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EDITORIAL

THE IDEALS OF COMMUNITY JUSTICE
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Several of the papers in this issue got me to thinking about the key concept for this journal – community justice. As Brian Williams said in our very first editorial, we aim “to encourage debate about the contested meanings of the concept of community justice, with a view to clarifying the issues” (Williams, 2002:1). For many people community justice is essentially about community sentences – those non-custodial sentences of the court which require some supervision in the community. For others it is about the actions of all criminal justice agencies which take place in the community, particularly the police and probation, and for yet others the remit is much broader and is about involving the community more directly in all aspects of criminal justice. This journal inclines to the latter position, and, as can be seen from the wide ranging papers which have been published over the years, explores aspects of criminal justice broadly within a remit of social justice.

Perhaps the most comprehensive statement about what community justice is and should be is the work of Karp and Clear (2000). In this piece they describe community justice as “a vision of justice practices with particular concern for the way crime and justice affect community life” (p.324) and talk about a partnership between the formal criminal justice system and the community. The term community is itself widely debated as to its meaning though all at their root have the notion of people coming together in some way. In relation to community justice this is often about place and issues of localism, and frequently about neighbourhoods. Karp and Clear explicitly state that for them it is about local geography and the work of ‘police, courts and corrections’ in those places, what they call ‘blocks of space’. A key element of this process is that the neighbourhood or community should be identified by the people living there, not determined by administrative boundaries which frequently do not match people’s lived experiences (Camina, 2004). This is not just about criminal justice agencies however, as they argue that other agencies, such as local authorities, have a responsibility to reduce local ‘criminogenic conditions’, some of which (e.g. housing) will be outside the remit of criminal justice agencies. In this vision the community builds the capacity to exercise informal social control and thus reduce crime. What Karp and Clear (2000) present is an ideal type model. They acknowledge that this will be difficult to achieve, but offer seven principles which can act as ‘guideposts’ for taking small steps towards this end: norm
affirmation, restoration, public safety, equality, inclusion, mutuality, and stewardship – themes which are present in the papers in this issue.

A fundamental requirement of the Karp and Clear (2000) model is that “criminal justice agencies must make themselves accessible to the community, and the community must take an active role in the justice process” (p.352), both of which they acknowledge are difficult to achieve in practice. Very little research has been undertaken into community perspectives on criminal and community justice, especially in those areas most affected by crime. Tony Bottoms addressed this issue in his McWilliams lecture in 2007 (Bottoms, 2008), reflecting on a study of public opinion and crime which he and a colleague had recently undertaken in two similarly high crime areas (Bottoms & Wilson, 2004). They found a generally high commitment to the ‘redeemability’ of offenders in both areas, but a significant difference between them in terms of their ‘punitiveness’. Public space was posited as the underlying reason for these differences, where “disturbances in public space… [lead] to feelings of risk and insecurity” (Bottoms, 2008:150) which in turn feed punitive attitudes. He goes on to discuss the potential for unpaid work and probation supervision to engage with communities and better understand and address the real concerns of the people who live there and the way in which “different crimes and disorders might have differential effect” (Bottoms & Wilson, 2004:386). They argue that if community residents have a sense of social control and safety in their area they will be less anxious and thus less punitive (ibid:391). Rob Canton’s work on the emotions of punishment (Canton, 2015) identifies a distinction between retributive and restorative responses to wrongdoing. These generally occur together but with a different balance depending on context. Maybe it is this sense of safety and ontological security (Giddens, 1984) which influences the balance of these moral emotions.

As you read this the results of the 2015 general election will be known, but as I write the build up to the election is at full pitch with the various political parties trying to outdo themselves with promises for a brighter future on the one hand and blamings for the sombre current picture on the other. Crime and justice is not making the headlines as it has in previous elections, though it is in the manifestos where much of the talk is about police numbers and concern for victims but nothing as radical as the suggestions from the authors in this issue. Ontological security is addressed by notions of neighbourhood policing but otherwise there is scant recognition of the ideals of community justice, which is “localized and flexible rather than centralized and standardized” (Clear & Karp, 2000:21), and “changes the focus of justice from what is to be done about people (offenders) to what is to be done about the places in which people live and work” (ibid: 22). Moving towards community justice is not just about criminal justice agencies working in and with local neighbourhoods, it’s about all aspects of social policy, and particularly about encouraging the genuine participation of ‘communities’. Fitzgibbon and Lea (2010) highlight how there has been a “rapid decline in the number of ‘blue lamp’ police stations, which like GP surgeries and post offices provide some point of contact between poor communities and State and local services” (p.223), a trend which has only exacerbated

1 The blogging of Frances Crook of the Howard League helpfully details the stance of each of the parties on justice issues, together with her thoughts on the proposals: http://www.howardleague.org/francescrookblog.
with the retrenchment of public services since the financial crisis of 2008. It is hard to engage with communities where there is little or no physical presence. Criminal justice agencies not only need to communicate with individuals, and importantly with communities, to facilitate the desistance of offenders, but to involve them as co-producers of criminal justice services (Weaver, 2009; 2011). Thus community justice is about effective criminal justice as well as the moral good. The papers in this issue offer thoughts on the steps which can be taken to achieve this.

The first article in this issue is second of Roger Hopkins Burke’s papers about radical communitarianism. Communitarianism is about the balancing of individual rights with social responsibilities and obligations. In his first paper (Hopkins Burke, 2014) it was argued that in the neo-liberal model of communitarianism the balance had swung too far to a focus on the responsibilities of the individual to ‘community’ with too little attention to human rights and equal opportunities, which could be seen as the responsibilities of the community to the individual. That paper set the scene for the need for a different approach, which is described in this second paper. Following a brief history of the development individualism and its different European roots he draws on the ideas of Emile Durkheim that the free play of individual interests would lead to instability rather than harmony creating the potential for anomie. Hopkins Burke draws on Durkheim’s vision to argue for a political approach “which actively promotes both the rights and responsibilities of individuals and communities in the context of an appreciably more equal division of labour”: radical moral communitarianism. He goes on to identify the policy implications of this consensual interdependency and its ideals, though how to achieve them is less clear. In one way or another the identified topics are key themes in the current debates between political parties, but perhaps not so clearly informed by the moral foundation that Hopkins Burke might hope. Whether you agree with the arguments or not, these two papers provide much food for thought.

In Hopkins Burke’s model the community would take some responsibility for the integration of offenders, a theme which is taken up in the paper by Almond et al. about Circles of Support. The paper gives a brief history of the development of circles of support, whereby a group of volunteers support sex offenders in their resettlement following release from custody. Their aim is to work with the offender (core member as s/he is called) in a participatory relationship of trust to achieve constructive reintegration into the community. This paper is based on a small study exploring why volunteers choose to be involved in this challenging work, where they are involved in a double edged-relationship balancing the tension between supporting the core member and holding them to account for their actions. Volunteers describe a mix of motives, both personal and social, in some small way displaying key characteristics of communitarianism.

The Circles of Support approach is the antithesis of the approach outlined in our next paper in which Creaney talks about the ways in which the English youth justice system works with ‘involuntary clients’. He describes the lack of opportunity for young people to contribute to the design and delivery of the criminal justice sanctions to which they are subject, and argues for a more participative approach which considers the rights of the child. He identifies the potential of referral orders to allow a circle of family and friends to work with the victim and young person to identify the most appropriate way for the young
person to atone for their criminal activity, an approach rooted in the ideals of community justice.

In a similar way the paper by Buchanan argues that the current approach to dealing with the issue of drugs is misguided. Drawing on his personal experience he presents a history of drug policies in the UK and other Western countries over the last fifty years demonstrating how, not only has prohibition been ineffective, but it has actually caused harm globally, locally and individually. It has had a disproportionate impact on the poor and minority ethnic groups, and enabled drug testing businesses to profit. He talks about the hypocrisy of a system which criminalises some drugs but legalises others such as alcohol and tobacco which also cause considerable harm. At the same time the users of illegal drugs are not protected against contaminated substances and the development of new drugs which have unknown consequences. He believes that the UK should learn from countries which have introduced some reforms and move towards an approach which promotes harm reduction and emphasises human rights, the first of which should be the right to consume what you wish.

The role of one of these legal drugs, alcohol, is examined in the next paper by Javaid in relation to its role in intimate partner, often called domestic, violence. This paper presents the results of a small scale study exploring professionals’ views about the role which alcohol plays in the cases of domestic violence which they have been involved with. The problems of definition and the question of gender and power as presented in the literature are addressed before describing the study and presenting the results. These results show how the professionals in the study frequently hear from both the perpetrators and the victims of domestic violence that alcohol is the reason for the violence. Professionals describe how alcohol seems to make unacceptable behaviour acceptable, allowing the perpetrators to avoid taking responsibility for their actions. This in turn makes working with them to change this behaviour difficult. The paper proposes that a restorative approach which brings together both victim and offender together to actively participate in addressing the issue is a more effective approach.

In the final paper in this issue, Honeywell presents the world of the ‘Lifer’, several of whom had murdered an intimate partner in a violent incident. As a prisoner himself he undertook a piece of convict criminology about the lifers who were his friends and fellow prisoners. They had a subculture within the prison that was different to other prisoners, in part because many of them were first time offenders. They frequently tussled with the emotional difficulties of losing relationships with children and spouse, and coming to terms with a long prison sentence. There was greater conformity with the rules of the prison and greater familiarity with prison officers. In the latter stages of their sentence they struggled to develop a ‘normal’ non-criminal identity whilst at the same time having to maintain a ‘prison’ identity whilst they were inside. Achieving a ‘normal’ identity is very much related to the community response upon their release and resettlement.
References
THEORISING THE RADICAL MORAL COMMUNITARIAN AGENDA
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Abstract
An earlier paper in this journal discussed the strengths and limitations of the influential political philosophy communitarianism that came to the fore both in the USA and the UK during the 1990s and outlined the case for a more radical variation based on the work of Emile Durkheim (Hopkins Burke, 2014b). This second paper discusses the theoretical basis of that radical moral communitarianism which challenges the orthodox articulation of communitarianism and which promotes both the rights and responsibilities of individuals and communities in the context of a more equal division of labour than that provided by contemporary neoliberal society. It explores different, influential conceptualisations of individualism in European thought before discussing the social theory of Emile Durkheim and the influence of French individualism on - and the policy implications of - radical moral communitarianism.

Keywords
Individualism; community; radical moral communitarianism; Emile Durkheim; division-of labour; policy implications
Introduction
This is the second of two papers which has returned us to a discussion about the rationale, theoretical foundations and the policy implications of a ‘new liberalism’, or a radical moral communitarianism. The first paper (Hopkins Burke, 2014b) explored the political philosophy of communitarianism which became extremely influential both in the USA and the UK during the 1990s and which in essence proposed that the individual rights promoted by traditional liberals should be balanced with a commitment by individuals to responsibilities in the communities in which we live. It was nevertheless observed that the actual implementation of communitarian policies in reality placed an overemphasis on responsibilities to the detriment of the rights of individual citizens. Meanwhile, the alternative agenda proposed by radical egalitarian communitarians conversely went rather beyond the position taken by traditional liberals and placed a greater emphasis on the economic rights of individuals with appreciably less emphasis on their obligations to society.

There followed a discussion of the neoliberal response to apparent economic decline, the resultant fall in business profitability and the subsequent failings of the strategies introduced to reverse these trends. All of this is evidenced by the incremental expansion of an acutely unbalanced economy. One where an ever growing sector of economically non-productive people are looked after and controlled by another growing sector of economically non-productive people. Which is all part of a neoliberal communitarian matrix of disciplinary tutelage strategies introduced to manage a fragmented, and increasingly impoverished, diverse population in the interests of the market economy.

It was observed in that earlier paper that these neoliberal interventions have merely accentuated socio-economic problems and impacted negatively on the process of capital accumulation, to the extent where it was proposed that a tipping point had been reached. Indeed, it was now appropriate to seek another way of doing things. This was not simply because the present policies and strategies implemented have led to the creation of a fundamentally unfair and unequal society, a normative argument, relatively easy to ignore by neoliberals, but also one which recognises that it is not working effectively in the material interests of capital accumulation, an economic argument, which it is much harder to ignore.

In the concluding comments it was proposed that the basis for that new way of doing things, one which provides an appropriate and fair balance between individual (including material economic) rights and responsibilities to the community, lies in the work of Emile Durkheim and his observations about the moral component of the division of labour in society. It is this recognition which provides the theoretical basis of a radical moral communitarianism which challenges the orthodox articulation of that political philosophy and its hybrid variation in neoliberal communitarianism. It provides a revised formulation which actively promotes both the rights and responsibilities of individuals and communities in the context of an appreciably more equal division of labour.

Significantly, radical moral communitarianism is founded on a particular conception of (French) individualism which provides the basis of a rather different form of social
organisation than those which emerge from its rival and extremely influential conceptions of individualism (Anglo-Saxon and German individualism) and which inform the mainstream, radical egalitarian and neoliberal variants of communitarianism. It is thus important that we explore the origins and development of these three different conceptions of individualism in Western thought and their very considerable implications for the form of social organisation in which we live.

**The Development of the Concept of Individualism in Western Europe**

The development of the concept of individualism in Western Europe can be identified within the disciplines of Christian theology, politics, economics and cultural studies. We will consider the contribution of each.

**Individualism and Christian theology**

Prior to Christianity the only individual was the rare person who was in a position to renounce worldly affairs, was self-sufficient and thus fully independent in a society where the secular was the dominant political force. With the emergence of Christianity we get a fundamental shift in the conception of humanity which the nineteenth century German Protestant theologian and philosopher Ernst Troeltsch identifies as man as an individual-in-relation-to-God: where all people are equal in the presence of God but where, at the same time, the (Catholic) Church emerges as a form of institutional link, a mediator, between the individual and the divine (Dumont, 1994).

It was with St Augustine (354–430 CE) that the concept of sacred kingship, where the position of monarch is considered to be identical with that of a high priest and a judge and which had been the dominant orthodoxy until that time, is replaced by the idea that the State should be completely acquiescent to a dominant Church. However, at the same time, we can observe a subtle advance in the concept of individualism where the State is conceived to be a collection of men united through agreement on values and common utility (see below). The Church now pretends to rule, directly or indirectly, which means that the Christian individual is now committed to the world to an unprecedented degree. He or she is an individual with responsibilities and obligations via their membership of the Church and this includes Kings and the aristocracy. It is with John Calvin (1509-1564) and the (Protestant) Reformation that this relationship completely changes and the individual becomes fully part of the world and individualist values are dominant without restriction or limitation (Bouwsma, 1988).

It was Martin Luther (1483-1546) whose actions as a disillusioned Catholic priest had previously removed God from the world by rejecting the mediation institutionalised in the Catholic Church. Significantly God was now accessible to the individual consciousness. The ritualism of the Catholic Church and the justification of good works which had previously enabled the person access to heaven were now replaced within Protestant theology by the concept of justification through faith, which left to the individual some margin of freedom, that is, whether to believe (faith) or not to believe. This was now a matter of individual choice.
Calvin later went further than Luther and declared that the individual has complete impotence in the face of the power of God and neither good works or faith guarantees access to heaven (Bouwsma, 1988). Now at first sight, this appears to be an important limitation rather than a development of the notion of individualism, but Troeltsch warns us against interpreting Calvin in terms of the unfettered atomistic individualism which we will see later is central to the Anglo-Saxon conception. Instead, there is the concept of the imposition of values: the identification of our will with the will of God. The Puritans who followed the lead of Calvin believed that the Bible was God's true law, and that it provided a plan for living. The established church of the day described access to God as monastic and possible only within the confines of 'church authority' which was the will of God. The puritans simply stripped away the traditional trappings and formalities of Christianity which had been slowly building throughout the previous 1500 years. Theirs was an attempt to ‘purify’ both the church and their lives.

It is thus with Luther, Calvin and the Protestant Reformation that we can identify the origins of a specific Germanic conception of individualism where the person expresses their individuality in relation to close identification with something greater than themselves, in this case God, but later in the case of Germany, the Volk; in the case of Marxists, the proletariat; or for others, simply society however it might be constituted (Dumont, 1986). It is thus a conception of individualism that has its origins in sixteenth century Germany but which clearly has had considerable impact outside the frontiers of that country.

**Individualism and politics**

The political perspective on individualism has two useful starting points. First, there is the combination of Christian revelation and Aristotelian philosophy in Thomas Aquinas (1225–1274), the medieval philosopher and theologian, where at the level of religion each person is conceptualised as a whole being, a private individual in direct relation to their creator, and on a political level where they are considered to be a member of the secular commonwealth, a part of the social body. Second, there is the theory of Natural Law that dominates in the period leading up to the French Revolution, where the idea is to establish an ideal society while starting from the individual person of nature. The device for this purpose was the idea of contract which in turn involves the combination of two elements. The first or `social' contract introduced the relationship characterised by equality or 'fellowship'; the second or political contract, introduced subjection to a Ruler or a ruling agent.

Subsequently, the philosophers reduced this multiplicity of contracts to one. First, Thomas Hobbes (1588–1679) makes the social contract a contract of subjection. This occurs when individuals come together and surrender some of their individual rights and hand these over to an emergent state; a sovereign entity like the individuals now under its rule used to be, and which creates laws to regulate social interactions. In this way human life is given order and is no longer ‘a war of all against all’. Second, John Locke (1632–1704) replaces the political contract by a Trust. Taking the opposite view to Hobbes he believed that individuals in a state of nature would be bound morally, by ‘The Law of Nature’, not to harm each other in their lives or possession. Nevertheless, without government to
defend them against those seeking to injure or enslave them, people would have no security in their rights and would live in fear. Locke thus argued that individuals would agree to form a state which would provide a ‘neutral judge’, acting to protect the lives, liberty, and property of those who lived within it. Third, Jean-Jacques Rousseau (1712–1778) suppresses the Ruler altogether. The ‘contract social’ is the contract of association: it is assumed that one enters society at large as one enters one or another particular voluntary association. His collectivism is most evident in his development of the ‘general will’ where he argues that a citizen cannot pursue his true interest by being an egoist (as in the Anglo-Saxon conception of individualism) but must instead subordinate himself to the law created by the citizenry acting as a collective.

It is with the Puritans who founded colonies in what is now the USA (New England) in the early seventeenth century that we get an actual example of the establishment of a Commonwealth developed on the basis of a contract. What the English radical collectivists the Levellers had unsuccessfully demanded in their ‘Agreement of the People’ published in 1647: the rights of man and religious freedom had been enjoyed in the American colonies since the beginning. We have here an abstract statement of the concept of the Individual as being over and above the State, which is endorsed by the French Revolution, but which is first articulated by the Puritans. These developments are closely linked to the emergence of utilitarian philosophy in Britain which is usually associated with Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873) and which proposes that the correct course of action to take is the one that maximises total benefits while at the same time reduces suffering or any associated negatives. It thus applies a moral foundation, and the basis of practical political solutions, to the *laissez faire* liberal economic ideas of Adam Smith (1723-1790) who influentially argued for an economic system in which transactions between private parties are free from intrusive government restrictions, tariffs, and subsidies, with only enough regulations to protect property rights (Dumont, 1986). It is this notion that individuals pursuing their rational self-interest and maximising their own gain will result in a beneficial social good for all which provides the origins of the Anglo-Saxon conception of individualism which has become extremely influential throughout the world.

In France, for the early French socialist Henri de Saint-Simon (1760-1825) and his followers, the French Revolution, the Rights of Man and the advent of Liberalism had a purely negative and destructive value. They consequently considered that the time had come to *organise* society and to regenerate it. For the Saint-Simonians and this decidedly French conception of Socialism, the State is conceived as an industrial association which should be hierarchical. Rewards should be unequal, as performances are, but the inheritance of property should be suppressed. We have here the origins of a French secular conception of individualism where secondary groups act as intermediaries between individuals and the state. Moreover, in a society spared a protestant Reformation, it is a conception of social organisation based on the medieval Catholic Church (Dumont, 1986).

