON. AND IT IS IN BRINGING PEOPLE TOGETHER ON SUCH ISSUES THAT A BROAD COMMUNITY WILL BE GENERATED. IT DOES NOT PRE-EXIST POLITICAL INTERVENTION. FOR THE 'COMMUNITY' IS FRAGMENTED, THE POTENTIALITY OF COMMON INTERESTS IS NOT YET RECOGNISED IN COMMUNALITY. THUS AN AREA HAS FRAGMENTED INTO SEPARATE COMMUNITIES WHICH ARE THEMSELVES SUBJECT TO DIVISIONS AND DISORGANISATION. THE PROBLEM BASICALLY IS THAT THE CONCENTRATION OF MANUFACTURING INDUSTRY IN THE PAST PRODUCED A COMMUNITY WITH A PALPABLE IDENTITY OF INTEREST. NOW IN PARTS OF THE INNER CITY WE HAVE AN IDENTITY OF INTERESTS BUT LACK OF AN OVER-ARCHING COMMUNITY. THERE IS NO WORK PLACE THAT IS A LOCUS OF SUCH INTERESTS. THE ROLE OF A SOCIALIST PARTY IS TO IDENTIFY SUCH INTERESTS AND BRING TOGETHER PEOPLE IN A COMMUNITY POLITICS WHICH OVERRIDE DIVISIONS BETWEEN THE 'RESPECTABLE' AND THE 'NON RESPECTABLE' WORKING CLASS, THE EMPLOYED AND THE UNEMPLOYED, THE

VARIOUS ETHNIC DIVISIONS, ETC.

IN CONTRAST, POLITICIANS OF A LEFT IDEALIST PERSUASION BELIEVE THAT: A) VARIOUS WELL-NORMED AND DEVELOPED COMMUNITIES ALREADY EXIST IN AN AREA; B) DISORGANISATION AND CONFLICT IS A MINOR PROBLEM; C) THE EXISTING BODIES WHICH CLAIM TO REPRESENT THEM ARE THE ACTUAL VOICES OF THE COMMUNITY; D) THE INTERESTS BETWEEN THE VARIOUS GROUPS ARE NON-ANTAGONISTIC; AND THEREFORE E) ALL THAT IS NECESSARY FOR A PROGRESSIVE POLITICAL PARTY IS TO ENGAGE IN MORAL ARITHMETIC, SO THAT BY A SUMMATION OF THE DEMANDS OF THE VARIOUS PRESSURE GROUPS COHERENT POLICY WILL EMERGE.

I AM ARGUING THAT COMMUNITY CONTROL OF CRIME IS NOT AN ADDITIONAL EXTRA, BUT AN ESSENTIAL PART OF A PROCESS WHICH INVOLVES GRASSROOTS INVOLVEMENT IN COMBATING SOCIAL DISORGANISATION. IT IS NOT A QUESTION OF *A PRIORI* COMMUNITY WHICH DECIDES TO CONTROL CRIME, BUT A SPLINTERED COMMUNITY (HENCE THE HIGH CRIME RATE) WHICH BECOMES UNITED IN THE EFFORT TO CONTROL CRIME ALONGSIDE OTHER ENVIRONMENTAL AND POLITICAL ISSUES. HOW DOES THIS WORK IN PRACTICE?

IN TERMS OF COMMUNITY CONTROL THE GENERAL RULE OF SPECIFICITY INSTRUCTS US THAT WE MUST TAILOR OUR PLANS TO THE SOCIAL ENVIRONMENT AND POLITICAL CONTEXT OF AN AREA. ON BOTH THESE SCORES THERE ARE OUTSTANDING DIFFERENCES BETWEEN THE INNER CITIES OF THE UNITED STATES AND OTHER INDUSTRIAL COUNTRIES. FIRSTLY, THE SHEER QUANTITY OF CRIME IN MANY OF THE AMERICAN CITIES MAKES FOR A QUALITATIVELY DIFFERENT PROBLEM FOR PEOPLE AND A CORRESPONDINGLY DIFFERENT PROBLEM OF CONTROL. THE HOMICIDE RATE IN LOS

