*From England*

# KEEPING THE LID ON

**by John Croft**

This article is about the control of crime but not in the conventional sense. It does not deal, for instance, with the nuts and bolts of measures like CCTV or the demand for more police on the streets; its aim is to draw attention to issues that underpin what we can and can't do about crime. Of necessity, it touches on political ideology and religious belief – to take an extreme example a Marxist view of crime and punishment differs from a Christian capitalist standpoint as much as does an Islamist one. The article is also concerned with governance; that is, the management of human affairs. It is not to be confused with the practice of government even though the two are closely related – governance is a much more abstract and sometimes elusive concept.

**The nature of crime**

Human behaviour which is legally identified as crime is an adaptable and changing phenomenon even if it has some underlying characteristics. The taking of human life is condemned as murder or manslaughter and is labelled as a serious crime but in war it is not only permissible to kill but it is expected of soldiers. Killing is resented, however, when the perpetrators are identified as terrorists; depending which side you are on, it is deemed more acceptable if carried out in the name of freedom fighters. But this is where it becomes difficult to distinguish between criminal and political violence.[1] Moreover not only does the incidence of crime fluctuate for reasons which are not altogether clear but seem, in part at least, to occur independently of whatever measures government may impose but it also fluctuates in character. A couple of decades ago kids couldn't steal mobile phones from each other because kids didn't have mobile phones to steal from; before the revolution of information technology cybercrime was a rarity but to-day is commonplace (and difficult to prevent); and the demand for scrap metal to feed the burgeoning industries of the East was not so pressing so sculptures were not then being torn from their plinths nor lead stripped from church roofs. Identity crime, the stealing of a person's identity for fraudulent purposes, is currently fashionable and on the increase. Much crime, therefore, is both opportunistic and responsive to market forces.

**Governance**

Governance comprises several elements. In the context of crime there are two facets where crime control is concerned: formal centralised state power and local more informal initiative.

In a democracy state governance is exercised, subject to parliamentary sanction, within the framework of the criminal law by the police, the courts and the whole apparatus of the criminal justice system. Its purpose is to maintain law and order and what used to be called The Queen's Peace. In other words, to keep the lid on. The apparatus is adjusted from time to time (sometimes rather too often and without the fullest consideration); since 1997 the government has actually created over 3000 new offences, many of which of course were framed to deal with the terrorist threat. State control tends to be coercive and repressive and some would claim that the 'goal posts' have been moved too far in that direction, urged on by the media. Be that as it may there is not a lot of positive evidence that, whatever these measures may have achieved in countering terrorism, the outcome has not been a *direct* reduction in criminal activity even if it has led to a rise in the prison population and consequently has taken many criminals temporarily out of circulation. This is a contentious issue and it is not part of my purpose in this article to be involved in the argument about the causes of crime or the purpose of penal sanctions, and whether fluctuations in the prevalence of crime are the product of official action or market forces operating in a global economy. However I do want to make two points: first, that the institutions of state control need to be seen to be accountable; and secondly, that these institutions need to be accepted by all members of society as legitimate authorities. I shall come back to these two points – accountability and legitimacy [2] – which I regard as key issues in governance, below.

Informal crime control has two features. First, and more obviously, within the home and family with the rearing of children and the inculcation (not always with complete success) of moral values. An extension of this cultural discipline should be found (but again not always) within the school and by further extension in the youth services and activities both voluntary and statutory, as well as not least in religious observance. Secondly, and at this point the informal becomes more formal, the social and community services come into play and state direction is mingled with local and voluntary initiative whether through policing auxiliaries of one kind or another (community support officers, private security firms or erstwhile park keepers),

the constraints of the workplace, bouncers outside pubs and clubs and so on. Although funds for all these forms of crime control come both from voluntary, sometimes charitable, sources and are also channelled through local authorities from central government, none of these measures is especially well co-ordinated either centrally or locally, even through such worthy innovations as the Crime and Disorder Act 1998 which established local community safety and crime reduction programmes.

I have suggested,[3] and evidence has since accrued, that none of these measures is having the outcome – output may be but not outcome – that was hoped. Although the incidence of crime in general has declined over the last decade and a half, within this fall violent crime is on the increase and soon we may well have reached the nadir from which crime generally will be on the up again.