Meanwhile, in Protestant Germany, G.W.F. Hegel's (1770-81) highly influential philosophy of the State appears to be the culmination of everything that had gone before. As, is the case for Hobbes and Rousseau, the conscious individual is called to recognise in the State
their higher self, and in the command of the State the expression of their own will and freedom. This indirect presentation of society in terms of the State leads to a kind of religion of the State. Thus, in the realm of the political, Hegel does for the German concept of individualism what Luther and Calvin had previously done in the realm of the religious.

**Individualism and economics**
The economic perspective on individualism arises with the reversal of the traditional idea that relations between people are more important than the relationship between people and things. The converse is now considered to be more important. At the same time, the champions of free trade were impatient with the mercantilist view of state intervention and there hence occurred a basic ideological change. The idea that in trade the gain of one party means inevitably a loss to the other, which was central to mercantilist thinking, is replaced with the notion that exchange is advantageous to both parties. This economic perspective which promotes the value and dominance of the free market was to become fundamental to the Anglo-Saxon conception of individualism.

**Individualism and culture**
At the beginning of the eighteenth century German culture exhibits an unprecedented development which brings about a complete emancipation in relation to the French culture which had previously dominated European thought (Dumont, 1994). It is at this point that we can identify the rise of the German conception of individualism. Central to this development is Johann Gottfried Herder (1744-1803), a German philosopher and theologian, who saw in history the contrasted interplay of individual cultures each constituting a specific Volk, in which an aspect of general humanity is embodied in a unique manner. There is, from this perspective, a deep transformation in the definition of humanity: as opposed to the abstract individual, a representative of the human species, endowed with reason, humanity is what it is, in all its modes of thinking, feeling, and acting, by virtue of their belonging to a given cultural community (Nisbet, 1985). In doing so, Herder provides the basis for what later will be called the `ethnic theory' of nationalities as against the `elective theory', in which the nation rests essentially on consensus. This is a peculiarly German conception of nationality and indeed individualism.

The social and political philosophy of Johann Gottlieb Fichte (1762-1814) is significant here. Ostensibly, Fichte sets out to be the philosopher of the French Revolution but is nonetheless considered in Germany to be a precursor of pan-Germanism. His position is essentially that the German spirit is characterised by universality. The German people are destined to dominate the world, but he modifies this meaning by basing it in the identity of universality and Germanness (James, 2010). There is indeed a powerful holistic trend in German ideas where the German people as a whole have been strongly inclined to obey the dominant power. In agreement with this general background, the great majority of German intellectuals have admitted the necessity of subordination to society. Combined with the ethnocentrism that is found universally, the valuation of `us' as against `others' or strangers, we have the social basis of what has been called `pan-Germanism'. In this conception a person is essentially a German, and through being a German is a social being. There is a devotion to the whole: `Germans have in their blood devotion to a thing, an idea, an institution, a super-individual entity' (Troeltsch, 1925:96). In other words, the subject subordinates their self spontaneously to the whole; they have no feeling of
alienation in doing so, and therefore all of their personal qualities are given free rein in the fulfilment of their role.

On the other hand, neither the French or Anglo-Saxon traditions can see the possibility of liberty arising from that formulation, only autocracy and slavery. Troeltsch argues that this is Hegel's conception of liberty and that this is expressed, one way or another, in all the great German creations of the nineteenth century: in the Socialist Party as well as in the army. Thus, this German conception of liberty can be identified in German political movements apparently as diverse as National Socialism and Marxism (Dumont, 1994). For example, in Mein Kampf, Hitler explains very clearly that he designed his movement as a sort of counter copy of the Marxist and Bolshevik movement, replacing among other things, the class struggle by a race struggle. According to Pribram (1953), German nationalism on the one hand, and German socialism (that is, Marxist socialism) on the other, rest on similar ideological formulas, so that a possible shift is understandable from one to the other, or from Marxist socialism to 'national socialism'. Both German nationalism and Marxism were built on an individualist, 'nominalist' foundation, and both claim to reach a collective being (Dumont, 1994).

**The Origins of Durkheim's Social Theory**

French sociologist Emile Durkheim (1858-1917) disagreed with both the German and Anglo Saxon conceptions of the relationship between individuals and society and he developed a social theory which embodied three main influences but which in essence is founded on the French conception of individualism. First, there is French Philosopher Charles Bernard Renouvier's (1815 -1903) rationalism, his concern with morality and his attempt to reconcile determinism with the concept of human freedom and morality. Renouvier accepted that progress through mastery over nature was possible, but this was conditional on moral progress based on a person's mastery over themselves and their actions. Fundamentally, he combined a concern for the dignity of the individual and a theory of social cohesion based on the person's sense of utility with and dependence on others (Verneaux, 1945). Second, there are the aforementioned French Socialist leader Saint-Simon's ideas about economic institutions in industrial society and for the need of new forms of social and political organisation to regulate these (Berlin, 2002). Third, there is French thinker Alfred Espinas' (1844-1922) emphasis on the superiority of the collective consciousness over the individual: his attribution of the superiority of the social over the individual, where altruism and sympathy were to predominate over egoism and find their ultimate point of focus in the national society.

Durkheim's social theory is essentially a reaction to Anglo-Saxon utilitarianism (Anglo-Saxon individualism), German state socialism (German Individualism) and French authoritarianism (a neo-German variant of French Individualism). Thus, first, in the case of French authoritarianism, he accepts his predecessor Comte's thesis that the increasing division of labour among occupational groups in society leads to social solidarity while also recognising that this trend also inclines to extinguish any sense of community. But, whereas Comte (1798-1857) had looked for a solution to this predicament in an increasing role for the State as a unifying force (hence a neo-German conception), Durkheim proposed that this account had no regard for the naturally achieved solidarity of an
independent system of activities, a spontaneous consensus of the parts which could not be maintained by force against the nature of things. But for Durkheim this rejection of authoritarianism did not mean an acceptance of the utilitarian tradition or that of Anglo-Saxon individualism.

Second, Herbert Spencer (1820-1903), the English philosopher and sociologist and a significant contributor to the Anglo-Saxon utilitarian tradition, had taken the opposite view to Comte, holding that industrial societies had a natural coherence as a result of the unhindered play of individual interests and considered that these required neither, conformity to shared beliefs and norms, nor state regulation. Social solidarity would eventually occur in accordance with individual interests. Durkheim, nevertheless, contended that the free play of individual interests would lead to instability not harmony, which would only give rise to transient relations and passing associations. Moreover, he observed that Spencer’s account of contract was misleading: a contract is the product of a society which gives it its binding force and defines the condition of its operation. Durkheim further differed from the Utilitarians in his belief that the ‘cult of the individual’ in modern society did not rest on the egoistic pursuit of self-interest, but in an adoption of the values of the French Revolution where the welfare and self-fulfilment of every member of society should be sought.

Third, from the tradition of German state socialism, Ferdinand Tönnies’ concept of Gesellschaft was close to that of Spencer’s concept of Industrial Society, emphasising individual property, the ‘free market’, traditional beliefs superseded by freedom of thought and the isolation of individuals. Tönnies nevertheless observed the need for a strong State to safeguard interests, a form of State regulated capitalism which was his version of socialism. Durkheim criticised this theory as accounting for social solidarity in terms of a temporary and artificial mechanism, the imposition of the State and consciously reversed the dichotomy between modern and traditional societies which had been characteristic of German thought. Modern industrial societies, although complex and fragmented, with apparently little or no basis for the creation and maintenance of social solidarity and community, in terms of the German model, were perceived to be more receptive to the development of a progressive individualism, albeit in the context of a new form of social structure and relationship between individuals and the community.

**Durkheim, Social Solidarity and the Basis of a Radical Moral Individualism**

Durkheim (1933, originally 1893) observed that in more simple societies people are bound together by a mechanical form of solidarity where like are drawn to like, where we all share the same values and cultural norms. We have a common identity; share the same beliefs and interests, with a collective consciousness and common awareness shared by all. In more complex industrial societies we are bound together by an organic form of solidarity. Individuals are often unlike each other, perform very different roles, have different experiences, beliefs and philosophies, a perspective which provides the theoretical foundations of the later, contemporary conception of multiculturalism.
Durkheim provides a crucial organic analogy between society and the human body: both need regular stable ongoing functioning organs. Thus, at the centre of organic society is the continuing progress of the division of labour between groups but with this increasing fragmentation of society it is extremely likely that we are all believing different things. There is thus a fragmentation of the collective consciousness, which it is observed has both positive consequences, for example, we are more readily willing to tolerate the actions and beliefs of a plurality of diverse groups, and negative outcomes not least where there is an increased likelihood of social conflict between these varied factions.

Essentially, the progressive escalation in levels of organic solidarity has brought about an extensive intensification in individualism. The European Enlightenment tradition has created a much higher degree of tolerance with a greater capacity and potential for individual development but, at the same time, there are also problematic, pathological developments. First, there are spectacular increases in a new form of human existence – egoism - where a person is too poorly integrated into society and second, a sense of anomie can occur, whether you are in a group or not, a sense of not belonging, where you are not subject to regulative norms. These pathological developments are often the result of rapid social change which can cut people adrift from their familiar social moorings. For example, Durkheim would undoubtedly have attributed the failure of the Bolshevik Social Revolution in the years after 1917 to the widespread anomie that was the outcome of the abolition of such traditional institutions as the Church and family. The message for V.I. Lenin from this perspective is clear: you can abolish the bourgeois institutions over-night if you wish, but you cannot change the collective consciousness of the people as quickly. False consciousness or not!

Durkheim observed that with the rise of organic society and the simultaneous increase in individualism it was now possible in industrial society to believe in self-indulgence, for both the bourgeoisie and proletarian; the only check would be conflict. For if the division of labour in society is forced or unequal, some groups have more power than others, usually the product of inherited wealth or social position, but in more recent years because of the great disparity in economic rewards. Durkheim considered that the division of labour works best if people are in positions where their talents are best optimised; that is, an ideal division of labour where everyone is content with their position and the rewards they are receiving. The division of labour that people actually experience is nevertheless forced, egoistical, anomie and riddled with individual despair and conflict and this has become increasingly so in recent years with significant economic recession and ongoing austerity.

For Durkheim the solution to an anomic society is the creation of an ideal division of labour where everyone is rewarded adequately and appropriately according to their talents; but this is clearly something that is very difficult to bring about, although he did propose a threefold political project to address this situation. First, it will be necessary to clarify what are reasonable and acceptable aspirations in life for all people and the appropriate rewards they should receive. Second, the isolated and egoistical individual needs to be integrated into an interactive and inclusive social network. Third, it is necessary to remove the conditions that sustain inequality. In short, the key thing is to unite individuals into a higher community to which they feel a part and belong. For
Durkheim, there is only one possible candidate to be the higher community, *the State*; this is the enabling condition of our individualism. We are all linked into a moral state, but at the same time, the risk of excessive bureaucracy and oppression is also recognised and our experiences clearly indicate that this is a very real problem.

Thus, at the heart of Durkheim’s political theory is his concept of corporations where an administrative council would be set up for each industry. There have nevertheless been considerable criticisms of this theory with the main one centring on the question of who is to set up these corporations. For Durkheim there is only one candidate, again *the state*, but that is in the hands of those who benefit from the forced division of labour. There is thus a need for a major reconfiguration of the state, how it operates and in whose interest. This is an important political project well outside the parameters of this paper, but essential to the implementation of a fully radical, moral communitarian programme.

It is the work of Emile Durkheim and his observations on the moral component of the division of labour in society that provides the theoretical basis of radical moral communitarianism. A form of communitarianism which actively promotes the rights and responsibilities of both individuals and communities *in equal measure*, in the context of an *equal division of labour*. It is this significant latter element that deviates significantly from the communitarian orthodoxy promoted by Amitai Etzioni (1993, 1995a, 1995b) and which was to become so influential with New Labour Governments in the UK. While it is the central theme of that orthodoxy that the individual rights promoted by traditional liberals need to be balanced with social responsibilities to the communities in which we live, there is no suggestion of economic equality in that body of work, while during the course of implementation of policies there was an unhealthy tendency to emphasise responsibilities to society often to the detriment of rights of the individual. One which some commentators identify to be part of a neoliberal strategy for helping to restructure the economy to the advantage of the capitalist classes and the affluent, to the serious disadvantage of the poor (Houdt & Schinkel, 2013).

The radical moral communitarian agenda, in contrast, provides us with the basis of a way-of-life founded on notions of appropriate contributions to society (obligations and responsibilities), suitable fair rewards (rights) and consensual interdependency with others we all recognise, identify and respect as fellow citizens and social partners, not as people of no consequence to be ignored, avoided and, in criminological terms, identified as potential legitimate crime targets. It promotes a fairer, more equal world, based on mutual respect between all citizens.

**The policy implications of radical moral communitarianism**

This section of the paper discusses some of basic rights that all citizens could enjoy along with the simultaneous responsibilities or obligations they might have in a radical moral communitarian society built on mutual trust and respect (Hopkins Burke, 2013). Policies should thus be introduced on the basis that people and communities have both rights and responsibilities with, at the same time, an essential need for a fine-balance between them that will invariably require negotiation and renegotiation on a regular and reflective basis.
An acceptable income

It is proposed that all citizens in a radical moral communitarianism society should have access to an acceptable level of income at all stages of their life. This is clearly commensurate with the notion of an adequate benefits system and a reinforcement of the basic right that all citizens enjoy in the appropriate circumstances. It should nevertheless be the responsibility of the individual to make an active contribution to society and the economy wherever possible in some form or another and they should certainly not refuse suitable work that becomes available. For some this will be a controversial proposal because it is suggestive of ‘workfare’ schemes (widely introduced in the USA) and the requirement to work in order to obtain benefits which has been strongly resisted in countries such as the UK but which are currently being introduced with not little resistance. There will thus need to be well-devised strategies to get people into meaningful employment and those taking part in back-to-(or introduction to) work schemes should be paid a higher rate of benefit than non-participants. Moreover, while there should be an expectation that all citizens become usefully involved productively in the economy in some shape or form, there should be no hounding of the sick and disabled and the withdrawal of their benefits when they are clearly unable to work.

Yet many people currently excluded from employment are fit enough to make a useful contribution to society. If such employment opportunities can be created introductory schemes will help pay for themselves by being a significant part of a restructuring of the economy and crucially part of a longer term return to a full-employment economy. Only a few years ago, apparently the fanciful meanderings of dreamers and those accused of living in the past, full employment policies are now becoming mainstream and popular with economists and politicians across the political spectrum and in different countries. Such policies should thus be a central component of a moral communitarian strategy.

Economist Robert Pollin (2012) argues, in this context, that the USA, faced with its highest levels of unemployment since the Great Depression, should put full employment back on the agenda, observing that this will help individuals, families, and significantly the economy as a whole, while promoting equality and social stability. He identifies the biggest obstacle to creating a return to full employment to be the absence of a political will and the crucial opposition of neoliberals. In the UK, Tony Dolphin and Kate Lawton (2013) argue that by reducing levels of unemployment and inactivity among the working-age population, policies designed to increase the employment rate could help to raise the incomes of low-income households and ease the burden on the tax and benefit system. Adopting full employment as a goal also presents opportunities to address both regional inequalities and those associated with gender and disability and to enable more people access to the paid work which is vital for a sense of social identity, participation and well-being. This is a view that is gaining support across the political spectrum in the UK and becoming increasingly influential in the USA (Lawrence, 2013).

Suitable accommodation

All citizens in a radical moral communitarian society should have access to suitable, good quality, affordable, accommodation of an acceptable size and proper rights of tenure, with the rent paid linked to the ability to pay and reviewable periodically. There should also be an end to the stigmatisation of local authority and housing association estates referred to
as ‘social housing’. Conservatives, Greenhalgh and Moss (2009) controversially, but quite correctly, observe that social housing has become synonymous with welfare housing, where both a ‘dependency culture’ and a ‘culture of entitlement’ predominate. Two-thirds of social tenants of working age are unemployed with only 22% in full-time employment. 50% of social housing, some two million homes, is located in the most deprived 20% of the country. The authors of the report observe that public sector housing is run as a national service that fails many of the very people it was designed to help and delivers a risible return on assets. This view is not just held by Conservatives. The Labour Mayor of Newham, Sir Robin Wales, recently told a conference that many ‘council estates have become what they were fighting in the first place – social ghettos’.

There is a need to deliver re-balanced mixed communities that incentivises people into employment instead of leaving them in welfare ghettos. Good quality housing built to decent specifications with proper sound-proofing should be made available to wider sections of society on proper long-term tenancy agreements providing that the tenants do not engage in anti-social behaviour (Hopkins Burke & Hodgson, 2013). What is important is the rebalancing of communities so that ‘respectable’ people are in the majority and where it is their standards of behaviour that prevail. There should thus be the provision of public sector housing for key workers with rents dependent on income and designated accommodation provided for recognisable serving police officers and others from the ‘policing family’ as part of a return to the ‘police house’ system. This inclusive housing strategy would help re-balance and restore communities to the glory days of public sector housing in the 1950s and 1960s.

Entitlement to respect
All citizens in a radical moral communitarian society should be treated fairly with respect by all agencies, institutions and individuals regardless of their social position, occupation, age, disability, ethnicity, gender, religion and sexual preferences. It will be the responsibility of all individuals to reciprocate this behaviour or face appropriate sanctions. Mutual respect should be central to any moral communitarian project but will be difficult to achieve in a society epitomised by an excessively unequal division of labour. Conversely, a more equal division of labour with more equitable pay differentials will help provide a culture of respect for different occupational groups.

Good quality health care
All citizens should have access to good quality affordable health care which means in the UK supporting and publicly funding the current National Health Service. It should nevertheless be the responsibility of all citizens to actively pursue good health. The failure to do so will involve ultimately a state health and welfare (not criminal) intervention against, for example, those with alcohol, drugs and dietary (obesity) problems. The key to this strategy is the progressive decriminalisation, but not the legalisation, of drugs which it is interesting to note is increasingly taking place in a USA which has conducted an extremely expensive (in terms of human lives lost and economic resources) war against drugs for many years and which it has shown no sign of winning.

A six year study of Britain’s drug laws by leading scientists, senior police officers, academics and experts has concluded that the time has come to introduce
Theorising the radical moral communitarian agenda

decriminalisation (The Guardian, 2012). The report by the UK Drug Policy Commission (UKDPC), an independent advisory body, says that possession of small amounts of controlled drugs should no-longer be a criminal offence and concludes that the move will not lead to a significant increase in use. The report observes that the criminal sanctions imposed on the 42,000 people sentenced each year for possession of all drugs, and the 160,000 given cannabis warnings, should be replaced with simple civil penalties such as a fine, attendance at a drug awareness session, or a referral to a drug treatment programme. Imposing minimal sanctions on those growing cannabis for personal use could also go some way to undermining the burgeoning illicit cannabis factories controlled by organised crime.

The report says that analysis of the evidence shows that existing drugs policies struggle to make an impact and, in some cases, may make the problem worse. The current UK approach is seen to be simplistic in seeing all drugs as problematic, fails to recognise that entrenched drug problems are linked to inequality and social exclusion, and that separating drugs from alcohol and tobacco use makes it more difficult to tackle the full range of an individual’s substance use. The £3bn a year spent tackling illegal drugs is not based on any evidence of what works, with much of the money wasted on policies that are not cost-effective. Even the large-scale seizures by the police often have little or no sustained impact on the supply of drugs. ‘Just Say No’ campaigns in schools sometimes actually lead to more young people using drugs.

Good quality education
All citizens should have access to good quality education and every effort should be made to ensure that standards are maintained, improved and appropriate to the skills and aptitudes of individuals with a close fit and links to employment opportunities. Nevertheless, not all people take advantage of these opportunities and it is their responsibility – and crucially that of the parents and carers - to ensure that they do so with appropriate sanctions taken against those who do not and/or are disruptive.

With the post-2008 financial meltdown and the contemporary era of sustained austerity there have been increased calls for governments to invest in education and the reason for this is self-evident. Education is an excellent investment for individuals and societies both in monetary and non-monetary interests and values. The reality is that education and the acquisition of knowledge as a value in itself to both the individual and community is often lost in the pursuit of neo-liberal economic goals and is one that should be prioritised by radical moral communitarianism.