ANGELES IS FOURTEEN TIMES THAT OF LONDON AND TWENTY TIMES THAT OF COPENHAGEN. EVEN SALT LAKE CITY HAS A RATE THREE TIMES HIGHER THAN LONDON. SECONDLY, THE AREAS OF THE CITY WHICH HAVE THE HIGHEST CRIME RATES TEND, TO A REMARKABLE EXTENT IN EVERY INDUSTRIAL COUNTRY OUTSIDE OF THE UNITED STATES, TO BE SOCIALIST OR COMMUNIST CONTROLLED. THUS THE POLITICAL PROBLEM IS VERY DIFFERENT. AT THE MOST SIMPLE LEVEL THIS DIFFERENCE IMPLIES THAT IT IS MORE POSSIBLE IN THE UNITED STATES TO CENTRE CONTROL SCHEMES SOLELY AROUND CRIME AND THAT THERE IS A MUCH GREATER ARGUMENT FOR SUCH PROJECTS TO BE INDEPENDENT OF THE LOCAL COUNCILS.

THESE RESERVATIONS BEING HELD IN MIND, THE PRINCIPLES OF COMMUNITY CONTROL SHOULD INVOLVE:

i. Pre-Emptive Deterrence

TO DETER CRIME BEFORE IT IS COMMITTED IS INFINITELY BETTER THAN TO ATTEMPT TO INTERVENE BY PUNISHING THE CULPRIT AFTER THE EVENT - WITH THE AIM IN MIND OF DETERRING HIS/HER FUTURE ACTIVITIES OF, PERHAPS, THOSE OF OTHERS. ENVIRONMENTAL AND PUBLIC PRECAUTIONS AGAINST CRIME ARE ALWAYS DISMISSED BY LEFT IDEALISTS AS NOT RELATING TO THE HEART OF THE PROBLEM. THEY ARE DISTRACTIONS FROM THE REAL CONCERNS AND, FURTHERMORE, BECAUSE THEY DO NOT GET AT THE CAUSES OF CRIME, ARE LARGELY IRRELEVANT. IT IS ONE THING TO CRITICISE THE NEW ADMINISTRATIVE CRIMINOLOGY FOR SOLELY FOCUSING ON ENVIRONMENTAL CONTROL MEASURES, IT IS ANOTHER TO DISCARD THESE MEASURES ENTIRELY. AS I HAVE AGREED, IF WE ARE TO UNDERSTAND THE PROBLEM OF CRIME WE NEED TO PAY ATTENTION TO BOTH SIDES OF THE EQUATION: CAUSATION AND CONTROL. IF, FOR EXAMPLE, THERE IS A PROBLEM OF YOUTHS GATHERING AT A SECTION OF A COUNCIL ESTATE

EVERY EVENING CAUSING PETTY VANDALISM AND EXCESSIVE NOISE, THIS CANNOT SIMPLY BE SOLVED BY MOVING THEM ON. FOR TO THEIR DEPRIVATION REGARDING LACK OF LEISURE FACILITIES, MEETING PLACES AND GENERAL BOREDOM IS ADDED THE GRIEVANCE OF COMMUNITY HARASSMENT. BETTER SURVEILLANCE, *PER SE*, WILL ONLY MAKE THEIR LIVES EVEN MORE OF A MISERY AND CERTAINLY RESULT IN AN INCREASE IN THEIR ALIENATION AND PROPENSITY TO ANTI- SOCIAL BEHAVIOUR. THE PHENOMENON OF 'DISPLACEMENT' OF CRIME FROM ONE AREA TO ANOTHER IS NOT A MATTER OF HYDRAULICS AS SO MANY OF THE DISCUSSION IN THE LITERATURE SEEM TO ASSUME. TO CONTROL CRIME ONE MUST UNDERSTAND WHERE IT IS COMING FROM AND, SO TO SPEAK, ITS 'VELOCITY'. THE SOLUTION TO THE 'YOUTH PROBLEM' IS TO PROVIDE BETTER LEISURE FACILITIES, SOMEWHERE OUT OF SIGHT OF THE ADULT WORLD - WITHOUT TACKLING THIS, THEIR BOISTEROUSNESS ON THE ESTATE WILL MERELY TURN UP SOMEWHERE ELSE - PROBABLY IN A MORE SEVERE FORM. THE RANDOM SPORADIC BURGLARY OF ADOLESCENTS WITH LITTLE COMMITMENT TO CRIME CAN BE STOPPED BY TARGET-HARDENING AND BETTER SURVEILLANCE. IF, HOWEVER, THIS OCCURS PATCHILY IT WILL BE MERELY DISPLACED TO THE NEAREST EASY TARGET. PROJECT BURGLARY, ON THE OTHER HAND, WILL NOT BE STOPPED BY ANY AMOUNT OF PRE-EMPTIVE MEANS. IF A HOUSE IS MADE OF GLASS AND STONE THEN IT IS ALWAYS ACCESSIBLE TO THE PROFESSIONAL BURGLAR AND DETERRENCE AFTER THE OFFENCE BECOMES MORE IMPORTANT THAN ENVIRONMENTAL MEASURES.