Can anything be done about this? I am inclined to the view, and am not alone in this,[4] that crime levels operate to a large extent independently of official action both nationally and internationally (where in the era of globalization the constraints are flimsier). This is where governance, and the style of governance, has a bearing. Where people and the community as a whole feel they have a stake in the way things are run, and organisations for which we pay taxes are accountable to us at least locally, then this – as the Archbishop of Canterbury has pointed out [5] – will engender a sense of responsibility; responsibility for the way social affairs are conducted, responsibility for behaviour within civil society.

**The social order**

But this utopia can only be sustained where certain conditions are met. First, a shared sense of values – difficult enough in a multicultural society within a nation state to achieve social cohesion and thus to restore a sense of security at this, let alone other levels; even more difficult across the broad spectrum of international relations. For centuries attempts to keep wars in check have had very uncertain success, and now crime – corporate, environmental, drugs, human trafficking, fraud, abuses of the economic 'white-collar' market – has taken on an international dimension for which the mechanism for constraint is haphazard. Terrorism, for example, is known to be sustained financially on the proceeds of crime. On this dimension the auguries are not good, and international organisations and nation states will have to address this problem more vigorously in the future Nevertheless multiculturalism,

which is the consequence *inter alia* of migration (which humans have always indulged in), is a fact of life in very many countries and the inculcation of a shared sense of values – through education, the organs of civil society and even religious belief though the forms of observance vary – is a priority.

Secondly, and of equal complexity and difficulty, is the acceptance of the state's legitimacy. But not only the state and its instruments (in which we should have a stake through accountability – particularly in a democracy) but the whole apparatus of social control which maintains the stability of civil society in a free but ordered way. Legitimacy goes hand in hand with accountability. It is clear that some elements in society, especially some groups of young people, affect to not recognise the legitimate right of, say, the police or teachers or even parents, to constrain their activities. Respect and responsibility are important ingredients in the moral or value structure of a society if it is to hold together. While I am not suggesting that society is on the verge of disintegration, cracks in the fabric have appeared and so the acceptance of behavioural restraints is important if life is to be tolerable. It is doubtful whether we can do much more than keep the lid on; from time to time things will boil over and steam will escape. This may be no bad thing: constant suppression and repression, however, is not the answer but some kind of civil order (which, from time to time, we seem in danger of losing sight of) needs to be established that is acceptable to everyone. The moral, equitable and peaceful foundation of society lies in the interpretation of governance that it adopts and this ought to be a constant quest.

The reader may feel that the foregoing is very remote from getting burgled or mugged in the street but measures to control crime do to an extent reflect the prevailing political ideology. This ideology has been shaped over centuries – by Aristotle, Hobbes, Locke, Rousseau, Mill, Marx – and, together with the reaction of successive politicians to events, forms the framework of civil society, however imperfectly at times, in liberal democracies and is transmitted through the rule of law. Accountability, legitimacy, the 'codification' of the criminal law [6] and the structure of the criminal justice system and its administration comprise a paradigm or a sort of ideology of crime to which sovereign states and certain international courts sitting in The Hague and Strasbourg adhere.

What might be described as a *rational* approach to criminality is traceable back to the Enlightenment of the eighteenth century and reformers such as Beccaria.

However, in the political arena, which cannot be totally divorced from the attitude to and management of crime, in the present century there has been a reaction in some parts of the globe against liberal capitalism. The Enlightenment fostered the secularization of society and thus undermined the legitimacy of hitherto existing authority, just as the Reformation had done three centuries earlier. This led on the one hand to the American and French revolutions and the establishment of democracy in the western world and on the other hand to the Marxist/Leninist concept of the social order. The erosion of traditional values and norms in the nineteenth and twentieth centuries, for which the industrial revolution and its aftermath were partly responsible, created a new underclass of people who, for one reason or another, ceased to fit into the prevailing social order. In the last century these misfits were partly responsible for the rise of Fascism; in the present century religious fundamentalism has contributed to a cultural conflict of values. Concurrently changes and upheavals in the economic distribution of wealth and opportunity coupled with two World Wars exacerbated the situation. Looking ahead, I do not see that in the long run the global order, given the rapid development of communication as a result of the revolution in information technology and the consequent movement of peoples, can be anything other than multicultural, however much national and tribal loyalties may resist the trend, and that this will be reflected in the social order of the *local* community. For the control of crime, it is all the more important, therefore, that we do not lose the sense of community.