Protection from crime and anti-social behaviour
All citizens in a radical moral communitarian society should receive appropriate adequate public sector protection. It is thus the responsibility of citizens to not engage in criminality but it would be clearly overly utopian to suggest that everyone will abstain and desist from criminality. Those who do not accept this responsibility to society should be targeted and dealt with efficiently and appropriately by the agencies of the criminal justice system but with the recognition that our prison system is full of people who could be dealt with without that sanction.
The research evidence has moreover repeatedly shown that prisons only work in the sense that they keep people off the street for a period of time and it is an extremely expensive containment strategy that very rarely does anything more than contain. Little happens during the negative experience of imprisonment that turns prisoners into better citizens by the time of their eventual release and it is not surprising that the great majority return within a very short period of time after release. Incarceration is painful and damaging with those regimes built on reputations for gratuitous toughness inherently criminogenic. Prisoners are separated from their families and social networks, they are terminally stigmatised and labelled, they are part of an inherently anti-social subculture and they lack meaningful activity and lose all autonomy. Meanwhile, some ‘lifestyle offenders’, those who are actually proud of their criminality, thrive in prison. They certainly do not find prison hard and it can actually enhance their image (Travers et al., 2013).

Travers et al. (2013) argue that prisons could actually be positive experiences for the inmates and actually reduce offending, with the introduction of a cognitive skills intervention that addresses the hierarchy of their needs. Thus, at the first level, there is a basic need for a safe and decent carceral environment which gives the individual the headspace to think about a personal transformation, free from dirt, disorder, clutter and graffiti. The second level requires the development of a rehabilitative culture which is dependent on a strong staff engagement with this ethos, a willingness to participate and strong leadership skills to bring about these changes. The third level is about dealing with the very significant issues of drugs and alcohol which are central to much contemporary offending and which are closely linked to the lives of many prisoners with close links to acquisitive crimes and those involving violence. The fourth level is about changing attitudes to criminality and the researchers observe that the hard line approach so favoured by neoliberals; notions of deterrence epitomised by ‘three strikes and you’re out’ initiatives, ‘scared straight’ and ‘boot camps’ for young offenders, just do not work. Conversely, it is those initiatives with close links to communitarianism such as restorative justice conferences which bring offenders and their victims together and help reduce crime and help to rebuild and invigorate communities. Such strategies should be central to a fully-inclusive radical moral communitarian social policy agenda.

Conclusions
It is the central proposition of communitarianism that the individual rights promoted by traditional liberals need to be balanced with social responsibilities and a commitment made by the individual to the community in which they live. This paper (and the previous one in this series) has nevertheless observed how the balance between rights and responsibilities has shifted excessively and unhealthily towards the pole of community with a much greater emphasis on the responsibilities of individuals to the detriment of their rights. Communitarianism has thus become a key component of the neoliberal project with the notion of responsibility in the former highly compatible with that of responsibilisation in the latter.

A highly significant element of the neoliberal disciplinary project in both the USA and the UK was the abandonment of full-employment as a central economic strategy, but in the
long term this has been hugely problematic. The major neoliberal economic restructuring
of the 1980s destroyed traditional income-creating manufacturing jobs in huge numbers
with the outcome being a large non-productive workless sector with growing associated
social problems. This situation was significantly intensified by the rapid expansion of a
whole class of public sector employees paid increasingly good salaries to look after (health
and social work agencies) and control (the criminal justice system) the first sector. There
was a clear recognised need to rebalance the economy and the Coalition Government has
sought to address this by the introduction of established neoliberal techniques of huge
cuts in public expenditure and concerted assaults on the living standards of workers and
the poor.

This paper proposes that these various socio-economic problems seem to have reached a
‘tipping point’ where the social and economic costs of neoliberal fiscal policies have come
to outweigh any benefits other than for a small group of powerful economic players. A
radical moral communitarian response proposes an alternative, more inclusive, approach
founded on notions of appropriate contributions to society (obligations and
responsibilities), suitable fair rewards (rights), and consensual interdependency, in the
context of a fairer, more equal world, based on mutual respect between all citizens.

The rights and responsibilities identified in this paper are highly compatible and closely
interconnected. Thus, the call for a return to full-employment policies will lead not only to
a more productive and balanced economy, but will provide the material and psychological
preconditions of the other essential rights. The provision of good quality (invariably rented
public-sector) accommodation for all those who need it is also about rebuilding
communities by providing a broad mix of interrelated interdependent people from
different social backgrounds within a particular geographical neighbourhood. The right to
be treated with respect by all public servants and with the parallel responsibility to treat
each other with respect, is more achievable in a world of full-employment and good
quality accommodation in proper communities, where people have self-respect for others
and their contribution to society. The provision of good quality health care for all citizens
with the parallel responsibility to pursue good health will be more achievable with
sensible alcohol and drug policies which decriminalise and medicalise a significant social
problem. The provision of good quality education and the parallel responsibility to engage
with this is also far more achievable in a society with full employment and citizens with
good health and is also highly applicable to the right to live in a crime free society. The
provision of proper alternative rational choices to crime and criminality will lead to a
significant reduction in the need to treat and punish miscreants and in this rebalanced
economy provide more resources for highly skilled professionals and practitioners to
concentrate their expertise on the very small groups of citizens with real medical or social
problems. Clearly central to a radical moral communitarian social strategy will be an
enhanced role for an expertise-driven public sector, both in service provision but also in
wealth creation.
References


CIRCLES OF SUPPORT AND ACCOUNTABILITY: CRIMINAL JUSTICE VOLUNTEERS AS THE ‘DELIBERATIVE PUBLIC’
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Abstract
This paper provides a review of the role played by volunteers within one particular offender management and reintegration scheme in the United Kingdom. Circles of Support and Accountability (COSA) draw on the expertise of volunteer members of the public to create supportive monitoring frameworks around sex offenders following their release from prison. The paper presents evidence as to the motivations of these volunteers, and argues that they play a crucial role in the success of the scheme, as they provide an instrumentally-useful form of reintegrative social contact to a socially-excluded offender population, and perform a symbolically important role as representatives of the wider community in taking ownership of offender management practices on behalf of the wider society. This is particularly significant in grounding those processes in the communicative practices of the social sphere, providing powerful reasons for intervention that reinforce the work that COSA do.

Keywords
Circles of Support; volunteers; sex offenders; offender management; deliberative justice
The last thirty years has witnessed a ‘managerial revolution’ in probationary and rehabilitative practices (McLaughlin, Muncie & Hughes, 2001). This has placed an increasing emphasis upon preventative and adaptive responses to offending risks, the integration of market-oriented dynamics into penal services, and the use of actuarial rationalities to organise the pursuit of institutional performance targets (Bottoms, 1995; Garland, 2001; McCulloch & McNeill, 2007; Simon, 2007). The pursuit of efficient risk management, and the audit of performance in relation to this goal, has become a new orthodoxy, albeit one that has given rise to a number of tensions, particularly over how it interacts with the professional skills that inform probation work (Ashworth, 2009; Burke & Collett, 2010; Canton, 2007; Newman & Nutley, 2003; Raine & Wilson, 2007). There are particular concerns that the application of the language of risk and probability, and the processes of targeting that accompany it, to the offender management context (Feeley & Simon, 1994; Loader, 1996) has the potential to reduce the participants in probation to the status of targets for intervention, thereby obscuring their agency, and to replace practitioner expertise with systematised models of offender management (Canton, 2007; Newman & Nutley, 2003; Raine & Wilson, 2007).

The issue is not necessarily that performance-monitoring is illegitimate within publicly-accountable criminal justice organisations; rather, its centrality means that those organisations can become preoccupied with bureaucratic and strategic considerations to the exclusion of the human-centred value orientation that should inform their work (Dzur & Mirchandani, 2007; Hudson, 2003; Loader, 1996; Weaver, 2009). This line of argument draws on the Habermasian notion of juridification, or the colonization of the ‘lifeworld’, in order to explain why instrumental rationality can have detrimental consequences for the criminal justice system. For Habermas, actions taken by public bodies derive their legitimacy, or claims as to rightness, from their connection to the shared moral values of the democratic public sphere (Habermas, 1987; 1988). Policies that lack this connection are unable to legitimate themselves by establishing reasons for their existence.

As public policy is placed in the hands of bureaucrats and market forces, and reduced to a series of technical questions for experts (Loader, 1996:33), it is distanced from the public sphere. At the same time, participants within probationary systems become passive, demoralised, and alienated, viewing their own progress as a matter of meeting targets rather than of self-development (Habermas, 1988; Weaver, 2009). It appears that the prevailing public sentiments expressed in many jurisdictions tend to be punitive and oriented towards the endorsement of harsh criminal justice policies (Bottoms, 1995; Garland, 2001; Roberts & Hough, 2005; Simon, 2007), and attitudes towards community-based offender management are characterised by scepticism and a lack of understanding (Allen & Hough, 2007; Maruna & King, 2008; Roberts & Hough, 2005). While there is considerable evidence to suggest that public attitudes are not always as negative as this (Green, 2006; Hough, 1996; Hutton, 2005), the dominant discourses around community-based criminal justice remain broadly negative. This leads to a perception that these programmes are illegitimate when compared to retributive or incapacitative measures, and so ‘tough on crime’ agendas endure and coexist uncomfortably alongside an increased professional recognition of the value of restorative approaches (Garland, 2001; Maruna & King, 2008; McNeill, 2009).
Sex Offender Management and the Deliberative Public

This paper recounts a study of citizen volunteers working within the field of sex offender resettlement, and their potential value as mediators of public hostility towards practices of this sort. Interrogating the reasons why members of the public get involved with sex offender management programmes, and what the implications of this involvement might be, is important because the public mistrust set out above is much more pronounced in this context than elsewhere (Brown et al., 2008; McNeill, 2009; Wilson et al., 2007). Efforts to treat and resettle sex offenders run contrary to the dominant media-led sensibilities of a society which is highly anxious about the risks these offenders pose and which distances itself from engagement with them via a profoundly exclusionary social narrative (Gavin, 2005). Ironically, by marginalising those convicted of sexual offences, this exclusionary narrative makes it much less likely that reoffending risks will be managed successfully (Brown et al., 2008; McNeill, 2009). Public policymaking has tended to reflect this dominant narrative of risk and exclusion to the detriment of the services in question.

It may be suggested that there is a need for the wider public to “own up to” practices in this area in a way they rarely do, engaging more fully in debates about sex offender policy. Deliberation of this sort “connect[s]...policy more sensitively to what the public perceives as important, and allows the deliberative consideration of multiple values underlying the practice of punishment” (Dzur & Mirchandani, 2007:160), particularly important in an area such as this where ‘public opinion’ and ‘true public attitudes’ may diverge considerably (Green, 2006). Greater engagement makes public attitudes more informed, less punitive, less open to distortion by the media, and more oriented towards restorative and rehabilitative goals (Hutton, 2005). Engagement of this sort also ensures that criminal justice practices have a secure legitimatory basis; there is a degree of community accountability which ensures that the reasons for action taken in the public interest are clear (Dzur & Mirchandani, 2007; Weaver, 2009). Resettlement and rehabilitation are validated as legitimate goals of the criminal justice system because they are grounded in public dialogue.

Volunteer involvement in the management of sex offenders within the community is a powerful example of this kind of citizen engagement. Approaches that focus on reintegration into the community emphasise the need for meaningful contact between offender and public as an element of desistance-building (Bottoms, 2008; Farrall & Calverley, 2006; McNeill & Whyte, 2007). Having direct contact with members of the community, and being involved in practices that promote integration, builds the social capital needed to facilitate resettlement. Insofar as desistance is a process of re-entry into the community, the relationships built through mentoring or supervision frameworks can provide the sort of community-based rituals necessary for reintegration (Farrall & Calverley, 2006; Maruna, 2011). Making and maintaining acquaintances, discussing experiences and thoughts with other people, and becoming more skilled at social interaction, are all elements of offender-public relationships that have significant reintegrative value. Voluntary interactions in the area of offender resettlement were thus recently recognised at governmental level as a powerful tool of personal and social change (Neuberger, 2009).
Volunteers within the criminal justice system are proxy representatives of the wider community and, because they have made a moral choice to freely give their time, occupy a particular motivational space; their input is given as a genuine social good, and is thus immune to the kind of instrumental pressures that afflict other elements of the criminal justice system. By virtue of being at least partly altruistic in nature, the contribution made by volunteers inclines towards being rational and informed, open and inclusive, and ongoing, the values defined by Habermas (1987) as the qualifying requirements of genuine communicative action. By investigating the motivations that underpin volunteer engagement in one sex offender resettlement programme which has the potential to be truly deliberative in nature (Circles of Support and Accountability, or COSA), and providing more narrative detail about who engages and why, we can thus gaining a better understanding of the wider role that volunteer involvement is capable of playing in legitimating and grounding such programmes in a more developed sense of the public interest.

**Circles of Support and Accountability**
Within COSA, members of the public take the role of ‘circle volunteers’, coalescing around a ‘Core Member’ (a sex offender who has normally completed a custodial sentence) and providing personal and social support to the offender, as well as a framework for accountability. The role of the COSA is to develop interpersonal contact between the core member and the wider community in order to generate the kind of social capital that militates against future offending; core members openly discuss their behaviours and thoughts with the circle volunteers, and are answerable to them for any deviations from their own aspirations to live non-offending lives. The fact that COSAs involve volunteers means that a trusting dialogue is constructed, and allows for a range of benefits to be accrued to all parties involved, including the community-at-large (by engaging its members with marginalised offenders: Wilson et al., 2007). The volunteers of a Circle, who usually number four or five, are trained to counter the isolation known to be a precursor to sexual reoffending, and are supported by a professional coordinator who facilitates risk management and the sharing of appropriate information with statutory agencies. In this way, the provision of a social support network facilitates a meaningful accountability framework.

COSA were first introduced to England in 2001 by the Religious Society of Friends (Quakers) and in 2002 were developed via two government-funded three year pilot projects: Circles South East (formally Thames Valley/Hampshire), and the Lucy Faithfull Foundation, a third-sector child protection charity. Such was the success of the pilot projects that many of the newly instigated UK Multi Agency Public Protection Arrangements (MAPPA) requested the implementation of COSA in their particular area. While most MAPPA-generated risk management plans for sexual and violent offenders tend to be reactive and centre on restrictive methods of control such as sex offender registration, prevention orders and community notification (Brown et al., 2008; McNeill, 2009), COSA’s inclusion within MAPPA risk management systems placed a contrasting emphasis on the possibility of constructive reintegration into the community. COSA’s
initial success in this role resulted in a speedy growth of local Circle projects across the country, and this led to the establishment in 2007 of Circles UK, a charity responsible for supporting new COSA development and ensuring consistent compliance with national Codes of Practice.

The Probation Service has a long history of using volunteers to help rehabilitate offenders and enhance public safety. The Victorian-era foundations of the Service lay in the volunteering work of the Church of England Temperance Society, whose objective was to “reclaim drunkards” (Nellis, 2007) and who, along with the London Police Courts Mission (LPCM), developed the use of Court-appointed missionaries to divert offenders from custody. The Home Office and the Howard League for Penal Reform pushed for the secularisation of this system as the “missionaries were often not well educated and their temperance orientation...overshadowed proper probation work” (Nellis, 2007), and the Probation of Offenders Act 1907 retitled the LPCM’s missionaries as ‘Probation Officers’ and gave them official status as ‘Officers of the Court’. Subsequent to this, the Criminal Justice Act 1948 reaffirmed the Probation Service’s status as a social work agency that existed to "advise, assist and befriend", in part via the engagement of local community volunteers. This model endured until the 1980s, when the Conservative government challenged the ‘social work’ nature of probation and focused instead on notions of enforcement and public protection (Nellis, 2001:25-7), removing the Home Office sponsorship of Probation places on Social Work courses and introducing National Vocational Qualifications for Trainee Probation Staff (Skinner & Goldhill, 2013:42). Subsequently the 1990s saw the encroachment of a public-sector ‘target culture’, with measurements and thresholds set for compliance, breach, completion of supervision and community sentences (Nellis, 2001:33; Raine & Wilson, 1997), all of which seemed to confirm the Habermasian notion of a shift towards instrumental rationality, juridification, and instrumentalism, and away from deliberative input (Ashworth, 2009).

But recent years have seen something of a shift back towards volunteering in this area. The National Offender Management Service (NOMS), the central administrative department located within the Ministry of Justice which facilitates the end–to-end management of offenders, acknowledged the role of volunteering in the Criminal Justice system: “It was estimated in 2003 that six thousand volunteers were involved in prisons in England and Wales through faith based organisations alone...Volunteering therefore provides an opportunity for communities to help reduce re-offending” (NOMS, 2007:5). By this time, COSA had been operating successfully for five years and was cited as an example of what could be achieved through strong partnership arrangements between the voluntary sector and statutory agencies. This was a distinct change of policy direction because, prior to 2001, the Government believed it to be generally unsafe to use volunteers in work with sex offenders because of the high levels of manipulation and denial associated with this group of offenders. Whether or not the 2010 Coalition government’s concept of the ‘Big Society’ has had any subsequent bearing on such a distinct change of policy is unclear, but it appears that COSA has played a role in reinforcing the theoretical and practical benefits that volunteers provide in the criminal justice context, and returning probationary practices to their historical, volunteer-oriented form.
That said, all voluntary and charitable organisations operating within the criminal justice system face new uncertainties under the ‘Transforming Rehabilitation’ agenda of 2013-14 (Ministry of Justice, 2013). This agenda holds that the private, charitable, and voluntary sectors can, via Community Rehabilitation Companies, provide rehabilitative and supervisory services for medium to low risk offenders, while the newly created National Probation Service manages all high risk offenders subject to MAPPA (a problematic distinction because risk is dynamic and changeable: McNeill, 2013). While many voluntary and charitable organisations depend on receiving contracts from Community Rehabilitation Companies, COSA will work mainly with the National Probation Service and its partner agencies, and may be able to attract into volunteering those who may resist doing so for charities contracted by for-profit organisations; a previous study found that COSA volunteers “prefer working for charities rather than the private sector, if unpaid” (Thomas et al., 2014). This context thus raises important questions, which this paper’s study of volunteer motivations aims to help answer: what are the potential benefits of the recent shift back towards volunteer involvement in sex offender rehabilitation? What motivates volunteering in this area, and how do these motivations map onto the new landscape of offender rehabilitation? Who are the volunteers who are increasingly going to populate the criminal justice system in the coming years?

**Circle Volunteers: Background and Issues**

COSA volunteering is an emotionally and psychologically demanding role, and requires professional supervision and support. Central among these demands is the need to engage with the Core Member and build a participatory, mutual relationship of trust so that trigger factors, high-risk situations, and coping strategies can be discussed. The volunteer’s role provides a good example of the kind of public “ownership-taking” role envisaged by advocates of deliberative criminal justice practices (Dzur & Mirchandani, 2007), in that it centres on a relationship of mutual openness, but also involves a commitment to accountability in the interests of community protection. This tension between support and accountability was evidenced in the first COSA evaluation in England and Wales (Bates et al., 2007), which examined 16 Circles across four years (2002-6), and found that while no Core Member had been reconvicted for any criminal offence, 9 of 16 did display a significant amount of problematic behavioural activity. Four Core Members were returned to prison, and one subjected to a Sexual Offences Prevention Order (SOPO), following the sharing of information about behaviour replicating previous offence patterns with the public protection agencies (fulfilling the accountability and community protection aspects of COSA).

In four of these cases, volunteers continued to engage with their Core Member after their recall to prison, and in three, the Core Member re-engaged with their Circle post-release. These double-edged, but enduring, relationships thus seem to illustrate the openness (mutuality), rationality (truth-telling), and ongoing nature required to constitute a form of communicative action (Habermas, 1987). The value of such deliberative approaches is also illustrated by their effectiveness. An evaluation of the first 10 years of practice of Circles South-East (CSE) (Bates et al., 2014) found that the 71 Core Members studied were reconvicted for violent and contact sexual offences over a 4.5 year follow-up period at a lower rate than members of a broadly matched comparison group of 71 sex offenders.
who had been referred to CSE but not received a Circle. It appears that mechanisms which involve deliberative engagement of this sort generate the kind of preventative and positively empowering effects that are sought.