WITH THIS IN MIND, THEN, THE USE OF BETTER LIGHTING FACILITIES, THE BETTER PLANNING OF ESTATES, TOGETHER WITH CITIZEN PATROLS, ARE ALL OF GREAT UTILITY. IN INTERVIEWS OF WORKING CLASS TENANTS ONE FINDS A WIDE RANGING INFORMATION STOCK OF MEANS OF

ENVIRONMENTAL IMPROVEMENT TO COMBAT CRIME AS WELL AS A SURPRISINGLY HIGH KNOWLEDGE OF WHO, IN FACT, ARE THE OFFENDERS.

ii. Neighbourhood Watch

ARGUMENTS ABOUT COMMUNITY CONTROL THROUGH NEIGHBOURHOOD WATCH SCHEMES POINT TO TWO MAJOR PROBLEMS - DEPENDING ON WHETHER THEY ARE POLICE OR PUBLIC- INITIATED. POLICE INITIATED PROJECTS NEED NOT NECESSARILY BE NON- DEMOCRATIC IN THESE SITUATIONS WHERE THERE IS A DEGREE OF POLITICAL CONTROL WHICH IS ACTUALLY IMPLEMENTED. EXAMPLES OF THIS ARE THE PIONEERING NEIGHBOURHOOD WATCH SCHEMES SET UP IN DETROIT UNDER THE RADICAL DEMOCRATIC ADMINISTRATION OF COLEMAN YOUNG (SEE DISCUSSION IN FIGGIE REPORT, 198XX AND R KINSEY *ET AL*, 1985). OUTSIDE OF THE UNITED STATES HOWEVER (AND THIS IS ANOTHER PRIME EXAMPLE OF SPECIFICITY), DEMOCRATIC CONTROL OF THE POLICE IS COMPARATIVELY RARE. IN COUNTRIES SUCH AS ENGLAND POLICE INITIATED NEIGHBOURHOOD SCHEMES ARE PROFOUNDLY UNDEMOCRATIC AND ARE, IN FACT, OFTEN INTRODUCED IN ORDER TO STAVE OFF PROPOSALS FOR GREATER POLICE ACCOUNTABILITY TO THE PUBLIC. ALTHOUGH FORMALLY THEY APPEAR TO BE HARNESSING PUBLIC INITIATED PRIORITIES WITH REGARD TO CRIME CONTROL, IN PRACTICE THEY ARE MERELY DEVICES WHICH INCREASE INFORMATION FLOW TO A POLICE FORCE WHICH MAINTAINS COMPLETE CONTROL OVER THE DIRECTION OF PUBLIC AND RESOURCES

PUBLIC INITIATED CRIME WATCHES HAVE THE DANGER OF VIGILANTISM. HERE *SECTIONS* OF THE COMMUNITY SURVEY AND PATROL THE STREETS IN ORDER TO CONTROL OTHER SECTIONS. THE SOLUTION TO THIS PROBLEM IS TO UTILISE AND MOBILISE THE EXISTING DEMOCRATIC AND