**Social cohesion**

How does one achieve social cohesion in a multicultural society? I am assuming that social cohesion, which implies the sharing of a common set of values and is thereby important for the health and well being of the local community, is a factor in the control of crime. There is some evidence for this: residential stability appears to foster social cohesion and a reduction in crime while neighbourhoods with a migrant population are less stable. Social cohesion involves *inclusion*; in capitalist society failure in the economic sphere leads to *exclusion* i.e. upward mobility is reduced and an underclass is created at the bottom of the heap from which it is difficult to escape. And those who fail economically, particularly the young and unemployed, are less likely to abide by the law. Furthermore growing inequality and social exclusion lead to more violence, to more draconian systems of control and punishment in response, and ultimately to a general feeling of insecurity.[7]

Much of the quest for social cohesion turns on the issue of identity [8] and the way people are categorised by religion or culture. In everyday life most people have multiple identities rather than choiceless singularity; accordingly the issue is how to avoid being labelled with, and in extreme cases being victimised for, one particular identifying characteristic of ethnicity, religion or cultural interest. Multiculturalism likewise should involve a tolerance of diversity rather than identification of individuals by the colour of their skin or whatever. Diversity and cultural freedom should go hand in hand. Policies that reinforce the diverse links and allegiances that individuals maintain should be encouraged and those that focus on one dimension should be discouraged. Only too often the media, in reporting crime, draw attention to the ethnicity of both perpetrator and victim, and sometimes to other identifying features as well, such as sexual orientation, social status and so on. Of course this is what sells newspapers; my point is simply that it does not contribute to the establishment of a tolerant and inclusive social order.

**The way forward?**

To sum up, this article has identified three factors that have a bearing on crime control:

a. the nature of crime, its fluidity and responsiveness to market forces;

b. the formal and informal mechanisms of control, their accountability and legitimacy;

c. the problems of social order in a multicultural society, in particular inclusion and exclusion relevant to social cohesion and identity.

The inference is that if b. and c. can be sorted out in terms of a political, and social and economic, agenda, then a. will be kept in check. It would be presumptuous to assume that crime, however, defined, can be erased from society – like the poor, it will unfortunately always be with us – but at least its most violent and disruptive manifestations, including terrorism, may be reduced. Keeping the lid on, especially in a relatively liberal and open society, will consume a lot of resources both in terms of the formal criminal justice system and its apparatus of enforcement and also in what I have called the informal levers of society. The building blocks are the moral order, as delivered by the family and the upbringing of children, the experience of education common to everyone, the moral code enshrined in religion and a

degree of tolerance in a multicultural society which is inherent in the economic concept of the open market and globalisation. The mortar to bind these bricks together must come from a concept and style of governance that is less emotional and short term knee jerk and more rational based on evidence of what seems to work, and most importantly from within the aspirations of society itself. A divisive and divided society will be a criminogenic society.

In short, it is my contention that the formal mechanism of control (the criminal justice system – police, crown prosecution service, courts, non-custodial and custodial sentences) cannot do much more, as I have said above, than keep the lid on crime and prevent it from bubbling over whereas the informal mechanism (family, religion, education, workplace) over time can be more constructive, always provided that the effort – an exercise in citizenship – is co-ordinated at *local* level and that it works in partnership with, not in opposition to, the formal agencies: in other words, not top down but bottom up. As a by-product the legitimacy of the formal authority, which is not recognised by the whole population since it is disregarded if not rejected by some young people, in the long term might be enhanced.

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Notes and References

1 Mary Kaldor (2006): *New and Old Wars*. Polity Press, Cambridge.
John Croft (2007): 'Conflict. Crime and War Compared'. RUSI journal Vol. 152, No. 4.

2. See also John Croft (2007): 'Criminal Policy in a Changing Society'. Justice Reflections, Issue 16, JR 120.

3. John Croft (2005): 'The Hunting of the Snark: Reflections on a Half Century of Crime'. The Political Quarterly, Vol. 76, No. 1.

4. Michael Tonry (2004): *Punishment and Politics: Evidence and Emulation in the Making of English Crime Control Policy*. Willan Publishing, Cullompton.

5. Rowan Williams (2006): 'Criminal Justice – Building Responsibility'. Lecture delivered at Central Hall, Westminster, on 1 February 2007. Justice Reflections, Issue 15, JR 109.

6. Strictly speaking, the English criminal law is not codified but is based on precedent and statute.

7.See remarks by Baroness Vivien Stern and Professors James Dignan and Michael Cavadino in Criminal Justice Matters No. 70, 2007/8, pages 6 and 16.

8. Amartya Sen (2007): *Identity and Violence. The Illusion of Destiny*. Penguin Books, London. I am indebted to Sir David Omand for drawing my attention to this work and for observations that are reflected in this paragraph.