While other evaluations of CSE (Bates et al., 2007; 2011) have confirmed the positive behavioural outcomes for Core Members, the volunteering element, which distinguishes COSA from other community-based forms of sex offender management, has not been explored. The current study redresses this imbalance by presenting information gathered from CSE Circles on the 160 volunteers who have worked with them from inception in 2002 until 2012. CSE initially drew its volunteer base from three main groups: allied professionals working in hostels, housing departments, and with the homeless; postgraduate students of psychology, criminology, and social work; and volunteers motivated by faith, particularly Quakers (whose Church brought the concept of Circles to the UK) and Methodists (who adopted COSA principles in 2000). The allied professionals brought experience of working with sexual offenders, and could benefit from COSA volunteering as a professional development activity (a National Vocational Qualification can now be obtained via COSA volunteering), while the students helped diversify the demographics of the volunteer pool. Active recruitment was soon superseded by the flow of unsolicited volunteering enquiries, perhaps due to a growing culture of volunteering and to the internet’s capacity to bring volunteers and charities together.

Findings
118 of the 160 CSE volunteers were female (73.75%), and while there is a wide range of ages in CSE volunteers, from the oldest born in 1930 to the youngest who was born in 1991 (the lower age limit for CSE volunteers is 21), there is a clear peak in the number of volunteers aged 22-26 at the time of the study (born 1986-1990). Figure 1 shows the years of birth (grouped into 5 year periods across the x axis) of all CSE volunteers (n=160).

Figure 1

Years of birth of HTV volunteers

![Years of birth of HTV volunteers](image)
This peak group were mainly students at the time of their volunteering. The number of students volunteering for criminal justice work has increased in recent years as changes in the costs of higher education and the contraction of the graduate job market have placed an additional value upon relevant professional experience that can provide a pathway into a career and so allow for the repayment of student loans (Hustinx et al., 2010; Wilkins et al., 2013). The typical gender distribution found on many relevant and increasingly popular degree programmes (in subjects like psychology) also helps account for the preponderance of female volunteers documented above. While these contextual factors, as well as the use of the internet to publicise volunteer opportunities, have populated the COSA pool with web-literate, enthusiastic, and academically able volunteers, it must be noted that there has also been a decline over time in the number of more experienced, older people who are involved in bringing their practical life experience to bear within COSA.

Figure 2 shows the occupation of CSE volunteers, broken down into basic groupings; the largest category are students (primarily, where specified, of psychology and criminology). ‘Caring professions’ include those who work in health or social services settings outside of the criminal justice system. Retired volunteers are recorded according to their previous working background, if known, and as ‘retired’ if not.

Figure 2

![Occupation of volunteers](image)

The rich diversity found among CSE volunteers is illustrated by the wide range of occupations which make up the ‘other’ category (20.6% of the total). It includes clerical and professional roles such as business analyst, oil industry executive, company director, accountant, banker, and IT consultant, as well as chemist, warehouse worker, builder, farmer, hairdresser, photographer, funeral director, engineer, and radiographer. A COSA is not a formal, manualised intervention; rather, a group of people combine to provide support and accountability to an individual who has sexually offended in the past in order
to reduce their future offending risk. This allows each volunteer to bring a wealth of life experience which they can apply to the objectives of COSA, and in doing so, enhance the value of the process.

But why do these volunteers get involved, and what do they gain from doing so? Again, it appears that the diversity of volunteer backgrounds and the uniqueness of each COSA experience mean that it is not possible to universalise, but certain key motivators for the significant undertaking and commitment involved can be identified. When applying to work with CSE, volunteers are asked to state their motivations to volunteer according to seven different categories: religious beliefs which prompt volunteering; support of the humane principles upon which COSA is based; professional interest arising from current or intended employment; personal experience as a survivor of sexual abuse; child protection principles; a desire to create safer communities; and a personal interest in social/criminal justice issues. Figure 3 shows the number of times each category was endorsed. Each motivation is not exclusive and some volunteers record more than one motivation; professional (87) and personal (40) interests featured highly in the responses, as did a personal commitment to humanist principles (80) and to building safer communities (72).

**Figure 3**

As part of the CSE 10-year follow-up study (Bates et al., 2014), 160 volunteers were also sent a questionnaire asking what inspired them to become a volunteer for CSE, what benefits they think CSE has for Core Members, and why they continue to volunteer for CSE. 40 questionnaires (25%) were returned for analysis, perhaps reflecting the multiple demands upon the time of CSE volunteers, who may not prioritise filling in questionnaires within this time. 19 volunteers referred to a desire to bring about the cessation of sexual
offending as their primary motivation, with nine linking this to the constructive input they felt they could have, and nine to the increased self-esteem they felt offenders could gain. 21 of 40 volunteers referenced their own skills and background as a reason for volunteering, reflecting the three groups of ‘targeted’ volunteers mentioned previously: nine were seeking relevant professional experience in the criminal justice field as they had ambitions to work in this area; eight were motivated by the relevance of Circles to their own professional expertise; and four referenced faith-based (specifically Quaker) motivations for working with CSE. Seven were motivated by the needs of Core Members, including their belief in supporting offenders’ capacity for change (two) and need to have a meaningful stake in society (four). Other volunteers cited a desire to do something to counteract media hysteria around the issue of sexual offending (three), and one was motivated by being a survivor of sexual abuse. Finally, the special importance of volunteering was cited by five participants who emphasised the non-coercive nature and credibility of unpaid, non-professional input (two), and the training benefits that volunteers could obtain as a result of their involvement (three).

Discussion

This article has examined one distinguishing feature of COSA, namely the fact that their work is carried out by volunteer members of the public. These volunteers draw on a range of motivations for their involvement in Circles, but particularly emphasise the desire to build safer communities through their actions, and a moral interest in improving the way that sexual offenders are treated. Two immediate observations can be made about these expressed motivations. Firstly, although this is a self-selecting sample of the ‘general public’, the diversity of the volunteer sample and the motivations expressed provide evidence of wider social attitudes that run counter to the prevailing media-led hostility towards sex offenders. Volunteers were able to look beyond any tendencies towards vilification and mistrust, and engage positively with offenders as human beings; their willingness to undertake this compassionate engagement demonstrates that true ‘public attitudes’ are more nuanced and less uniformly hostile than might be thought. This suggests that efforts at deliberative policymaking that might seek to mirror and reflect these impulses may represent a more authentically deliberative version of public policy in this area (Dzur & Mirchandani, 2007; Hutton, 2005; Weaver, 2009).

Secondly, a recurring component of the motivations expressed is the value of the voluntary element of citizen engagement; volunteers clearly saw the fact that their input was given freely as a form of public good as essential in underpinning much of the value that was produced. This places COSA volunteering in a unique place within the post- ‘Transforming Rehabilitation’ landscape. Core members are able to build relationships of trust more easily, and avoid destroying them by reoffending, because those relationships are genuine not strategic and so have a motivational value that professional relationships can aspire to, but not easily reproduce. Much anecdotal evidence exists from Core Members to support this importance attached to the voluntariness of the relationship as a community-based reintegration ritual (Farrall & Calverley, 2006; Maruna, 2011). But it must be recognised that not all volunteers join Circles purely because of their high-minded moral commitments. Many get personal benefit from the role (in terms of satisfaction or career progression), and are therefore acting strategically and instrumentally.
This mixture of motives, with some focused on personal interests and others which relate to broader normative stances on the issue of offender rehabilitation, clearly reflects the pragmatic nature of individual reasoning, but also arguably obscures the meanings that can attach to those actions. Habermas’ normative theory, if strictly interpreted, would imply that actions undertaken on the basis of instrumental rationality are not capable of underpinning legitimate social action because they represent the satisfaction of particular and not universal social interests (Habermas, 1987). This might thus imply that Circles volunteering cannot be seen as generating any wider social meaning as a mechanism of community ownership of offender rehabilitation. But this is a misleading objection to make as recognising that the benefits of volunteering cut both ways does not distract from the non-obligatory (as opposed to externally mandated) basis of that interaction. Recognising one’s own interests simply underlines the rational, informed nature of the undertaking, and the accompanying diversification of the volunteer base emphasises the openness and inclusivity of the process. Lastly, of course, volunteers do undertake to be engaged with their Circle (and are) for a sustained period of time. As a result, all of the defining features of communicative action according to Habermas (1987) are demonstrated by COSA, suggesting that this model is capable of underpinning a radically different public approach to this issue.

The particular normative value of COSA volunteering can be best understood in relation to the expressed reasons for volunteering that were put forward by COSA volunteers. The emphasis placed upon humanist values, including the recognition of the agency and value of convicted sex offenders and their capacity to change (even those convicted of very serious and heinous crimes), and the desire of volunteers to act for the collective benefit of the community, both illustrate the links between COSA volunteering and a broadly democratic and inclusive approach to issues of offender resettlement. Core members are participants in, not subjects of, the processes of reform involved (Weaver 2009), and volunteers engage with them on behalf of the community, rather than purely in their own interest. Even those whose motivations were pragmatic and linked to their own career framed their involvement in terms of the value they could give, not just the benefits they could take from the process. COSA volunteering reflects a range of motivations, all of which centre on a wish to participate in the creation of a constructive future, rather than providing a judgemental response to past events.

**Conclusion**

The positive results recorded in recent research looking at the follow-up behaviours of a group of 71 Circles South East Core Members (Bates et al., 2014) show that the compassion-centred approach taken by COSA volunteers is instrumentally effective in preventing reoffending. This has led to the emergence of new Circles agencies across the UK and elsewhere in Europe, motivated by a need for socially responsible and highly effective methods of dealing with this contentious and politically sensitive issue. But perhaps the greatest benefits obtained from COSA are the extension and renewal of the contact that convicted sexual offenders can have with the wider community and, crucially, of the contact that representatives of the wider community can have with convicted sexual offenders. For all the instrumental value of volunteering in this area, the key contribution that volunteer involvement makes, and which the motivations for engagement point
towards, is its ability to offer an alternative to the prevailing exclusionary climate within discussions of community justice. The voluntariness of this contact allows a wide range of representatives of that community to ‘take ownership’ of issues of crime prevention, and the invocation of broadly solidaristic values that accompany it seems to underline the importance of this function. Volunteering is conducive to the development of communicative ethics and the validation of the core principles of COSA as legitimate reflections of wider public interests. In this sense, its potential effectiveness goes beyond its capacity to bring about change in individual cases, and encompasses a potentially more diffuse positive effect upon the politics of offender reintegration. It is hoped that additional research will provide us with a better understanding of the ways in which COSA increase public safety through their work, and the wider benefits for society that flow from people volunteering to assist their community in this way.
Circles of Support and Accountability: Criminal justice volunteers as the 'deliberative public'

References


STILL WORKING WITH “IN Voluntary Clients” IN YOUTH JUSTICE
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Abstract
A lack of active participation from children and young people in the design and delivery of youth justice services has culminated in the effectiveness of the Youth Justice System being reduced. There has been little independent scrutiny and to add to that strategic direction on how children’s voices are or should be accessed in practice. In the light of this, the paper explores the various challenges associated with promoting the active participation of young people who have offended. More specifically, the paper explores the difficulties engaging those who are disengaged as such individuals may perceive the support on offer as unnecessary and intrusive. The paper argues that in order to reconcile a lack of engagement and feelings of disempowerment the priority should be throughout the Youth Justice System to involve young people in decision-making processes. Ideas will be put forward with regard to how youth justice practice could become more participatory and engaging particularly with regard to those who are ‘involuntary clients’ or in other words difficult to engage. There is a dearth of ‘hard’ empirical evidence on the effectiveness of participatory approaches in youth justice. However if work with young people who offend is innovative and bespoke to allow for young people’s voices to be heard practice could become more effective. But there needs to be the recognition that the ideas put forward in this paper are not ‘magic bullets’.

Keywords
Involuntary clients; participation; relationship-based practice; youth justice; young offenders
Introduction

Young people are not often provided with opportunities to actively participate, engage and influence service design and delivery in youth justice (Haines and Case, in press; Hart & Thompson, 2009). This could be due to the idea of participation being inconsistent with an emphasis on punishment (Beyond Youth Custody, 2014). Indeed participatory principles conflict somewhat with the whole premise of youth justice intervention and in particular the notion of just deserts (Beyond Youth Custody, 2014). Moreover, young people who have offended have not only committed a crime but contravened normative social expectations regarding how one is expected to behave and in turn forfeited the right to have a say (Hart & Thompson, 2009). However, in accordance with international standards, treaties, and conventions – most notably the United Nations Convention on the Right of the Child – the participatory rights of children in conflict with the law should be promoted. That said rather than being human rights based, practice is very much focused on compliance, compulsion and coercion (Haines & Case, in press).

This paper explores the various challenges associated with promoting the active participation of young people who have offended. Particularly the paper explores the difficulties engaging those who are disengaged, as such individuals may perceive the support on offer as unnecessary and intrusive. The article argues that the topic of participation is in urgent need of development and thus requires fresh political, academic and practice attention. It also argues that in order to reconcile this lack of user-led engagement and experiences of disempowerment the priority should be throughout the Youth Justice System to involve young people in decision-making processes.

A lack of active participation from children and young people in the design and delivery of youth justice services has culminated in the effectiveness of the Youth Justice System being reduced (Haines & Case, in press). There has been little independent scrutiny and to add to that strategic direction on how children’s voices are or should be accessed in practice (Hart & Thompson, 2009). Ideas will be put forward with regard to how youth justice practice could become more participatory and engaging, particularly with those who are “involuntary clients” or in other words difficult to engage.

Participation in youth justice

To participate is to be involved and have some say over the process. With regard to the use of participatory approaches across the tariff of youth justice interventions and providers of services, ‘the involvement of young people in their own assessment is underdeveloped and, even where they provide useful information; this may not be used to inform the plans that are made...’ (Hart & Thompson, 2009:4). Indeed rather than promoting their active participation and starting from the child’s wants and needs – and embedding such practice throughout assessment, planning, intervention and supervision – practice is very much adult-led and disempowering for the child (Case & Haines, 2009; Haines & Case, in press). It must be acknowledged, though, that the Youth Justice Board recognise the importance of service user involvement in assessment and is in the process of implementing (2014/2015) a new and improved assessment framework that claims to give much greater emphasis to young people’s wishes and feelings (Creaney & Smith, 2014; Haines & Case, in press). This tool may allow practitioners to devise broader, more
proactive solutions to tackle identifiable issues as the assessment framework intends to be more holistic and sensitive to children’s needs and wishes. In so doing, it is future orientated, concerned with strengths and aspirations rather than risky behaviours (Haines & Case, in press).

That said work with young people who offend tends to be conducted ‘on’ rather than ‘with’ children - perhaps understandable in a context of enforcement. Practice has tended to adopt more controlling and repressive mechanisms that are coercive, often non-negotiable in nature and disengaging (Haines & Case, in press). Practitioners rarely provide opportunities to children to actively participative in their care (Beyond Youth Custody, 2014). This could be for a number of reasons not least that practitioners are constrained by the court ordered nature of the work and more specifically the rigid conditions that must be imposed. However, the Referral Order is perhaps one example of where the Youth Justice System has tried to involve young people in the decision-making process.

Referral Orders are community sentences given to children between the ages of 10 to 17 appearing in a youth or magistrates court for the first time. As part of the court order the child attends a panel meeting, where, the space is provided for young people to actively participate in the process. Indeed, as part of the Referral Order the aim is for perpetrators and victims to ‘actively participate’ in the process - rather than be passive spectators – in order to resolve the conflict. The idea is that power and control can be equally shared between the two parties. Not only can the victim and the offender have a say and be heard, the perpetrator can be provided with opportunities to repair the harm caused by engaging in positive, constructive activities. However, such restorative principles are built into a system that is punitive and deficit-led where young people are considered wholly responsible for their actions. Indeed, the emphasis is on blaming tendencies rather than understanding the context or wider socio-structural issues such children experience that can have adverse effects on attitudes, behaviour and development. Referral Order panels provide a platform for young people to share their viewpoints on how the harm caused can be repaired. However, it appears young people involved in such panels merely participate rather than actively engage in the process (Newburn, et al., 2002). On the other hand, as part of the children’s hearing system in Scotland young people are not only listened to but what they say is acted upon as they are deemed to be key decision makers in the process (McAra & Young, 1997).

Young people in England and Wales involved in crime and subject to court orders, generally, are often unsure of the process in terms of what is involved on their part: children often do not feel in control, they feel powerless (Hazel, 2002 in Robinson, 2014). What happens in practice is children co-operate and comply with the conditions of the order in order to simply ‘get through their sentences’ (Hazel, 2002 in Robinson, 2014:47). Interestingly, in a study seeking young people’s views and opinions on practice supervision Hazel et al., (2002:14) noted that

‘while they started out feeling in control of their actions, accounts of young offenders became striking in their lack of “agency”. Giving in, submitting, becoming marginalised and losing power were central themes, quite
contrary to the assumption of engagement and responsibility that the system hopes to achieve.’

Arguably then, adults need to promote the human rights of children in conflict with the law and inform them of their entitlements in an empowering way. In so doing, practitioners need to commit to eradicating barriers to engagement by ensuring that the starting point of any intervention is the wishes, aspirations and goals of the child not the organisations or professionals priorities (National Youth Agency, 2011; Smith, 2008). Professionals should also aspire to allowing service users the opportunity to take more of an active lead in the design and delivery of services (Creaney, 2014a).

Although the existence of a positive relationship is not the only factor that must be considered when working with children, it can help to facilitate and achieve change. It can result in the service user having confidence in the process and wanting to engage and participate in the design of services/interventions. However, contemporary youth justice practice has been described as disengaging (Haines & Case, in press). Not only are children disengaged but so too are staff as practice has become prescriptive (Haines & Case, in press). Some would argue that practitioners have become deprofessionalised (Pitts, 2001) compelled to adopt in-flexible What Works principles, resulting in staff, and the organisation as a whole losing sight of offenders as children (Barry, 2013). The focus on technical aspects of practice has marginalised the importance of practitioner-young person relationships. This is disconcerting, especially when we consider that what young people most value from a supervising officer ‘is not so much programmes and content but a good supportive relationship with an adult who is not judgemental and is able to offer guidance and advocacy when needed’ (France & Homel, 2006:305-306). Furthermore Robinson (2014:263) points out that ‘the relationship between the young person and the...case manager...developed in supervision is often crucial in motivating and supporting a young person to comply with and complete other requirements.’

Children do value a good relationship with their supervising officer who listens to them and is trusting and respectful. Indeed, there is an increased likelihood that children will actively engage rather than merely participate if such a positive relationship has been formed (Creaney, 2014b). However even if a positive working relationship between the child and practitioner exists, children may see their level of involvement as ‘passive ... – something that happens to them or is done to them rather than something they can actively engage with and help shape and design’ (Hart & Thompson, 2009:24).

The practitioner/young person relationship

Practitioners working with young people who offend cannot refer to an established literature regarding what works in creating and sustaining positive working relationships (Burnett, 2004; Mason & Prior, 2008). Furthermore, it appears to be the case that there is rather a limited evidence base on the ‘effectiveness’ of such interpersonal practice (Mason & Prior, 2008:24) in youth justice. Perhaps this is due to ‘the relationship between worker and offender [being] seen latterly as less instrumental in promoting change and the emphasis [shifting]...towards technical skill and management of people through a process’ (Burnett & Roberts, 2004 in Farrow et al., 2007:13). Arguably then, the position of
Still working with “involuntary clients” in youth justice

relationship-based practice in youth justice needs ‘fresh attention’ (Farrow et al., 2007; Trotter, 2006). After all, it is unlikely that a child or young person will comply with the requirements of an order, engage in the intervention programme and stop offending without receiving ‘one-to-one supervision’ (Farrall, 2002): ‘practice skills in general and relationship skills in particular are at least as critical in reducing reoffending as programme content’ (McNeill et al., 2004:6).