PROGRESSIVE POLITICAL STRUCTURES. I HAVE NOTED HOW, IN THE MAJORITY OF HIGH CRIME AREAS OF CITIES IN ADVANCED INDUSTRIAL COUNTRIES, THERE ARE COUNCILS OF A SOCIALIST OR COMMUNIST COMPLEXION. MANY OF THESE POLITICIANS ON THE RIGHT OF THE LABOUR MOVEMENT DO NOT SEE CRIME AS AN IMPORTANT ISSUE, OR THEY FEAR THE REACTIONARY NATURE OF THEIR CONSTITUENTS' VIEWS ON LAW AND ORDER ISSUES. OTHER ULTRA-LEFTIST COUNCILLORS SEE CRIME AS A MINOR PROBLEM AND, ANYWAY, AS IRRESOLVABLE UNDER CAPITALISM. THERE IS, AS WE HAVE SEEN, A RELUCTANCE ON THE LEFT TO TAKE CRIME SERIOUSLY. BUT THIS IS WHAT IS NECESSARY IN TERMS OF THE NEEDS OF THEIR CONSTITUENTS AND THE DEMANDS OF INNER CITY POLITICS. FURTHERMORE, THE DEMOCRATIC STRUCTURE WHICH SUCH COUNCILS CAN PROVIDE WILL HELP AVOID ANY DIVISIVE TENDENCIES WITHIN NEIGHBOURHOOD WATCH. SUCH POLICIES HAVE BEEN DEVELOPED, FOR EXAMPLE, IN THE LONDON BOROUGH OF ISLINGTON WITH 'CRIME WATCH' AND THEIR ANTI-RACIAL HARASSMENT SCHEME ('MINDERS'). HENCE THE COUNCIL BUILDING ON EXISTING TENANTS' ORGANISATIONS AND PARTY MEMBERSHIP SETS UP WATCH GROUPS WHICH PURPOSELY OVERRIDES AGE, GENDER AND RACIAL DIVISIONS. TO THIS EXTENT SUCH ORGANISATIONAL FORMS ARE THE OPPOSITE OF THESE SEPARATIST COMMUNITY INITIATIVES, EG ORGANISATIONS OF WHITE CITIZENS AGAINST CRIME, OR BLACK-ONLY GROUPS OPPOSING RACIST ATTACKS, OR WOMEN-ONLY GROUPS AGAINST SEXUAL HARASSMENT. AND, INDEED, THE REALITY IS THAT BOTH BLACK AND WHITE TENANTS SUFFER FROM CRIME (INDEED, BLACKS MORE THAN WHITES. RACISM IS A PROBLEM OF WHITE PEOPLE AND THE VAST MAJORITY OF PEOPLE IN A COMMUNITY, MEN AND WOMEN ALIKE, ARE DEEPLY ANTAGONISTIC TO RAPE AND SEXUAL HARASSMENT. IN PARTICULAR, BY INVOLVING YOUNG PEOPLE INTO ACTIVELY OPPOSING CRIME A VERY VALUABLE INTEGRATION

WITHIN THE COMMUNITY CAN BE ACHIEVED. RAYMOND MICHAELOWSKI PUTS THIS WELL:

"BY INTEGRATION OF YOUNG PEOPLE INTO THE TASK OF COMMUNITY CRIME PREVENTION, A PORTION OF THOSE WHO MIGHT OTHERWISE BE TEMPTED TO BE LAWBREAKERS THEMSELVES WOULD FIND COMMUNITY IDENTITY AND SOCIAL REWARDS FOR PROTECTING RATHER THAN HARMING COMMUNITY MEMBERS. THIS IS PROBABLY THE MOST EFFICACIOUS FORM OF SOCIAL CONTROL ANY COMMUNITY CAN OFFER. MOREOVER, BY PROVIDING A POSITIVE ALTERNATIVE IMAGE OF YOUTH, IT WOULD DISSIPATE SOME OF THE NEGATIVITY FELT BY MANY ADULTS TOWARDS YOUTH, WHICH ITSELF PLAYS A ROLE IN PROMOTING YOUTHFUL ALIENATION FROM THE ADULT WORLD, ITS CONCERNS, AND ITS RULES." (1983, P.19).

IN TERMS OF RELATIONSHIPS WITH THE POLICE, THE ROLE OF SUCH NEIGHBOURHOOD WATCH GROUPS IS TO ACT AS A DEMOCRATIC SPHINCTER BETWEEN THE COMMUNITY AND THE POLICE. THAT IS, THEY AGREE TO MAKE DEMANDS UPON THE POLICE FOR THE PRIORITISATION OF POLICING IN THEIR LOCALITY, BUT THEY ALSO DETERMINE WHICH OFFENCES THAT THEY ARE AWARE OF WHICH THEY WILL BRING TO THE NOTICE OF THE POLICE. THUS THEY WILL, IN PART, CONTROL THE INFORMATION FLOW TO THE POLICE FROM THE COMMUNITY. CONTROL TO THIS IS THE SETTING UP OF EXPERIMENTAL PRE-LEGAL MITIGATION COURTS WHICH ATTEMPT TO ACHIEVE A JUST SOLUTION TO MANY OF THE PROBLEMS OF A NEIGHBOURHOOD WITHOUT RECOURSE TO THE POLICE (SEE MICHAELOWSKI, 1983). BUT THEY DO NOT AIM TO SUPPLANT THE POLICE, ONLY TO ENSURE THE MINIMUM USE OF POLICE INTERVENTION BROUGHT UNDER PLAY BY PUBLIC INITIATIVE AND STRUCTURED IN ACCORD WITH PUBLIC DEMANDS. AS THE ACTUAL RESPONSE OF THE POLICE TO PUBLIC DEMAND BY WORKING CLASS PEOPLE IS FAIRLY MINIMAL ANYWAY, THIS PART OF THE PROGRAMME IS SCARCELY UTOPIAN. WHAT IS MORE OF A PROBLEM IS TO ELIMINATE POLICE-INITIATED INTERVENTIONS AND, INSTEAD, GET RESPONSE IN TERMS OF PUBLICLY DEFINED POLICING NEEDS. OBVIOUSLY, COLLECTIVE ORGANISATION

AROUND SUCH DEMANDS IS A CONSIDERABLE STEP FORWARD ON THE ATOMISED RESPONSE OF THE MOMENT, WHICH IS LIMITED ONLY TO THOSE INSTANCES OF EMERGENCY (EG THE HOUSE HAS JUST BEEN BURGLED; SEVERE ASSAULT HAS JUST OCCURRED).

THE POLICE THEN WOULD HAVE A MINIMUM, BUT NECESSARY, FUNCTION IN SUCH A SYSTEM: THEY WOULD BE THE BACK-UP FORCE WHERE NECESSARY IN EVERYDAY LIFE OR, IN THE CASE OF NEIGHBOURHOOD COURTS, TO BE AN UNDERLYING POSSIBILITY OF RESORT IF MITIGATION FAILS.

iii. The Relationship between the Councils and the Police

THE JOB OF A LOCAL COUNCIL IN THE AREA OF CRIME CONTROL IS TO SET UP, ON ONE HAND, SUCH NEIGHBOURHOOD BODIES AND, ON THE OTHER, TO NEGOTIATE WITH THE POLICE. IN THE POLITICAL CONTEXT OF MANY AMERICAN CITIES, WHERE THERE IS DIRECT ACCOUNTABILITY OF THE POLICE - THIS IS PART AND PARCEL OF THE GENERAL DEMOCRATIC PROCESS, WITH ALL ITS ADVANTAGES AS WELL AS DIFFICULTIES. IN THE MAJORITY OF INDUSTRIAL SOCIETIES, HOWEVER, THERE IS NO SUCH LOCAL CONTROL OR ONLY LIMITED CONTROL OVER CAREFULLY SPECIFIED AREAS OF POLICE PRACTICE. THE ROLE OF THE COUNCIL IS TO PRESENT TO THE POLICE THE DEMANDS AND PRIORITIES MADE BY THE VARIOUS NEIGHBOURHOODS. A GREAT ASSET IN THIS PROCESS IS THE RUNNING OF LOCAL CRIMINAL VICTIMISATION SURVEYS AS HAD OCCURRED IN TWO AREAS OF ENGLAND - MERSEYSIDE (LIVERPOOL) AND ISLINGTON (LONDON) (SEE ALAN PHIPPS, THIS VOLUME). THESE SURVEYS INVOLVE (A) A STUDY OF THE PATTERNS OF VICTIMISATION IN THE AREA; (B) AN ASSESSMENT OF PUBLIC PRIORITIES IN TERMS OF CRIME CONTROL AND POLICING; (C) A PUBLIC EVALUATION OF POLICE BEHAVIOUR (SEE R KINSEY, 1985). THAT IS,