The development of a positive relationship, built on empathy and genuineness for example, is a very important aspect of work with children (Brandon et al., 1998:71). Furthermore Trevithick (2005) notes that rapport has to be built into the process in order for the child to engage in the intervention or programme on offer:

‘...[rapport] creates the favourable conditions necessary for people to be able to discuss and reveal problems or difficulties, successes or failures, and strengths or weaknesses in ways that aid understanding and allow for a realistic plan of action to be created’ (Trevithick, 2005:148, cited in Mason & Prior, 2008:25-26).

However it can be difficult to develop rapport as children may not want to become involved or may feel that they are being coerced into engaging in the programme. Arguably, a certain amount of persuasion may be important here alongside being directive (Mason & Prior, 2008).

What can make practice difficult for criminal justice professionals is that they take on a dual role. Professionals practice in a context of ambivalence whereby they may, at times, experience difficulties with caring (welfare) and controlling (justice) aspects of their work. There is the criticism that welfarism abandons legal safeguards and violates due process by ‘leaving children to the discretionary, permissive powers of professionals while subjecting them to indeterminate measures without recourse to review or accountability’ (Scraton & Haydon, 2002:311). On the other hand, although justice-based approaches are apparently fair and transparent, in practice what may result is vulnerable children being adulterised and responsibilised where the aetiological complexity of the crime is overlooked in favour of the swift administration of justice (Goldson, 2002:12). Trotter (2006:4) sheds some light on how difficult reconciling the ‘legalistic’ (or enforcement) and ‘helping’ roles can be:

‘It is difficult for a worker to fulfil a helping role with a probationer when they are also taking action to have a probation order cancelled. Similarly, it can be difficult to fulfil the legal role where a close helping relationship has developed between the worker and client...coming to terms with this dual role is one of the greatest challenges in work with involuntary clients.’

To prevent confusion with regard to which approach is best, although this dilemma can be difficult to reconcile, one way to potentially overcome such issues is to clarify roles and responsibilities in practice:
‘This involves ongoing discussions about issues such as authority and how it might be used, the dual role of the worker as helper and social controller, the aims and purpose of the intervention from both client and worker perspectives, as well as issues relating to confidentiality.’ (Trotter, 1999:18, emphasis added)

There is an increased likelihood that positive outcomes will result when roles (and so too the aims and purpose of the intervention) are clarified, particularly in a collaborative way. Individuals will then be more likely to engage in the programmes of support on offer having had an opportunity to put forward their perspective. Arguably, though, role clarification should not be static, it should be dynamic and ongoing to ensure an appropriate healthy balance - between care and control - is sustained. Interestingly, ground rules can be helpful here for both the client and professional as matters that are negotiable and those that are non-negotiable can be discussed by both parties and an agreement can be reached. It can also be discussed here what behaviour will not be tolerated but, perhaps more importantly, explained how this will be challenged in a respectful way where the child will be valued – at all times - in an inclusive manner where the behaviour or the act will be separated from the person (Trotter, 2006).

Trevithick (2012) refers to the importance of practitioners using language that is understandable and not reliant on jargon. Throughout the stages of assessment, planning and intervention in youth justice, professionals do not consistently use clear and accessible language (Robinson, 2014). This is disconcerting, especially when we consider that at the onset of a court order children often feel uncertain about the process (Robinson 2014). Using language that is unclear may compound rather than help to tackle the issues children are experiencing. Rather, practitioners should explain what is expected of the child in a clear way, in accordance with understanding such factors as age and maturity.

Rather than focussing on individual deficits, strengths-based models should be promoted. Practice should be: empowering and consultative (not prescriptive), child-centred (not adult centric) and capable of providing children with a platform to share an insight into their lived experiences (Haines & Case, in press). There should be a commitment to practice being holistic whereby meaningful help and support is available for young people based on what they need regardless of whether or not it is related to the child’s offending. Such needs may revolve around ‘recreational, educational and employment opportunities’ (Rogowski, 2013:12). The above recommendations, though, may be difficult to implement and it may be more challenging to instil a culture of ‘active participation’, due to the risk-averse context of the work. More specifically, the professional is perhaps working with ‘involuntary clients’ (those not so receptive) who are involved in statutory procedures. Notwithstanding these challenges, Chapman and Hough (1998:26) outline some key principals, values and ethical standards that should inform work with young people who offend:

‘an inclusive approach which respects difference, avoids labels, encourages the active participation of the individual in all processes...based upon the
belief in the capacity of the individual to make changes in behaviour and offers equal and appropriate access to services and programmes.’

Work with young offenders, then, should principally involve seeking to gather the viewpoints of children on their own lives. In so doing practitioners view children as human beings not human becomings where the responsibility is with the practitioner to make sense of such lived experiences (Farrow, et al., 2007:87) choices and relationships. These points are important as practitioners, at times, will be tasked with empowering the disempowered and/or those who experience learning and developmental difficulties who may struggle when expressing opinions. There exist strengths based models that draw on such ideas and that have been prominent in work with adult offenders – most notably the Good Lives Model (GLM). This model is considered to be an ‘effective’ way of securing the engagement of the individual, as it is provides a positive framework, balancing risks with the promotion of securing personal goods (i.e. friendship and happiness) and the accomplishment of goals (McNeill, 2006:85). The GLM differs somewhat to practice models that emphasise the risk management of offenders, as it is draws on problem/solution solving techniques, offence resolution and empowering the individual to actively participate in the process (Scraton & Haydon, 2002).

Working towards desistance: looking at routes out of crime

Desistance researchers aim to understand why and how people stop offending. They are concerned with the process of ceasing from offending and in particular the need to support such individuals through that process. Here, desistance researchers note that approaches in the youth/criminal justice arena should not be informed by a ‘one-size fits all’ mentality but tailored to the identified needs of the person who has offended (Weaver & McNeill, 2010), in particular making note of their emotional and developmental needs. Alongside this, the approach should be informed by a relationship that is based on honesty and openness (Farrall, 2002). The points raised here are very relevant in relation to the treatment of children who offend as there has been less focus, in recent times, on the social and personal aspects of their lives: these factors are crucial in the desistance process and for this reason require ‘greater attention’ (Farrall, 2002).

Desistance from offending may occur as a result of the existence of ‘turning points’ in the life of a child or young person (Sampson & Laub, 1993). However, in relation to children who are engaging in crime and embroiled in the youth justice system ‘turning points’ may be few and far between (Barry, 2013). Children subjected to youth justice processes – who are often in a state of transition - are often provided with limited opportunities to adopt a non-criminal identity and live a law-abiding lifestyle. Indeed for individual children there are ‘few opportunities to take on responsibilities and few means of gaining revised personal values based on the recognition of others’ (Barry, 2013:358). Furthermore, there are limited constructive opportunities available (including leisure activities, education and employment opportunities) – where personal, social and emotional development can potentially be enhanced- to help young people desist from crime successfully. This is perhaps most disconcerting as children who engage in crime and are subject to youth justice processes often reside in unloved areas and in turn experience a wealth of social inequalities (Yates, 2010). Although there is a danger that professionals may get too close
(Smith, 2008) within the desistance literature, it is argued that a passionate, caring and helpful practitioner who engages ‘effectively’ with the child can increase the likelihood of positive outcomes occurring. Furthermore as opposed to responsibilisation, a practitioner who offers encouragement and is supportive throughout the process is deemed ‘crucial’ in the desistance process.

The instilling of hope and self-confidence is prioritised in the desistance process. The level of support offered should not be determined solely by the criminogenic needs of the young person who has offended. Intervention should be driven by the need to promote positive aspects of a child’s life, drawing on strengths based approaches and informed by the literature on resilience. Most importantly, it involves ‘fostering a sense that the young person can change, and reinforcing an awareness of what he or she has to offer’ (Nacro, 2007:5). Desistance literature and research provide a ‘welcome bulwark against the ‘risk’ and ‘What Works’ agenda’ (Nugent & Barnes, 2013:21) by shifting the focus away from the child’s deficits and onto their strengths - promoting active participation. Such ideas contrast somewhat with the emphasis on compliance, compulsion and coercion (Haines and Case, in press). Strengths-based participatory practice is somewhat inconsistent with an emphasis on punishment (Beyond Youth Custody, 2014). Indeed participatory principles conflict somewhat with the whole premise of youth justice intervention and in particular the notion of just deserts. Moreover, young people who have offended have not only committed a crime but contravened normative social expectations regarding how one is expected to behave and in turn forfeited the right to have a say (Beyond Youth Custody, 2014). However, in accordance with international standards, treaties, and conventions – most notably the United Nations Convention on the Right of the Child – the participatory rights of children in conflict with the law should be promoted.

**Conclusion**

One could question why children who offend are helped when non-offenders, who may well be experiencing similar problems, may not be entitled to such support. Furthermore, it could be questioned whether such individuals are entitled to ‘have their say’ given their offender status (Creaney, 2014a; 2014b). On the other hand, regardless of their status as offenders, as a society, we have an obligation to help a child who is in conflict with the law, provide support and steer them away from a life of crime (Robinson & Crow, 2009). Notwithstanding these philosophical debates, practice with young people who have offended should be client-driven and voluntary, rather than, as is so often the case, adult-led (Haines & Case in press). The focus should not be on delivering an intervention with the intention of returning the offender ‘to some predestined pattern of thought and behaviour’ (Robinson & Crow, 2009:12) - where conformity is deemed to be crucial and any work proposed is set to be imposed on young people. Rather, informed consent and willing participation should be promoted throughout the youth justice system. Being ‘actively’ involved in youth justice processes can improve outcomes for young people. However further opportunities need to be created for young people to become involved and engaged and influence decision making (Creaney & Smith, 2014). This could be through establishing steering groups or advisory boards and/or allowing young people the opportunity to advise other settings on ways of improving service delivery (Beyond Youth Custody, 2014). There are a number of challenges to overcome though, if such initiatives
are to be developed not least the fact that the criminal justice system in England and Wales is overwhelmingly concerned with punishment and retribution: notions of participation and engagement appear partial and peripheral. Systematic efforts should be made to increase knowledge on the child’s right to have a say on matters that affect them. Notwithstanding the challenges mentioned above, practice intervention needs to be timely, appropriate and realistic ‘capturing and giving expression to the young person’s feelings and priorities’ (Robinson, 2014:268). With regard to involuntary clients or those difficult to engage such individuals may be unwilling to take part and they may deem the support on offer as intrusive and unnecessary (Trotter, 1999). However, as I have argued within the paper, in order to help overcome such difficulties it is important to ensure that the goals set out in the intervention plan are realistic and achievable and decided ‘with’ rather than ‘for’ clients (Haines & Case, in press). What should exist is an understanding that ‘the worker will...[never] know more about people and their problems than they [i.e. children] do themselves’ (Smale & Tuson, 1993:16). Although services will have their own agendas with regard to outcomes, this should not be ‘at the expense of young people’s own goals and aspirations which may have little to do with these’ (Smith, 2008:189).
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Still working with “involuntary clients” in youth justice

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Creaney


Further reading
ENDING DRUG PROHIBITION WITH A HANGOVER?
Julian Buchanan, Associate Professor, Institute of Criminology, Victoria University of Wellington

Based on the 11th Annual Community Justice Portal Lecture delivered at Sheffield Hallam University on 22nd May 2014.

Julian Buchanan worked for Liverpool Social Services for six years before joining the Merseyside Probation Service as a qualified probation officer in 1982. In the mid-1980s as a drug specialist he pioneered a ‘risk reduction’ approach to substance misuse. During his 15 years with the probation service he held a variety of positions: probation officer; training officer; practice teacher and middle manager. In 1995 he joined Liverpool University as lecturer and programme leader for the Home Office sponsored probation qualification. In 1997 he was promoted to Senior Lecturer at University of Central Lancashire where he set up a Masters degree in Substance Misuse. In 2000 he joined Glyndwr University (Wales) where he established criminal justice and criminology BA and MA programmes, and set up the Social Inclusion Research Unit. In 2011 he joined the Institute of Criminology at Victoria University of Wellington.

As an academic Julian has continued to examine issues that confronted him as a practitioner working in the community: the role of probation; effective community sentences; managing and responding to problem drug use; and understanding and tackling discrimination and social exclusion. He has researched and published widely on these issues including around forty contributions in book chapters and journal articles. In 2009 he co-edited ‘Effective Practice in Health, Social Care and Criminal Justice: A partnership approach’, now in its second edition published by Open University Press.

He has been external examiner for programmes at Trinity College, Dublin and Liverpool John Moores University, and is a specialist assessor for numerous journals including: International Journal of Drug Policy, Criminology and Criminal Justice Journal, British Journal of Community Justice, Probation Journal and the Journal of Social Policy.
Abstract
After three decades of working in the drugs field (as a probation officer, researcher and academic) and seeing little change in a drug policy largely driven by prohibition, it is encouraging to finally see the emergence of a paradigm shift, towards drug decriminalisation and regulation. Globally, there are a growing number of countries, agencies and individuals exploring drug law reform, albeit, largely related to cannabis. These are critical and important times, but after the debacle of prohibition, we should be careful not to get over-excited and simply lurch uncritically towards any reform that’s proposed. We need to be rigorous and well informed when considering and assessing appropriate drug policy change, otherwise we will fail to address the fundamental problem – the decades of damage caused by drug policy abuse. In this paper I shall clarify why drug law reform change is urgently needed, explore lessons from drug policy changes in other countries, highlight risks inherent within drug reform, and establish some guiding principles for change.

Keywords
Drug reform; regulation; decriminalisation; prohibition; human rights; harm reduction
1980s: From abstinence to harm reduction

In the 1980s, working as a probation officer in Bootle, Merseyside, I was confronted by two particular social problems; mass unemployment, and a heroin ‘epidemic’. While in the past, illicit drug use had been largely associated with enhancing life-experiences, such as attending parties, music festivals or socialising at university, the 1980s wave of heroin use was confined largely to discarded working class youth who used the drug to create a ‘euphoric oblivion’, to block out depressing life experiences (Buchanan & Wyke, 1997). Not surprisingly, this heroin epidemic spread rapidly across the most deprived areas of England, those hit hardest by de-industrialisation and mass unemployment (Dorn & South, 1987). The received wisdom in the early 1980s surrounding problematic drug use was clear and robust; all illegal drug use was inherently dangerous, would lead to addiction, destroy families and communities, and ultimately result in early death and tragedy. The national response to this drug epidemic was to rally communities and agencies together against this new threat, and to utilise every means possible to get young people off (illegal) drugs. This ‘crusade’ against the drugs ‘enemy’ resulted in a proliferation of new community groups and organisations, often with the phrase ‘against’ drugs in their title.

As a new probation officer, I acquiesced and embraced this misguided dominant discourse, and did my utmost to coerce people to stop taking illegal drugs. After pressurising and persuading heroin using offenders who were awaiting sentence in Court, to give up illegal drugs, I’d often take them in my car to a detoxification centre or a drug rehabilitation centre, far away from their home, only to see them back on the streets of Bootle, Merseyside, a few weeks later using heroin. I soon realised, not only was a coerced abstinence not working; it was actually part of the problem, they were now more entrenched, and further alienated following my unsuccessful attempt to force them off drugs. Supporting the crusade to rid them of illegal drugs did more harm than good. In particular the approach didn’t meet people where they were at; it didn’t assess or listen to what they were ready, able or wanting to do; instead, I was pursuing my agenda, not their agenda (Buchanan, 1991). In so doing, I was setting them up to fail, and this created further conflict and relationship breakdown between them, their family, friends and importantly, the criminal justice system, which saw the offender breaking their promise to become drug free. By imposing an unrealistic, and probably unachievable expectation upon the offender, I had inadvertently encouraged deceit that made the person more damaged, isolated and at risk.

Learning from this experience, when the Merseyside Probation Service appointed me as a drug specialist in 1986, I helped pioneer and promote a risk reduction approach (Buchanan & Wyke, 1987) that was subsequently adopted as Merseyside Probation Service drug policy. Risk reduction (now widely referred to as harm reduction) doesn’t exclude abstinence: if somebody is ready, able and wanting to pursue abstinence, they’ll be supported to do so, but risk reduction engages and fully supports people in a pragmatic, non-judgmental manner, while they continue to use drugs. Risk reduction is dedicated to reducing the risks (legal, social, psychological and medical) to the person using drugs, their friends, family and wider community, and doesn’t require a commitment to abstinence (Newcombe, 1992).
By the mid/late 1980s the dominant anti-illicit drug discourse in the UK that demanded ‘drug’ free lives and communities, was largely replaced by a harm reduction strategy. This new approach engaged more people in treatment and was more successful at reducing harms (O’Hare et al., 1992). However, it is important to be clear, the motivation for this paradigm shift away from abstinence, was essentially a pragmatic move to protect the wider community from the new and greater threat of HIV/AIDS, posed by the drug injecting community, through unprotected sex and sharing of needles, the paradigm shift didn’t reflect a policy change towards accommodating illegal drug use (ACMD, 1988).

1998 - The empire strikes back
The United Nations General Assembly Special Session (UNGASS) gathered in New York in 1998 to launch a new ten-year global drug strategy, accompanied with the slogan: ‘A drug free world - we can do it’ (Blickman, 2008; UNDCP, 1998). This far-fetched and questionable aspiration was an overt attempt to reclaim and re-assert abstinence. In my view a ‘drug’ free world is as deluded, naïve and useless, as a 10 year plan for a crime-free world. Worse, while the notion of a crime free world has merit, the notion of a drug free world is bizarre. It is a vague ideologically driven crusade; one that is irrational, contradictory, unachievable and undesirable, and as I will argue, drug policy driven by prohibition has caused considerably more harm, than the drugs it purports to protect us from (Rolles et al., 2012).

Soon after the 1998 UN conference, the UK appointed Keith Halliwell, an ex-Chief Constable, as a new US-styled Drugs Tsar, and he too launched a ten-year drug strategy. This appointment marked a shift in the UK away from a health approach to the ‘drug’ problem, and criminal justice took centre stage; it also marked a significant alignment towards abstinence-based US drug policy, and extended the war on drugs (Buchanan, 2010). By this time, I was working at Liverpool University and carrying out qualitative research that explored the lived experience of people on Merseyside struggling with chronic problematic drug use. In an article entitled ‘A war on drugs, a war on drug users’, Lee Young and I, argued a prohibitionist, tough law enforcement drug policy that meted out severe punishment for drug violations, was not only an attack on illicit drugs, but more importantly, it was an attack on the people who used illicit drugs (Buchanan & Young, 2000). It was clear, the drug war in the UK focused on working class communities, and specifically young people whose futures had been ravaged by de-industrialisation, disinvestment, poverty, and major social, economic and political changes (MacGregor, 1989). Bootle, where I worked as a probation officer and drugs worker, was a tragic example of a community blighted by socio-economic change, which resulted in a generation of unskilled youth, whose labour was rendered worthless and useless. Young people in Bootle were unable to follow in their parents’ and grandparents’ footsteps in Bootle, suddenly couldn’t find work, and wondered if they’d ever work. In the 1980s it seemed that almost overnight a new section of society appeared - the discarded working class whose labour was surplus to capitalist requirements and who would be punished and scapegoated for being unable to secure work (Dorn & South, 1988; Rojek, Peacock & Collins, 1989).
This group of unskilled youth, lacking qualifications, unable to secure a stake in society, couldn’t legitimately access employment, struggled to find their own accommodation, were unable to afford consumer goods, and inevitably many drifted into a drug-centred lifestyle which offered a daily routine and network to escape their grim daily reality. Labelled ‘addicts’ and ‘smack-heads’ they were presented as an enemy within the community, and the cause of community despair. As Chomsky (1998) explains, this demonisation served a political purpose:

‘The Drug War is an effort to stimulate fear of dangerous people from who we have to protect ourselves. It is also, a direct form of control of what are called "dangerous classes," those superfluous people who don't really have a function contributing to profit-making and wealth. They have to be somehow taken care of.’