THEY ARE MORE EXTENSIVE THAN THE USUAL VICTIMISATION STUDIES AND, AS THEY ARE LOCAL, MUCH MORE POWERFUL IN TERMS OF PINPOINTING THE NEEDS OF PARTICULAR NEIGHBOURHOODS. SUCH SURVEYS SHOULD BECOME A REGULAR POINT OF PUBLIC ACCOUNTABILITY OF POLICE PERFORMANCE AND CRIME CONTROL PRIORITIES. THE NOTION THAT THE POLICE THEMSELVES SHOULD ASSESS THEIR OWN PERFORMANCE UTILISING PUBLICLY FINANCED PUBLIC RELATIONS OFFICES IS AN ANATHEMA.

iv. Widening Out Neighbourhood Watch

NEIGHBOURHOOD WATCH SCHEMES SHOULD BE WIDENED OUT IN TWO DIRECTIONS: MIDDLE CLASS AND BUSINESS CRIME, AND GENERAL ENVIRONMENTAL PROBLEMS. AS FAR AS THE FIRST AREA IS CONCERNED, IT IS ESSENTIAL TO MAKE THE NECESSARY POLITICAL CONNECTIONS BETWEEN WORKING AND MIDDLE CLASS CRIME. STREET CRIME IS THE MOST TRANSPARENT OF ALL INJUSTICES. IT IS A STARTING POINT TO COMMENCE A DOUBLE THRUST AGAINST CRIME ON ALL LEVELS. IF WE CONCENTRATE ON IT ALONE, AS THE POLITICAL RIGHT WOULD WISH US TO, WE ARE ACTIVELY ENGAGED IN A PROCESS OF DIVERSION FROM THE CRIMES OF THE POWERFUL. IF WE CONCENTRATE SOLELY ON THE LATTER, AS MANY ON THE LEFT WOULD HAVE US, WE OMIT WHAT ARE REAL AND PRESSING PROBLEMS FOR WORKING CLASS PEOPLE, AND LOSE THE ABILITY TO MOVE FROM THE IMMEDIATE TO ENCOMPASS THE MORE HIDDEN, AND IN THAT FASHION TO DEMONSTRATE THE INTRINSIC SIMILARITIES OF CRIME AT ALL LEVELS OF OUR SOCIETY.

RAYMOND MICHAELOWSKI IS EXCELLENT ON STREET PATROLS: THIS, IN HIS DISCUSSION OF THE USE OF

"IF THEY DEVELOP IN WAYS THAT THEIR ONLY TARGET IS REDUCING 'STREET CRIME' HOWEVER, THAT IS ESSENTIALLY

WHAT THEY WILL HAVE BECOME. WHILE REDUCTION IN COMMON CRIME IS A WORTHWHILE GOAL, IT ALONE SHOULD NOT BE THE FOCUS OF CITIZEN CRIME PREVENTION. EACH PATROL SHOULD ALSO TAKE AN ACTIVE INTEREST IN PROTECTING RESIDENTS FROM ECONOMIC CRIMES BY THE LOCAL BUSINESS COMMUNITY. THIS WOULD REQUIRE DIFFERENT TRAINING AND MORE DILIGENCE THAN SIMPLY PATROLLING THE STREETS TO DETER MUGGERS AND RAPISTS.