Historically, drug prohibition has almost exclusively targeted the discarded working class, and enmeshed with racist thinking and racist targeting (Alexander, 2013; Nadelmann, 2014). In the late 1800s Chinese people living in London who used opium (rather than alcohol) were portrayed as a threat to morality, a people who used their drug in ‘opium dens’, a stark contrast to British attitudes towards the opium using ‘Lakeland Poets’ (Keats, Coleridge, Wordsworth and De Quincey) earlier that century. In 1914 the New York Times headline ‘Negro Coke Fiends’ presented Black African Americans who use cocaine as peculiarly dangerous criminals, suffering insane addiction which equipped them with an ability to withstand bullets (Williams, 1914). More recently the disparities between crack and powder cocaine sentencing in the USA, even though it is virtually the same drug – have resulted in concerns about racist drug laws. To receive the ten-year mandatory minimum prison sentence for possession of powder cocaine (predominantly used by the white population) the threshold was set at 1000 grams, whereas the threshold for crystallised cocaine (predominantly used by the Black population) was set much lower at 10 grams. Belatedly acknowledging these gross disparities, the US Fair Sentences Act 2010 eventually adjusted the threshold level, although the present 18:1 ratio is still unfairly balanced (Washington Post, 2010).

Prohibition
Drug prohibition has caused global harm and great cost to society, arguably far greater than the harm arising directly from illicit drugs (Rolles et al., 2012). Further, prohibition has been ineffective and has failed to demonstrate any significant reduction in drug use, drug supply, or drug harm (GCDP, 2011 & 2014). Since President Nixon declared the ‘war on drugs’ in 1971 (see Fig. 1), the US have witnessed a sudden and rapid increase towards mass incarceration (Alexander, 2013), with vast numbers held in prison for drug-defined crimes (possession, supply, cultivation etc.), (Kerrigan, 2012). A similar pattern of spiralling prison populations can be observed in most Anglophile countries. In New Zealand around 1 in 20 recorded crimes are drug-defined offences, and around 11% of the prison population are imprisoned for drug-defined crimes (NZ Police, 2014).
In the UK, the Misuse of Drugs Act 1971 launched the drug wars, when it mandated a life sentence can be imposed on anyone supplying outlawed drugs such as LSD, Magic Mushrooms or Ecstasy (Class A). In addition to the severe criminal sanctions, there have been growing civil anxieties concerning what can and what can’t be consumed, and this has resulted in a proliferation of drug testing technologies (urine, blood, hair, saliva, sweat and even sewage), that encourage parents to drug test their teenage children; companies to test their employees; colleges to test their students; even house buyers are being encourage to purchase a drug test survey to ensure the house is ‘clean’ from illicit drugs. In New Zealand, like some US states, people on benefit seeking employment are routinely drug tested; if they repeatedly test positive for illicit drugs, (often cannabis because it can be traced weeks even months after use), their benefit is stopped. Like private prisons, drug testing has become a major growth industry that has a vested interest in supporting the drug war by offering new technologies, for example the New Zealand Drug Abstinence Court, attaches a ‘sobriety bracelet’ to the ankle of offenders to ensure they remain abstinent from alcohol.

Such is the seemingly limitless expansion in drug testing business opportunities to support the drug wars, in May 2013 the EMCDDA (2013) launched the inaugural international conference for detecting illicit drugs in wastewater. Maybe the next business opportunity will involve a delegate from a wastewater drug testing company approaching a university, offering to provide a wastewater analysis of the Halls of Residence, combined with regular
random testing of students in lecture theatres. In a competitive environment the university could then boast they have certified ‘drug’ free students and a drug free educational environment - alleviating fears of worried parents, sponsors and future employers. The wide circulation of some media fuelled panic, a shock-horror story involving illegal drugs and students on campus should help stimulate demand.

The illogical war on illicit drugs is no longer confined to law enforcement agencies; it’s become a civil war, one that has invaded our place of work, our schools, colleges, communities and homes. In its extreme, US militarised SWAT teams carry out dawn raids on homes for alleged possession of illicit drugs. In such raids pet dogs have been killed, and in some cases people (Agorist, 2014). In the UK and Australia children have been stripped searched by police looking for drugs, in the USA one man was forced to undergo three enemas, a colonoscopy, an X-ray and several cavity searches, simply because he appeared to clench his buttocks (Sullum, 2013). In the UK every 58 seconds somebody is stopped and searched in England and Wales for banned drugs (Eastwood, Shiner & Bear, 2013). Perversely, most criminal convictions for possession and supply involve cannabis – a substance less damaging than alcohol and tobacco (Nutt et al., 2010). A criminal conviction for drugs is much more damaging on life opportunities than the drugs they purport to be protecting us from. While many politicians and US Presidents may admit to using illicit drugs, they were never convicted, whereas 1.5 million people in the UK have criminal records for drug possession - usually the working class, the poor and the black and minority ethnic groups (Release, 2014).

In the US and the UK, it is the black population who are more likely to be stopped, searched, arrested and prosecuted even though their use of banned drugs is similar if not less than the white population. In the UK the chances of being stopped for drugs if you are black is 45 people per 1,000 whereas if you are white it’s 7 people per 1,000 (Eastwood, Shiner & Bear, 2013). Once convicted of a drug-defined crime, life opportunities diminish in terms of employment, relationships, travel abroad, insurance, mortgages, housing and membership and participation in wider society.

**The increased dangers from prohibiting drugs**

Banning drugs actually makes drug taking more dangerous. Let me illustrate. Before this lecture folk were enjoying a few glasses of the particularly dangerous drug ethanol (served as red or white wine). Because the drug is legal and regulated nobody was concerned it might be mixed with dangerous substances such as bleach. When the bottles of wine were being poured, everyone anticipated the alcohol content to be around 11-15%, some may have checked the precise alcohol volume, which is always written on the label. Some may have confined themselves to one glass of wine, because they are driving home later. Those who did have just one glass were not anxiously thinking: ‘I just hope this isn’t 90% alcohol, otherwise I have just drunk the equivalent of eight glasses of wine in 15 minutes’. That never crossed your mind, because when you take a legal drug, it is quality controlled, you know what you’re taking. Knowing the purity and strength of a drug, and knowing that it’s not mixed with poisons or toxins is vital, and it is a privilege afforded to people who use legal drugs. The greatest danger with illegal drugs is not the substance itself, but it is not knowing its content or strength. Contamination and uncertain strength are significant
causes of overdose and death. This risk is exacerbated considerably by illegality. The same issues would apply to alcohol, tobacco and caffeine if they could only be produced and sold via the illegal market. Prohibition also means that consumers must engage in a criminal underworld inevitably leading to some level of secrecy and anxiety. The stigma and serious social and legal consequences of being ‘found out’ using a banned drug, means most users are reluctant to seek help if a problem occurred. The exposure to the criminal underworld could also lead to opportunities to engage in other criminal activities. Buying, using and sharing illegal drugs places the person at risk of severe criminal sanctions including imprisonment (Buchanan, 2008).

Maintaining the drugs lie
There is no pharmacological basis to separate the legal drugs alcohol, tobacco, sugar or caffeine from the illegal drugs such as heroin, cannabis, LSD or cocaine (Gossop, 2013). There is no rational basis in terms of risk and harm either, given that alcohol and tobacco are more dangerous than most illegal drugs; indeed, alcohol is the most dangerous substance of all (Nutt et al., 2010). One way of masking this hypocrisy has been to socially construct legal drugs as non-drugs. This irrational, unscientific and untenable position has been sustained by a regular cycle of drug panics, and shock-horror campaigns centred upon the banned substances. These media fuelled drug war propaganda stories create shocking and frightening narratives based, at best, upon loose association, rather than any causal connections. For example: ‘reefer madness’ asserted that cannabis use led to psychosis, violence, weird orgies, wild parties and unleashed passion; ‘crack babies’ asserted that crack cocaine taken during pregnancy led to mentally damaged babies that would struggle to function normally; methamphetamine was portrayed as the most addictive drug in the world; it was claimed ‘bath salts’ caused a man to eat the face of another man; and most recently krokodil was presented as a flesh eating drug. There is no established causal relationship between any of these drugs and the alleged outcome. There is a need to look beyond the substance, and consider instead look more closely at the set (person), and the setting (their environment) (Dalgarno & Shewan, 2005).

Lies, myths and misinformation that are frequently used in an attempt to validate what is effectively a drug apartheid, not only mislead people (Buchanan 2014), they waste vast resources, damage lives and detract from the real issues. I recall in the 1980s, some health professionals and social workers were telling pregnant women that the use of heroin or methadone could permanently damage the unborn child. The same was alleged about crack cocaine. Neither is true. While the attention and concern was directed at the outlawed drugs, relatively little attention was given to a legal drug frequently taken during pregnancy that can cause permanent damage to the unborn child – alcohol (BMA, 2007).

Tough enforcement increases violence
The drug apartheid secured and maintained through tough prohibition fuels violent crime. It’s not difficult to understand that when people who have a very lucrative business and excellent market demand are suddenly removed from the community and incarcerated, other business entrepreneurs are likely to respond to meet the demand. Disrupting the once steady market by removing a key business leader makes this underground market more volatile and turf wars become more likely. When a business is forced to operate
underground there are no legitimate means for resolving disputes for producers, suppliers or users. A systematic review of the effect of law enforcement upon drug market violence found that areas with tougher enforcement are associated with increased violence (Werb et al., 2011).

Looking beyond the negative impact upon communities, attempts to eradicate drug-supplying countries has destabilised entire countries, particularly Afghanistan and Mexico. The illicit drug trade is a billion dollar business managed by gangsters and militarised cartels, and in poverty stricken countries poor farmers with little legitimate means to earn a living wage inevitably grow coca plants and opium poppies as a means of economic survival (Redmond, 2013).

**Stuck in a time warp**

*Figure 2*

A photograph of delegates signing the UN Single Convention on Narcotics back in 1961 (Fig. 2) typically reflects middle-aged men, and in that period most were tobacco smokers, caffeine users and people who enjoyed a drink. The convention brought together different reports and thinking from the 1950s, into a new ‘single’ convention (Bewley-Taylor, 2013) and effectively established a global ‘drug apartheid’ privileging certain drugs which were excluded and promoted, while seeking to prevent and punish possession and supply of other drugs. ‘Narcotics’ as they were called, were not widely understood, nor indeed were they a particular social problem at that time. The Convention incorrectly asserts that cannabis is particularly harmful and has extremely limited medical or therapeutic value (Gupta, 2013). It’s hard to fathom how the guidelines enshrined in a culturally and scientifically out-dated document more than fifty years old continues to inform drug law and policy in the twenty-first century. Imagine if law, policy and practice on race, gender, sexuality and disability remained rooted in 1950s knowledge, culture and beliefs here in the UK. Thankfully, attitudes, values and knowledge have improved considerably for these groups since the 1950s, and while discrimination in respect of race, gender, sexuality and disability still exists, laws and institutional practices can no longer be seen to discriminate; sadly we cannot say the same for people who use illegal ‘drugs’, where thinking, culture and beliefs have been stuck in a time warp.
According to the UN Convention the definition of a drug is any substance listed in the convention – there is no scientific, no pharmacological or no rational basis to explain why alcohol, tobacco or caffeine would be separate from cannabis, LSD, cocaine or heroin. Article 1.1 (j) of the UN Single Convention 1961 defines a drug as ‘any of the substances in Schedules I and II, whether natural or synthetic.’ This invites the circular argument that drugs are illegal because they’re dangerous, and the evidence that they’re dangerous is that they are illegal (Buchanan, 2014). As Bancroft explains the notion of drugs ‘are social categories constructed because as a political community we have come to treat some substances differently from others, depending upon who uses them, how and for what?’ (2009:8)

So what we have embraced and what we are continuing to uphold is a social construction of drugs rooted in 1950s knowledge and culture that is devoid of scientific evidence to support it. Yet we’ve allowed the global and national drug controls that have resulted in significant harm to people, infringed human rights, and led to abuses by the state particularly for poor people, indigenous people and people of colour. During this fifty-year period of drug wars BigPharma and multi-national corporations have exploited the drugs apartheid to promote and distribute legal drugs. Tobacco, alcohol and caffeine have become culturally embedded as important signifiers of relaxation, leisure, pleasure, occasion and celebration.

The times they are a-changing

There is a growing mainstream momentum that is questioning the drugs apartheid regime. For example, the high profile Global Commission on Drug Policy established in 2011, comprising of an eclectic mix of conservative international figures from across the globe including; former Presidents and Prime Ministers from countries such as Switzerland, Colombia, Mexico, Brazil and Greece, along with others such as Kofi Annan and Richard Branson, have questioned the effectiveness of drug prohibition in terms of having little or no impact on supply and demand. The GCDP have realised too, the harm being done by this drug war, and the GCDP have produced a number of highly critical reports calling for an end to prohibition (GCDP, 2011; 2014). They argue that the global war on prohibited drugs has failed with devastating consequences for individuals, communities and societies around the world, and that fundamental reforms in national and global drug control policy are urgently needed.

Dr Sanjay Gupta, a US neurosurgeon who was a drug advisor to Hilary Clinton and a White House Fellow, like a lot of mainstream conservative people, uncritically accepted the guidance in the UN Single Convention on cannabis. For years he was strongly opposed to decriminalisation of cannabis, but he’s recently done a complete U-turn and delivered a public apology:

‘I apologize because I didn’t look hard enough, until now. I didn’t look far enough...I mistakenly believed the Drug Enforcement Agency listed marijuana as a schedule 1 substance because of sound scientific proof. Surely, they must have quality reasoning as to why marijuana is in the category of the most dangerous drugs that have "no accepted medicinal use
Ending drug prohibition with a hangover

and a high potential for abuse." They didn't have the science to support that claim, and I now know that when it comes to marijuana neither of those things are true. It doesn't have a high potential for abuse, and there are very legitimate medical applications.' (Gupta, 2013:1)

In my view, drug policy reform must be informed and shaped by two important guiding principles: to promote harm reduction and to protect human rights. However, to begin the process of reform we will have to first acknowledge and address the flawed and misleading social construction of 'drugs', otherwise we risk building drug reform on very shaky foundations. Four false categories of drugs need amalgamating. Alongside prohibited narcotics, now widely referred to as ‘drugs’, there are three other categories: non-drugs; medications; and legal highs. Current drugs such as caffeine, alcohol and tobacco (and probably sugar), cannot be granted non-drug status – they are addictive and sometime dangerous, psychoactive drugs, that people use for pleasure. People smoking a cigar or enjoying a glass of whisky cannot be afforded some privileged status that allows them to continue to isolate and label someone who uses cannabis or cocaine as a ‘druggie’, while they also regularly use dangerous drugs.

Perversely, our privileged drugs; caffeine, alcohol and tobacco, all have, to various degrees, resulted in deaths for some heavy users, particularly alcohol and tobacco. The other privileged drugs; legal medications sold by BigPharma have an ever expanding market to help with ailments, enhance sex life, provide more energy, help you relax more, sleep etc. – which are similar reasons why people use prohibited drugs. However, the side effects, damage and indeed death by overdose caused by promoted pharmaceutical drugs is a growing concern, especially in the USA where in 2012 there were more deaths caused by overdose than road traffic accident among people aged 25 to 64 years old (CDCP, 2014).

New psychoactive substances sometimes called ‘legal highs’ are arguably a by-product of tough prohibition and ever-invasive drug testing regimes. These drugs tend to have the appearance of natural substances, but they’re new designer chemicals with limited knowledge of their long-term consequences. They’ve become popular partly because they carry no risk of criminal conviction and are unlikely to be detected in any random drug test (Perrone, Helgesen & Fischer, 2013). One of the good things about a drug like alcohol or cannabis is that it has been used for thousands of years so the consequences and risks are largely well known. So this arbitrary, incoherent and misleading four-part typology of drug; non-drug (drugs); medication; and legal high has demonised, prohibited and isolated one particular set of substances, that we have been told to call ‘drugs’. All four groups should be merged into a single category of drugs. We all use drugs, and the vast majority of people also use drugs for leisure, pleasure and recreation. We must move away from the idea that people who use drugs that are currently prohibited, are somehow a different type of people, with different motivations for using, and taking drugs that are inherently more dangerous; it’s simply not true. However, there is vested interest from BigPharma and the multi-national companies who produce and supply caffeine, alcohol and tobacco products, to resist change and maintain the status quo, unless, they can adopt one of the presently prohibited substances, which they can produce, package, distribute, market and sell – such as cannabis. While it would be good to see cannabis possession no longer
subject to criminalisation and available for purchase, awarding this drug privileged status while maintaining the drugs apartheid, does little to address the fundamental issues.

Through prohibition, alcohol has been culturally accommodated, indeed promoted, as synonymous with expressions of pleasure, leisure, celebration and occasion. The drug features prominently across a range of greeting cards for: anniversaries; exam success; birthdays; New Year, weddings; baptisms; etc., and nobody seems offended, seeing this dangerous drug promoted on the front of greeting cards. You may have seen the converted mini-car promoting the sale of a stimulant drug - Red Bull, a similar drug to cocaine and amphetamine but much weaker in strength. The Red Bull advertising promotes imagery of energy, an adrenaline rush and confidence – which is what users expect when they take any legal or illegal stimulant drug, but it is somehow entirely acceptable for caffeine products.

In a drug apartheid there is no outcry with greeting cards promoting use of the depressant drug alcohol, or a mini car adapted to look like a rocket to promote the use of a stimulant drug caffeine, but it would be considered abhorrent if any greeting card displayed a line of cocaine on a mirror, or the a mini-car was adapted to display not a can of Red Bull but a cannabis spliff. I’m not here arguing for the promotion of cocaine or cannabis, rather, I am challenging the illogical position of the cultural accommodation of some drugs and the cultural rejection of other drugs. We have to reassess our social construction of ‘drugs’, and we need an inclusive framework.

Figure 3

If we want a more accurate assessment of drugs, not rooted in a 1950s cultural construct, research done by Profession Nutt et al. (2010) provides a scientifically based rational assessment of the harm posed by different drugs, with an overall rating combining potential harm to the user and to others. The graph displays a league table of harm with
Ending drug prohibition with a hangover

the highest scoring drugs being the most harmful. I have indicated Class A drugs which carry a maximum penalty of life imprisonment for supply (see Fig. 3).

Like other reports and research (Runciman, 1999; HCTC, 2006; Nutt et al., 2007) this graph illustrates how woefully out-dated the MDA 1971 classification system is, an Act clearly no longer fit for purpose. The chart indicates the most dangerous drug is alcohol, tobacco is 6th and some Class A drugs are right near the end of the list. However, Nutt et al.’s, work offers a starting point for scientifically informed discussion, rather than a definitive blueprint, because the impact of any substance will vary from person to person depending upon their bio-psycho-social makeup, and the legal and social environment of any drug use (Gossop, 2013). Decriminalisation and eventually legal regulations of all drugs would undoubtedly make drugs currently illegal much safer (Rolles et al., 2012).

Lessons from Drug Reform Changes

Portugal: Following a difficult period with high levels of problematic drug use in 2001 Portugal decriminalised all personal possession of drugs. Since removing the threat of criminalisation and punishment for personal possession, there has been no significant difference concerning levels of illicit drug use compared to other neighbouring European countries, which suggests that law enforcement has little, or no impact on levels of drug usage. Given the cost, the time and resources devoted to personal drug possession by law enforcement agencies it raises important questions about the purpose of prohibition.

Research by Hughes and Stevens (2010) found small increases reported in illicit drug use amongst older adults, while a slight decrease in use among younger adults. More importantly than drug use, problematic drug use reduced, as did the burden of processing drug offenders in the criminal justice system, infectious diseases and there was an increased uptake of drug treatment. While these are positive results for Portugal they are not necessarily transferrable but offer encouragement for other countries considering decriminalisation.

United Kingdom: Following reports by the Police Foundation (2000) and the Advisory Council on the Misuse of Drugs (ACMD, 2002), the UK government decided to downgrade cannabis from Class B to Class C, however, implementation was delayed until January 2004 while the government increased the maximum sentences available for supply of all Class C drugs from 5 years to 14 years imprisonment. There was considerable media concern during the run up period, that effectively decriminalising cannabis would result in greater use among young people and addiction and mental health problems. As a direct result of political pressure rather than scientific evidence, cannabis was reclassified as Class B in January 2008 (Buchanan, 2010). What is interesting to note here, is the level of cannabis use during the period that it was downgraded. The British Crime Survey indicated that between 1996 and 2002/3 the use of cannabis amongst 16-24 years olds remained fairly constant at around 17% (for past month use), varying by only 1.4% across the entire 7-year period. However, during the four years that cannabis was downgraded (2004-2008), use by young people subsequently dropped every year from 14.1% to 9.7%,
providing a further indication that lowering the sanctions for possession, does not appear to result in any significant increase in drug use (Hoare & Flatley, 2008).

The Netherlands effectively decriminalised cannabis use in 1976, making cannabis widely available in coffee shops across Amsterdam. By comparison cannabis possession in the USA is a serious offence. Given these stark differences in legal context, research compared access to, and use of, cannabis in Amsterdam and San Francisco (Reinarman, Cohen & Kaal, 2004) and what they found is that despite the liberal approach to cannabis in Amsterdam, patterns of use were similar to San Francisco at every level: age of onset, age of regular use and age of maximum use; so having coffee shops doesn’t appear to have any detrimental effect. A UNICEF report (2013) explored cannabis use amongst adolescents and found rates in USA 22% compared to 17% in the Netherlands and 10% in Portugal. Some argue that cannabis is a gateway drug, and increased availability is likely to result in greater problematic drug use, but countries like the Netherlands and Portugal tend to show lower proportions of problematic drug users than countries like the UK and USA.

Switzerland: While there may be a willingness to accommodate cannabis, some suggest that illicit drugs such as heroin are inherently dangerous and inevitably lead to death and destruction if taken daily or heavily. However, numerous well-researched heroin assisted treatment (HAT) programmes have demonstrated clearly this is not the case (EMCDDA, 2012). The Swiss, realising their terrible mistake of ghettoising injecting drug users in 1987 by geographically confining their illegal activity to Platzspitz (aka Needle) Park, Zurich and the carnage that it produced, did a U-turn and in 1994 adopted the British System by prescribing free clean pharmaceutical heroin to those addicted, and further provided them with a medically supervised clean room where they could inject. The results from this Zurich pilot were a clear success with significant improvements in health, social and crime. In 2008 in a nationwide referendum 68% voted in favour or rolling out the scheme permanently across the Switzerland (BBC, 2008).

These case studies from Portugal, Switzerland, the UK and the Netherlands illustrate the ineffectiveness of prohibition and give some confidence for countries to step away from criminalisation and experiment with some type of drug reform of depenalisation, decriminalisation, legalisation and/or regulation.

Discussion
After decades of frustration with the untenable archaic criminalisation of particular drugs, while other more dangerous legal drugs go under the radar, some degree of drug reform now appears likely. It is widely accepted we need to manage our relationship with drugs differently, and the prohibition of particular drugs, has not only been totally ineffective, but it has caused more damage than the drugs the state was purported to be protecting us from. While various options to criminalisation are available, some leading reform advocates such as Transform are calling for an alliance under the broad umbrella of drug ‘regulation’ as the way forward, however, the devil is in the detail and regulation can mean many things.
The so-called ‘world-leading’ New Zealand model of drug regulation (Psychoactive Substances Act 2013) provides a regulatory framework for ‘legal highs’. Under this model, instead of all substances being legal to possess (unless specifically banned under the NZ Misuse of Drugs Act 1975), the PSA2013 has introduced a blanket ban on every new psychoactive drug. In New Zealand only state-approved psychoactive drugs can be consumed, and possession of any ‘unregulated’ psychoactive drug is an offence that carries a financial penalty, while supply of any unregulated drug carries a two year prison sentence. To prevent unregulated drugs New Zealand police have been issued with new warrantless powers if they suspect the premises may be supplying them. What this ‘regulatory’ model has done is effectively widen the net of prohibition, state control and punishment in New Zealand to include every new psychoactive drug. This raises further important questions regarding who and how a psychoactive drug is defined. This New Zealand model of regulation seems more like new prohibition.

The main argument for ‘regulation’ appears to be that we need to get the drug market out of the hands of the criminal underworld. Taking illicit drugs out of the hands of gangsters is a laudable aim, however, most damage suffered by people who use illicit drugs isn’t caused by the criminal underworld, as I’ve illustrated, most damage is caused by criminalisation, policing and tough enforcement. In the everyday world of daily life, the absence of strict state regulation to govern activities of growing, making, buying, selling and exchanging goods and services, doesn’t inevitably drift into the hands of dangerous criminals who manage business with guns, knives and baseball bats. However, if a lucrative business is subject to fierce prohibition, extreme law enforcement measures and severe penalties, it will inevitably drift towards a hostile, secretive and violent environment within which the underground business must operate.

The notion that decriminalisation, rather than regulation, as an initial first step would result in the illegal drug market entirely managed by gangsters is exaggerated. If decriminalisation was prioritised rather than strict state control (regulation) then cannabis, which is the drug most frequently used illicit drug, and the one that occupies most law enforcement time, would largely be home grown, shared and exchanged by friends, local growers and societies. Other illicit drugs not easily ‘home grown’ could, in a more relaxed period of transition, be purchased via websites similar to Silk Road, that operate a consumer rating system, not dissimilar to Amazon or eBay. Not perfect, not properly regulated, but this consumer friendly environment can hardly be described as a threatening underground market governed by violence, exploitation and gangsters. The present criminal sub-culture that surrounds the illicit drug market has largely been created by law enforcement and prohibition, rather than any inevitable or preferred pattern of operation by producers, buyers and sellers of drugs, and has little to do with the nature of the product on sale.

Decriminalisation as a first step towards living with drugs would importantly protect users (particularly the poor, indigenous people and people of colour who are targeted by law enforcement agencies), from police stop and searches, drug related arrests, penalties and incarceration. Drug users would be free from the serious and lifelong damage of a drug conviction. This would provide more time to look critically and carefully at models of drug market regulation. The history of regulation involving legal drugs alcohol and tobacco has
not exactly inspired confidence in state control. The recent significant increase in drug overdose deaths in the USA due largely to regulated painkilling drugs is a reminder of the serious problems that can arise – despite state regulation.

After thirty years of working in the drugs field I am convinced that drug policy abuse poses the greatest threat to our young people, not problematic drug use, and whatever regulatory model is eventually proposed, the non-negotiable priority must be to ensure personal possession is never an offence, civil or criminal. The individual must have sovereign right over their own body, to consume what they wish, without fear, threat or punishment from the state, – protecting the human right to choose what they do with their body. Regulations should concentrate on market related issues such as production, distribution, sale and advertising, and they should be used to protect the rights and freedom of the individual.

A drug reform campaign designed to end prohibition and replace it with regulation would in my view be a grave mistake, if regulation provides the state with new powers to punish personal possession of unregulated substances as it has in New Zealand. Hard fought campaigns for drug law change should not be squandered. For forty years the UK Misuse of Drugs Act 1971 has remained largely impervious to any positive reform, and this illustrates just how difficult it might be to make positive amendments to any new flawed drug legislation. Whereas, punitive orientated amendments to drug laws have historically been much easier to introduce, so considerable caution should therefore be exercised before supporting any new drug laws.

**Figure 4**

*Threats to Drug Reform*
Conclusion
This war between drugs (legal vs. illegal) maintained by a relentless, oppressive and robust global drug apartheid, must collapse, like slavery, the Berlin wall and the South African racial apartheid. The global human and environmental damage caused by the war on prohibited drugs is comparable to these terrible historic injustices, and similarly to these atrocities, the insidious legacy of propaganda, lies and prejudice will take many decades to dispel. The legal drug industry profiteers realise support from the law enforcement regime is in its final chapter, and we observe a strategic shift and reconfiguration taking place to secure new civil controls through abstinence, drug testing and a disease model of addiction. As drug reformers we need to push for revolutionary reform at this critical period of time, and demand a rational, evidenced based approach to drug policy with human rights and harm reduction at the centre (see Fig 4). The campaign to end drug prohibition should not be dissipated by an invitation to cannabis to join the elite substances on the privileged and powerful side of the drug apartheid, nor by the offer to replace prohibition with strict state regulation that incorporates punishment for unapproved possession. No, tweaking or transforming the present corrupt model rooted in racism, self-interest and misinformation is not an option.

The first and foremost change to reduce harm and restore human rights is to prioritise the decriminalisation of personal possession of all substances. Once the human right to possess and consume what an individual chooses with their own body is restored, without fear, threat or punishment from the state, then the complex and tricky road of developing appropriate drug market regulations can begin, but there are a number of potential threats to derail this much needed drug policy change as illustrated in the graphic above. Drug policy change is now possible and indeed likely, but we need to make sure the opportunity is not squandered or hijacked by drug reform entrepreneurs, because it could be another four decades before the next opportunity arises.
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THE ROLE OF ALCOHOL IN INTIMATE PARTNER VIOLENCE: CAUSAL BEHAVIOUR OR EXCUSING BEHAVIOUR?
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Abstract
This article sets out to explore the relationship between alcohol and intimate partner violence. This research will explore the role that alcohol contributes to intimate partner violence and how it influences such a phenomenon. The empirical research is based on 12 semi-structured interviews with professionals who deal with or have dealt with victims and/or offenders of intimate partner violence. The professionals range from academics to social workers in the North East region within the United Kingdom. By adopting a qualitative approach, this research found that alcohol was used as an excuse in intimate partner violence cases. The data presented herein only give an insight into the discourses of professionals in relation to this topic rather than the views of the victims and offenders themselves. This research stipulates that alcohol is not causal in relation to intimate partner violence but it does offer the offender a ‘shield’, which allows them to identify themselves not as a ‘violent abuser’ but rather as someone whose drinking can lead them to do things they otherwise would not do.

Keywords
Intimate partner violence; alcohol; excuse; blame
**Introduction**

The aim of this study is to understand the experiences of professionals dealing with alcohol and intimate partner violence; these professionals hypothesize about their heterosexual, rather than lesbian or gay, clients. It is, of course, impossible from a study of 12 professionals to determine the relationship between substance abuse and partner violence. The aim of this study, though, is to carefully and rigorously examine the professionals’ experiences of dealing with alcohol and intimate partner violence, as there has been a lack of social research on this area of study, more specifically, in the North East region within the United Kingdom. However, international concern about the issue of intimate partner violence still continues to grow. This includes some consideration of a link between violent behaviour and alcohol—the nature of which has not been clearly defined. The connection between intimate partner violence and alcohol is certainly intricate and mediated by significant economic, etiologic, and social factors. This research gives an in-depth analysis into several aspects regarding intimate partner violence and alcohol. It is identified that this research cannot address all relevant issues, but an attempt has been made to achieve a balanced account of current knowledge and thinking. Due to the small sample size in this study (n=12), the results cannot be generalised; but the purpose of this research is to generate fine-grained, meaningful, in-depth qualitative data to explore specific details that the professionals choose to impart.

Feminist theory is used as a foundation in this research to discuss the themes of power and control in support of the research findings. Feminist theory within intimate partner violence stresses power and gender inequality within opposite-sex relationships. It focuses on societal messages that allow men’s use of aggression and violence throughout life, and the gender roles that expect how women and men ought to behave in their intimate relationships (Pence & Paymar, 1993). It sees the root causes of intimate partner violence as the outcome of living a society that condones aggressive behaviours committed by males, whilst socialising females to be non-violent. The research findings presented demonstrate that men are the offenders while women are the victims. Therefore, feminist theory is most appropriate to use in this research when critically examining intimate partner violence and alcohol collectively. However, it must be stressed that men can also become victims of intimate partner violence (Walklate, 2004). This research will focus particularly on alcohol and its association with intimate partner violence.

**Literature Review**

Though a large amount of the literature conveys the perception of a direct cause between alcohol use and violent behaviour, most studies are speculative since few differentiate between the precise quantity and occurrence of alcohol use at the time of violent behaviour. Most studies rely on self-classifications and self-reports rather than objective measures of the use of alcohol, such as blood tests or saliva (Loseke, 2005). Another problem is defining and conceptualising the *use of alcohol* because phrases and words that have different meanings are usually used interchangeably; for instance, abuse, alcohol use, alcoholism, excessive use, dependency, over-use, and so on (Loseke, 2005). Domestic violence is a worldwide phenomenon affecting entire societies indirectly and directly. However, after decades of research, no single definition satisfactorily explains this phenomenon. Current unofficial and official definitions of domestic violence have a
tendency to interconnect with other types of violence, confusing understanding and producing ambiguity. This can affect the validity and reliability of research and produce shortfalls in practices and policies aimed at challenging domestic violence. Therefore, defining ‘domestic violence’ is extremely difficult, especially when culturally there are different interpretations and ideas of what constitutes intimate partner violence. Thinking within the sphere of the 21st century, the Home Office stipulates a common definition of domestic violence: “Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality” (Home Office, 2005). Given the complexity surrounding the definition of domestic violence, it seems appropriate to use the phrase ‘intimate partner violence’ throughout this paper. In doing so, it includes all relationship types.

Statistically, intimate partner violence is common in sexual relationships with or without substance use disorders, though the number of intimate partner violence cases is higher in sexual relationships wherein one partner has an alcohol or other substance use disorder (Miller & Carroll, 2006). In this study, the authors argue that, “67% of persons who victimize an intimate partner […] use alcohol compared to 38% who victimized an acquaintance or 31% who victimized a stranger” (p.103). Moreover, clinicians infrequently deal with intimate partner violence as part of alcohol abuse treatment, regardless of its high occurrence in intimate partner violence cases (Miller & Carroll, 2006). When clinicians do, they may use unsuitable or inappropriate models of intervention for the intimate partner violence, for example, giving separate referrals for the male and female, or they may presume that the male is invariably the perpetrator of violence when this is not always the case (Miller & Carroll, 2006). However, feminist practitioners have stated that batterers and victims should be treated separately, but I argue that this is inappropriate, because by using restorative justice as an approach, it can focus on the needs of both the victims and the offenders instead of punishing the offender and satisfying abstract legal principles. Rather, the victims take an active role in the process, whilst the perpetrators are encouraged to take responsibility for their actions. Restorative justice involves both the victim and perpetrator and focuses on their personal needs.

Other research found that heavy alcohol use and associated problems are well-established risk factors for intimate partner violence, and many females who are the victims of such a phenomenon ascribe male violence to alcohol consumption (O’Leary & Schumacher, 2003; Eckhardt, 2007). Older research demonstrates that males consume alcohol for ‘Dutch Courage’ to cope with marital problems, but they frequently say that they ‘did not know what they were doing’ or ‘cannot remember doing it’ because they were drunk when committing violence under the influence of alcohol (Freeman, 1979:138). Thus, they are able to transfer the blame for executing violence from themselves and onto the effects of alcohol (Freeman, 1979). This implies that alcohol may facilitate particular violent actions but is not necessarily the direct, underling cause for intimate partner violence.

Although research on intimate partner violence shows a high rate of co-occurrence of alcohol and violence use by one or both partners, alcohol did not appear to be a direct cause of the violence (Leonard et al., 2003). A husband’s heavy premarital drinking was predictive of severe violence within relationships that were high in conflict, but not in low-
conflict relationships (Leonard & Quigley, 1999). Again, this is consistent with the view of alcohol as a facilitator instead of an instigator of intimate partner violence. A husband’s drinking was more likely to happen in examples of severe physical violence rather than in examples of moderate verbal aggression or physical violence (Leonard & Quigley, 1999). Among couples who had suffered both physical and verbal aggression, the husband’s drinking was more likely in examples of physical violence than in examples of verbal aggression (Leonard & Quigley, 1999).

There has been research arguing that men consume alcohol as a form of self-medication, which is an effort to reduce or neutralise the rage they have within, however, the opposite occurs wherein alcohol eliminates control mechanisms, facilitating violence (Fleming, 1979). Although this is an interesting argument and seems logical, one must be aware of Fleming’s low sample size—this means his results cannot be generalised to all cases involving alcohol, a small subset of cases requires interpretation with caution. However, given this evidence, it can be seen that when alcohol is predominant in intimate partner violence cases, it may ‘trigger’ violence but it is not solely the direct cause of intimate partner violence, which seems to be, more often than not, deeper-rooted and intricate. Fleming (1979:291) quotes that, “By pleading drunkenness, wife beaters and their families can deceive themselves as to what is really going on.” It may be inferred that alcohol is one of many factors that usually facilitates situations in which intimate partner violence develops. In addition, alcohol might be used as an excuse for violent behaviour and it may trigger arguments that fuel violence, but contrary to conventional beliefs, it is usually not a direct cause of violent behaviour. Therefore, it does not help to fully explain intimate partner violence.

There are three main types of intimate partner violence and their association to gender differs (Johnson, 2007). Johnson’s work around the relative role of power and control in different ‘typologies’ of intimate partner violence is based within the nature of the control context of the relationship wherein the violence occurs. In his terms, intimate terrorism is violence ingrained in a relationship context of general coercive control. Intimate terrorism is the violence to which feminist theories refer, wherein one partner utilises violence and other coercive control methods to try to gain general control over her/his partner. Johnson uses gender theory to demonstrate that, though coercive controlling violence can be committed by either women or men within same-sex or heterosexual relationships, it will most frequently be within heterosexual relationships, where it is essentially committed by men (Johnson, 2007). The second type of intimate partner violence, violent resistance, occurs when the target of intimate terrorism carries out violence when reacting to the coercive controlling violence of her partner. In heterosexual relationships, violent resistance is utilised essentially by women. The final type of intimate partner violence is situational couple violence, and this occurs within the context of certain conflicts that end in arguments that lead to verbal aggression and, eventually, to physical violence. Johnson demonstrates that the execution of situational couple violence is approximately gender symmetric, and that it is perhaps as likely to happen in same-sex as in heterosexual relationships (Johnson, 2006).

That said, men’s situational couple violence includes more injuries and incidents and creates more fear than does women’s situational couple violence (Johnson, 1999). Within
situational couple violence, the probability of fear or injury is influenced by size differences (Johnson, 2006). Additionally, a slap from a woman is still seen as an entirely different act than is one from a man (Johnson, 2006). Further, UK society’s cultures of femininity and masculinity contribute to communication issues in couples that are usually linked to situational couple violence (Johnson, 2006). This argument may help to understand the potential differences and similarities of the role of alcohol in different ‘forms’ of intimate partner violence. The gender dimension will be explored in the empirical findings, but it is important to note that this study premised itself on heterosexual relationships, so excluding same-sex relationships.

**Feminist Theory**

Feminist theory of patriarchy is critically evaluated because, in this research, it was found that the professionals believe that intimate partner violence is about male offenders executing power and control onto their victims. Another reason why it is used is because the feminist perspectives have typically been applied to the study of intimate partner violence. The feminist positions situate intimate partner violence within the extensive social structure. For example, the notion that a hierarchy embedded in patriarchal relations allows men to execute domination, power and control over women (Radford & Stanko, 1996). In other words, feminists usually see intimate partner violence as suggestive of a patriarchal culture wherein men regard their wives as possessions, thereby, making it difficult for women to escape their husband’s control—intimate partner violence is used as a tool to execute power and control (Borkowski, Murch, & Walker, 1983). Radford and Stanko (1996) support this view, as they hypothesise that male violence is omnipresent because it is a characteristic of all societies underpinned by female subordination and male supremacy.

It is important to note that intimate partner violence is not just men committing violence against women. For example, there is research to prove that women do commit violence against men and men do also commit intimate partner violence against other men (Walklate, 2004). Walklate argues that feminist research, both empirically and conceptually, contribute to the marginalisation of male victims of intimate partner violence. Feminist research, focusing solely on male violence against women, gives the suggestion that only women (and female children) can become victims of intimate partner violence—implicitly leaving us with the belief that men cannot be victims of intimate partner violence (Walklate, 2004). This is neither downplaying the political movement and significance of everything that was attained by feminist activists and academics in highlighting awareness of intimate partner violence, sexual violence, sexual assault, and rape, etc. Rather, this work aims to stress that both men and women can be, and very much are victims of intimate partner violence. However, most feminist research assumes that intimate partner violence is only applicable to females. The difficulty of getting valid research findings within the broad area of intimate partner violence, then, makes it problematic to reach a firm conclusion on which results are an outcome of direct discrimination. Walklate (2004) comments that it is vital to challenge any approach that attempts to essentialise the differences between females and males but, simultaneously, this research should not be read as anti-feminist. This research is specifically focusing on
men's violence against women, but also stresses that intimate partner violence is a broad area, which can include either male or female victims.