AT LEAST SOME MEMBERS OF EACH PATROL SHOULD BE TRAINED AND DESIGNATED TO GATHER INFORMATION AND INVESTIGATE CITIZEN COMPLAINTS OF BUSINESS CRIMES AND IMPROPRIETIES. ACCUMULATED INFORMATION REGARDING QUESTIONABLE PRACTICES BY BUSINESS COULD BE USED FIRST AS LEVERAGE TO CONVINCE BUSINESSES IN QUESTION TO CHANGE THEIR MODES OF OPERATION; OR, FAILING THIS, AS THE BASIS FOR BRINGING PRESSURE FOR FORMAL, LEGAL ACTION. SUCH ACTIVITIES WOULD, OF COURSE, NOT TOUCH THE DEEP STRUCTURE OF CORPORATE CRIME IN AMERICA, BUT IT WOULD PROVIDE: (1) A COUNTERBALANCE TO THE VIEW THAT IT IS ONLY THE POOR WHO COMMIT CRIME AND; (2) AN AWARENESS THAT CITIZENS CAN BEGIN TO TAKE CHARGE OF THE PRIVATE SECTOR ECONOMY." (1983, P.20)

IN THIS FASHION NEIGHBOURHOOD WATCH BECOMES EDUCATIONAL, BOTH ALLAYING IRRATIONAL TERMS OF CRIME AS WELL AS EXPANDING THE PERSPECTIVES ON CRIMINALITY OF THE NEIGHBOURHOOD AND TACKLING EMINENTLY RATIONAL FEARS.

IN MANY AMERICAN INNER CITY AREAS CRIME IS A CONSTANT PROBLEM; ITS VERY QUANTITY MAKES IT A QUALITATIVELY GREATER PROBLEM THAN IN THE CITIES OF EUROPE, CANADA OR AUSTRALIA. OUTSIDE OF THE UNITED STATES, IN THE MOST SIMPLE OF TERMS, CRIME WATCH ALONE IS INSUFFICIENT AS AN ISSUE TO MOBILISE A NEIGHBOURHOOD INITIATIVE. IT IS NECESSARY TO EXTEND THE WATCH TO INCLUDE A WIDE VARIETY OF OTHER ENVIRONMENTAL PROBLEMS - NOT ALL OF THEM ILLEGAL, BUT ALL OF THEM INCLUDING CRIME AS PART OF THE *SAME* PROCESS OF DISORGANISATION AND DECAY WITHIN THE WORKING CLASS COMMUNITY. AND, OF COURSE, JUST AS NEIGHBOURHOOD WATCH WOULD LIAISE WITH THE APPROPRIATE COMMITTEE OF THE COUNCIL WITH REGARDS

TO CRIME (IE THE POLICE COMMITTEE), IT WOULD DO SO IN OTHER AREAS (EG WITH THE HOUSING COMMITTEE).

THE ROLE OF THE LOCAL COUNCILS IN SOCIALIST CONTROLLED AREAS IS THUS TO GALVANISE GRASS ROOT POLITICS AROUND ISSUES WHICH UNITE, RATHER THAN DIVIDE, THE POPULATION. IN THIS CRIME CONTROL IS A CENTRAL PART OF SUCH A PLATFORM, BOTH AS A REAL THREAT AND AS A POTENT SYMBOL OF HELPLESSNESS ON THE PART OF THE COMMUNITY. PROGRESSIVE POLITICS MUST, THEREFORE, REVITALISE THE COMMUNITY AND BRING BACK A SENSE OF COLLECTIVE CONTROL OVER THE AREA.

AS RICHARD KINSEY AND I PUT IT IN AN ARTICLE IN THE *NEW STATESMAN*

"IN THE INNER CITIES THE PROBLEM OF CRIME IS FIRST AND FOREMOST ABOUT THE QUALITY OF LIFE. AS SUCH, IT NEEDS TO BE APPROACHED AS AN ENVIRONMENTAL ISSUE, JUST LIKE PROBLEMS OF POLLUTION, HEALTH OR DAMP HOUSING ... A SOCIALIST PROGRAMME OF LAW AND ORDER MUST AIM TO BRING CRIME WITHIN A MUCH BROADER COMPASS AND TO EXTEND LOCAL PARTICIPATION IN AND CONTROL OVER DECISIONS AFFECTING THE IMMEDIATE ENVIRONMENT.

"VANDALISM, BREACH OF THE PEACE OR STREET CRIME, ARE AS MUCH AN ENVIRONMENTAL BLIGHT AS AIR POLLUTION OR DERELICT FACTORIES. AND SO THE DEFINITION OF CRIME AND ENVIRONMENT MUST BE LINKED POLITICALLY. HEAVY LORRIES REPEATEDLY EXCEEDING THEIR SPEED AND WEIGHT LIMITS, BUMPING OFF THE PAVEMENTS IN THEIR CHICKEN RUNS THROUGH THE CITY, ARE AS CRIMINAL AS THE THIEF ON THE STREET. CUTTING OTHER CORNERS - IN PLANNING AND BUILDING CONTROL, IN HEALTH AND SAFETY REGULATIONS, IN LOCAL LICENSING LAWS AND IN DUMPING RUBBISH - ARE ALL PART OF THE SAME PROBLEM OF CRIME AND THE ENVIRONMENT IN THE INNER CITY.

"CRIME AND THE ENVIRONMENT PRESENTS A FUNDAMENTAL CHALLENGE TO THE LABOUR PARTY. IT IS NO LONGER THE CASE THAT THE POLITICS OF THE INNER CITIES CAN BE ORGANISED THROUGH THE FACTORIES AND THE WORKPLACE. THERE ARE NO FACTORIES AND THERE IS NO WORK. NEW ISSUES AND NEW WAYS OF ORGANISING IN THE COMMUNITY ARE THUS FORCING THEMSELVES UPON THE LABOUR MOVEMENT. UNLIKE THE COMMUNITY POLITICS OF THE LIBERALS, HOWEVER, THE AIM MUST BE NOT ONLY TO AMELIORATE THE WORLD, BUT TO CHANGE IT. THE NEW STYLE OF LABOUR ADMINISTRATION IN THE INNER CITIES

OFFERS SOME HOPE. IT TALKS OF DECENTRALISATION OF TOWN HALL STRUCTURES, OF GOING OUT TO THE PEOPLE, FOR INSTANCE, WITH LOCAL HOUSING OFFICES. BUT IT REMAINS WITHIN A STRONGLY FABIAN TRADITION. A NEW PROFESSIONAL MIDDLE-CLASS (NOW OFTEN THE BACKBONE OF THE LOCAL PARTY AS WELL AS OF THE COUNCIL OFFICE) SEEKS TO SERVICE THE COMMUNITY 'IN ITS OWN BEST INTEREST'. DECENTRALISATION FREQUENTLY MEANS NO MORE THAN BETTER 'RESEARCH AND INTELLIGENCE' ABOUT AREAS DESIGNATED 'OF CONCERN'. "AS A RESULT REAL PARTICIPATION AND CONTROL DOES NOT DEVOLVE TO THE GRASS ROOTS. ALL THAT HAPPENS IS THE BENIGN LOCAL STATE EXTENDS ITSELF YET FURTHER. DECISION-MAKING AND RESPONSIBILITY ARE STILL KEPT AWAY FROM THE PEOPLE. IT IS HERE THAT THE APPEAL OF THATCHERISM LIES. IT PROMISES PEOPLE CONTROL IN THEIR OWN LIVES, YET IT IS A HOLLOW PROMISE AND A HOLLOW FREEDOM WHEN OFFERED ON THE BACK OF POVERTY AND OPPRESSION.

"IN REALITY THE TORY SOLUTION IS TO SEAL OFF THE INNER CITIES AND WATCH THEM ROT FROM THE SAFETY OF THE URBAN RING-ROADS. CONVERSELY, LABOUR CAN BUILD A NEW ROAD, OUT OF THE INNER CITY, TO SOCIALISM. IT CAN START BY TAKING CRIME SERIOUSLY. LAW AND ORDER WILL NOT GO AWAY. RATHER IT CAN PROVIDE A VEHICLE FOR A COMMUNITY POLITICS WHICH RESPECT THE COLLECTIVE RIGHTS, RESPONSIBILITIES AND CAPACITIES OF A NEW POLITICAL CONSTITUENCY FOR WHOM SOCIAL TRANSFORMATION IS NOT JUST AN IDEA, IT IS A NECESSITY." (1983, PP.12-13)