However, when critically examining men's violence against women, there are some weaknesses of feminist theory. For example, Bryson (1992) argues that the radical feminist theory of male domination is descriptive instead of analytical and is unable to elucidate the inception of male supremacy, power and control. Therefore, she declares that radical feminist theory is incapable of proposing appropriate strategies for aborting male power. Another criticism of radical feminist theory is that it only reflects the experiences of white middle-class women and ignores the very different experiences of black, working-class, and third world women (Bryson, 1992). It is important to consider the variation of race and class when explaining male violence against women because there is structural bias in the criminal justice system, not just against women, but also working-class women and black people (Croall, 1998; Reiner, 1992). The researcher supports these valid critiques of feminism, so this research aims to fairly consider these biases in terms of intimate partner violence and how such biases are seen in society.

Research Methods and Methodology

Research Methods Employed
The researcher adopted face-to-face interviews and telephone interviews. The interviews were tape-recorded, to explore the experiences of professionals dealing with alcohol and intimate partner violence. These research methods allowed a detailed understanding of the subject matter without “imposing any a priori categorisation that may limit the field of inquiry” (Fontana & Frey, 2000:653). To gain rich, qualitative data, the researcher used semi-structured interviews because they offer the richness and depth of data that is needed to investigate topics (Byrne, 2004). “[Interviews] provide better access to interviewees’ view, interpretations of events, understandings, experiences and opinions” (Byrne, 2004:182). Due to the difficulties of access and the time restraints that accompany interviewing professionals, the researcher offered them the option of telephone interviews. Therefore, it was possible to secure interviews with individuals that otherwise may have been unwilling to sacrifice the time it takes to meet up for a face-to-face interview. The average time of a telephone interview was around 15 minutes compared to a face-to-face interview that lasted on average 30 minutes.

Semi-structured interviews offer flexibility whilst allowing the researcher to still focus on the process without dominating it. In this context, it allows the researcher to give the professionals a degree of freedom, which builds confidence and rapport and is also important in drawing out rich, useful, in-depth data. A rigid fixed approach to interviews would not be appropriate in this context, as some of the professionals were not primarily concerned with solely alcohol and intimate partner violence, so steering them quickly away from issues that concerned them, may deter them from providing useful information later on. In addition, as professionals, they may have important contributions to make that are not directly requested by the interviewer (Gomm, 2004:178).

However, by using such research methods, there were some weaknesses: it took a long time to complete the interviews, and to transcribe the qualitative data particularly
because at times, the phone signal was somewhat poor but manageable. Nevertheless, there were some strengths of using the research methods: the rich, in-depth data that was supplied by the professionals enabled the researcher to gain an insight into what role alcohol plays in intimate partner violence cases, considering access was extremely difficult to attain to interview victims and offenders of intimate partner violence. Overall, the approach adopted provided a well-rounded, complete comprehension of the study to understand the experiences of professionals dealing with alcohol and intimate partner violence collectively. That said, the focus of the interviews was to explore the professionals’ experiences of dealing with intimate partner violence and alcohol collectively, and an appropriate interview schedule was developed based on qualitative interviewing techniques, so the data could easily be captured.

Data Analysis
Thematic analysis was used to analyse the data gathered from the interviews to manage the different themes that emerged from the data. This type of data analysis allowed a detailed understanding of intimate partner violence involving alcohol and its effects on victims’ lives. The data analysis and interpretation were developed from the grounded theorist approach, developed by Glaser and Strauss (1967), since the study aimed to comprehend the professionals’ experiences of intimate partner violence and alcohol in a detailed way, which the grounded approach accommodates. This approach seeks to iterate the mode of analysis, ‘grounding’ the analyst more and more into the data to formulate progressively richer conceptions on how the phenomenon at the centre of enquiry works. To attain these, verbatim transcripts were continually read, frequently line-by-line, and key words and phrases were highlighted in the procedure of ‘open coding’ whereby the analyst drew out key themes using real examples from the text.

Case Study
A case study approach allows the researcher to comprehensively examine certain types of individuals (Yin, 2003). According to Yin, a case study design should be considered when (a) the focus of the study is to answer “how” and “why” questions, and (b) one cannot manipulate the behaviour of those involved in the study. This study premised itself on a case study because the researcher intended to study specific types of individuals within, specifically, the North East region in the UK: professionals dealing with intimate partner violence, wherein alcohol is involved whether in practice or in theory. The rationale for interviewing the professionals is that they are key people in contact with victims and offenders of intimate partner violence and have a core understanding of the impact of violence on victims and the factors that contribute to the violence. They are also able to provide information concerning the needs of victims and the adequacy of existing services in meeting these needs.

Sampling/Access
A snowball sampling method was adopted: the researcher was searching for specific professionals within a variety of organisations that deal with alcohol and intimate partner violence, and those sampled participants proposed other participants who have had the experience of dealing with intimate partner violence cases where alcohol was involved. The professionals were initially contacted through email to ask if they would like to participate in the research. 19 professionals were contacted but 7 declined, resulting in
the final sample size as being 12. Therefore, the limitation of this study is that the results cannot be generalised to the wider population of professionals dealing with intimate partner violence and alcohol collectively. Nevertheless, the aim of this study is to explore the professionals’ personal experiences and understandings of the phenomenon. Of the professionals who did agree, 4 were academics who carry out research on intimate partner violence and alcohol collectively; 3 were probation officers who recurrently deal with offenders who commit intimate partner violence; 3 were voluntary agency workers who continually deal with, and counsel intimate partner violence victims; and 2 were crisis workers who frequently support victims who have been subjected to intimate partner violence. In total, there were 4 men and 8 women in the sample and they all have at least 4.5 years of experience in dealing with the topic of intimate partner violence. The participants were not able to give a precise figure on how many clients (who they deal with) come from either a low-income background or high-income background, but they commented that the majority of offenders and victims come from the former.

Ethics

The professionals were made aware of the topic that the researcher was investigating, and that the interview could be terminated at any time they wished. The professionals’ testimonies could be retracted at any time before publication and were also provided with a contact email address in case they wish to contact the researcher. It was stressed that there was no need to mention the names of any individuals or organisations during the interview, as it was ensured that the data collected would be non-attributable and kept anonymous and confidential. The interviews that were carried out face-to-face were provided with a consent form for the interviews, to secure the agreement of participants that the research can include their quotes in the paper.

There was the possibility that the interviews could be emotional for the professionals, as interviews on sensitive topics may provoke powerful emotional responses (Jansen et al., 2004). The researcher was, therefore, aware of the effects that the interview questions may have on the professionals and how best to respond, based on their level of distress. However, asking them to reveal stories of their experiences of tackling intimate partner violence can be a transforming experience for both the researcher and professionals, as there is evidence that most participants welcome the opportunity to tell their stories if they are asked in an empathetic, non-judgmental way (Jansen et al., 2004). The researcher, therefore, remained neutral, non-judgmental and empathetic when interviewing.

Ethical dilemmas were always centered on ensuring that the professionals were neither physically nor psychologically harmed by the research, and mechanisms were used to make sure of this during the research process. For example, the interviewer remained neutral when conducting the interviews to not challenge the professionals’ answers. It was also ensured that the research process did not in any way interfere with or hinder their work. To ensure this, fieldwork was conducted when they were not occupied, so the interviews were fitted around their work commitments. However, Lee (1993:4) asserts that in sensitive research, the researcher can also experience potential costs. Lee further argues that while sensitive research includes some cost (either in terms of inconvenience, time, or finance), the feature of sensitive research is that possible costs surpass the
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unexpected. Indeed, the researcher experienced a cluster of costs, such as inconvenience, time, and finance, but fieldwork required the researcher to go to the places where it was most convenient for the professionals, so primary research could be conducted on their terms.

Results/Discussion
The aim of this study is to understand the experiences of professionals dealing with alcohol and intimate partner violence, so when observing the results, it is important to be aware that the statements only provide insight into the discourses of professionals in relation to this topic rather than the views of the victims and offenders themselves. It is also important to bear in mind that the results cannot be generalised to all professionals dealing with alcohol and intimate partner violence since the sample size is small, but the researcher sought to generate fine-grained data to understand the professionals’ nuanced meanings. On the one hand, their meanings somewhat differed, on the other hand, their meanings differed depending on the theme that was discussed, as the following data will show.

There are a number of key themes that emerged from the interviews when using thematic analysis, concerning alcohol and intimate partner violence. Firstly, victims may blame violent behaviour on the abusers consumption of alcohol, claiming that they have a ‘drink problem.’ This excuses the behaviour, making a non-acceptable behaviour more acceptable and leads them to believe that violence only happens when alcohol is a contributing factor, and that the abuser is different when they are not under the influence of alcohol. It emerged in the interviews that the phenomenon of victims ‘excusing’ their partner’s violent behaviour was a recurrent theme. Many of the professionals said that they had come across victims that described their partners as a “different person” when intoxicated. Therefore, absolving the abuser of any guilt when sober. For example:

‘The victims sort of vary in that some buy into the idea you’re not fully responsible if you are drunk. So, perhaps early on in the [sic], the family might say well he [the offender] was ‘drunk’, ‘he didn’t really mean it [the violence]’, ‘he apologised afterwards’.‘ (Professional 2)

‘You hear that the victim saying that without alcohol, ‘he’s the nicest guy in the world, and the best father in the world, it’s only when he’s had a drink that things perhaps might change.’ So they sort of try and validate, I guess, that ultimately, this is a nice fella who has some issues with alcohol that have to be addressed.’ (Professional 4)

The professionals state that they believe that victims may also use alcohol as a coping mechanism, which can exacerbate the circle of violence and blame. For example, a different professional acknowledged that, “It [alcohol] plays a part in relation to both the perpetrator who might have been drinking but also the victim who might have been drinking as well.” This was another recurrent theme albeit to a lesser extent. It does, however, illustrate that as well as blaming their partner’s drinking for the violence, it shows that victims also blame themselves so seeing it as a legitimate reason for being
victims of violence. This evidence falls in line with the work of Fleming (1979) who notes the use of self-deception in violent relationships. Mahapatra (2012) observes that some communities have their own socio-cultural expressions of violence against women, for example, high degrees of secretiveness or emphasis on close family ties that dissuade women from disclosing violent abuse, or self-blame due to one’s actions in previous lives. The third major theme is that alcohol is not a causal factor. Of the 12 professionals interviewed, the overwhelming response (11) was that alcohol is used to excuse what is seen by both perpetrator and victim as unacceptable behaviour or it is a contributory factor. None of the 12 professionals were willing to conclude that alcohol has a causal link to intimate partner violence. One commented, “The problem is violence and alcohol is used to justify it. So yes, it’s a factor, but it doesn’t have a causal link.” This statement concurs with the literature surrounding alcohol and intimate partner violence, in that alcohol did not appear to be a direct cause of the violence (Leonard & Quigley, 1999; Leonard et al., 2003), highlighting that alcohol is a facilitator rather than an instigator of intimate partner violence. Similarly, another professional commented:

‘Often, alcohol abuse can be used as an excuse for behaving in an abusive manner. I would say that the most serious cases of domestic violence that I’ve come across tend to have a link with alcohol and often the perpetrator will often try to hide behind that as a reason for their behaviour.’ (Professional 6)

Other professionals believed that, when alcohol is a main factor in intimate partner violence cases, it could exacerbate the violent, hostile situation wherein the victim and offender situate particularly when mixed in with other substances, such as illegal drugs:

‘It [alcohol] plays a part in relation to both the perpetrator who might have been drinking but also the victim who might have been drinking as well, so you know the intensity and ... the situation may well be exacerbated or intensified or made even worse or complicated by either the taking of alcohol, or even by the taking of drugs.’ (Professional 8)

‘I think it [alcohol] may contribute and exacerbate certain situations because it will inhibit a guy’s thinking, but I think more certainly I would say that it allows the perpetrator to hide behind an excuse for his behaviour.’ (Professional 12, emphasis added)

We can reasonably speculate that violence can be made worse when alcohol and drugs are involved. In particular, we should see considerable intimate terrorism, a type of intimate partner violence that is highly likely to lead to relationship decline and dissolution (Johnson & Ferraro, 2000), and that is primarily male-perpetrated (Johnson, 2006). As for situational couple violence, which varies dramatically in its seriousness (Johnson, 2008), we would expect the more serious violence to be most likely to lead to divorce. Although men’s situational couple violence is more likely than women’s to create fear, injuries, and psychological damage (Kimmel, 2002), we would expect to find more male- than female-perpetrated situational couple violence, even if situational couple violence is gender-symmetric in terms of prevalence in intact marriages (Kimmel, 2002). Feminist theory
leads us to expect that marriages characterised by intimate partner violence, which is primarily male-perpetrated they argue, are highly likely to end in divorce. Situational couple violence, though approximately gender balanced in terms of prevalence, is not gender balanced regarding fear and injury; consequences of violence that are also probable to end in divorce (Stets & Straus, 1990).

It was also found that female victims may themselves feel culpable or blameworthy for their partners’ violent behaviour rather than blaming the alcohol, as one professional states: “They [victims] partially feel responsible so they precipitate it [violence] as a victim, particularly if they might have been drinking.” This quote coincides with the literature review in that clinicians may presume that the male is invariably the perpetrator of violence when this is not always the case because, arguably, sometimes the ‘victim’ may precipitate or be culpable for the violence (Amir, 1971), especially when consuming alcohol and subsequently fuelling the violence (Miller & Carroll, 2006). This conception of victim-blame emerged from Hentig (1948). Hentig carried out the very first study on crime victims, wherein he tried to comprehend criminality by examining the victim rather than the perpetrator. Hentig explored what role the victim plays in her/his victimisation; in particular, victim’s interaction with the offender, victim’s contribution to his/her own victimisation, and victim’s characteristics. By doing so, Hentig developed the notion of victim precipitation whereby victims are blamed for their own victimisation. Amir (1971) adopted Hentig’s approach and subsequently blamed victims of violence for their victimisation. The problem with this approach is that it takes away blame from the attacker and puts it onto the victim instead, completely neglecting the victim’s needs. Moreover, the notion of victim precipitation implicitly leave us with the view that victims of intimate partner violence are unlikely to be male, as the notion respectively conceptualises female victims and male offenders, categorising them in gender-specific ways. The conception is also empirically flawed.

However, a different professional solely believes that men are the offenders and women are the victims: “Men’s power over women and ... it’s not women’s fault, but women don’t see it like that when they are amidst the suffering.” This same professional goes on to say, “Feminism and obviously they have quite a lot to say on domestic violence, they obviously say that it is about male supremacy and female subordination,” which agrees with the feminist theory critically discussed earlier in the literature review. Radical feminist theory ultimately argues that intimate partner violence is about men executing power and control over the female victim (Radford & Stanko, 1996). One professional challenges feminist theory because it only talks about women as the victims, not men:

‘Because domestic violence has been explained by feminists as an issue to do with...men’s control and power over women, that makes it very difficult then for feminists to theorize why women will then batter men, so that is a tricky dilemma for feminists to admit that in the first place...So the feminist literature has often side-stepped that radical feminist literature would only look at men’s violence to women, so there’s an even small pot of knowledge and research about women’s violence to men. The growing literature on masculinity theorizing is giving us some hints of knowledge about...men’s
reluctance to admit to, particularly that [intimate partner violence] kind of crime because it usually is the other way around.' *(Professional 8)*

This quote correlates with the literature review because research evidence suggests that feminist research heavily ignores male victims of intimate partner violence (Walklate, 2004). Further, research proves that women do commit intimate partner violence against men and men do also commit intimate partner violence against other men (Walklate, 2004).

Finally, what remains problematic is working with and supporting these violent men who hide behind alcohol as a ‘shield’ or blame the alcohol for their violent behaviour. This argument is evidenced by one professional, who is a social worker and deals with violent men who do not take responsibility for their violent conduct by blaming alcohol:

>'What I would also say, is guys who hide behind alcohol, they’re not taking any responsibility – there’s no culpability for their behaviour because they’re hiding behind alcohol, and it’s very difficult to work with a guy who’s trying to, not justify, but reason his behaviour with regards to alcohol. You can’t necessarily do work with a perpetrator of domestic violence who just sees himself as only behaving that way [behaving violent] when on alcohol.' *(Professional 1)*

This shows that alcohol may be used as an excuse for violent behaviour and may trigger arguments that fuel violence, but it is usually not a direct cause of violent behaviour. Therefore, it does not help to fully explain intimate partner violence in terms of having other variables involved. To fill this gap in knowledge, further empirical research is required to explore gender, race, and sexuality dimensions when understanding alcohol and intimate partner violence. The quote above also shows that state agencies find it difficult to work with men who blame their violent behaviour on alcohol, so the offenders are not taking full responsibility of their actions. Consequently, interventions that include police and health care workers to identify and deal appropriately with violent offenders become problematic (Abama & Kwaja, 2009), in that such intervention may be based on unsuitable or inappropriate models of intervention for the intimate partner violence (Miller & Carroll, 2006). For example, giving separate referrals for the male and female, or it may be presumed that the male is invariably the perpetrator of violence when this is not always the case (Miller & Carroll, 2006). Additionally, the offender using alcohol as an ‘excuse’ for violent behaviour can lead to unemployment, as suggested by Stallones and Xiang (2003). This is because, they argue, loss of work may result in increased drinking, which may lead to heavy drinking; in turn, the offender may continue to deny that he has a ‘drink problem’ so may continue to excuse his violent behaviour. Moreover, economic resources for alcohol use could have otherwise been used for seeking health care, so this may lead to self-care or delay in seeking health care because of the lack of economic resources available, resulting in loss of income due to lost wages, and, sometimes, resulting in the premature death of sole wage earners in a household (Bonu et al., 2004).
Implications for Policy and Practice

There is some evidence that shows a variety of effective interventions to decrease the violence linked with alcohol, ranging from universal strategies to decrease the accessibility of alcohol, to small scale, community-based projects to change environmental conditions (NDRI, 2007). Regardless whether ‘qualified’ or ‘unqualified’ staff will be undertaking much of this intervention, it is vital that all intervention targets key fundamental risk factors for alcohol-related violence. This research has found several implications of the use of alcohol as an ‘excuse’ for intimate partner violence for practice.

From interviewing the professionals, it was found that early intervention is needed when working with violent men who use alcohol as an ‘excuse’ for committing intimate partner violence, with a view to prevention. It was also found that, it is important for practice that there is an increased awareness and knowledge by practitioners about the intricacy and underlying issues of pragmatically working with such offenders, who do not take full responsibility for their actions. Allowing violent men to blame alcohol for their violent behaviour enables them to feel as if they have ‘got away with it’. The professionals in my study highlighted the need for practitioners, who deal with such offenders, to become aware of the risks surrounding this phenomenon; gender differences; the degrees of dependency affected by different substances; to target multiple contributing factors rather than any single cause of alcohol-related violence; and to encourage and facilitate the reporting of the violence, as many victims feel that the offender is only violent when they are intoxicated.

The primary data also suggests that effective work with such offenders and victims together is more impactful for the offender to desist using alcohol as an excuse for their violent behaviour. This process helps the offender to take full responsibility for their actions, while the victim conveys the impact that the violence has had on their relationship and the trauma that it has caused, highlighting the importance of supervision and the provision of supportive working environments that give time and space to work effectively and consistently with the offender and victim. This research also considers the approach of motivational interviewing and its efficacy in working with such offenders and the victims who are affected by the violence. This type of interviewing technique used by practitioners helps to encourage the offender to change their violent behaviour and to seek treatment that will enable the offenders to not use alcohol as an excuse for their violent behaviour. If the offender becomes aware that the alcohol does not fundamentally cause his violence, the violence and abuse should stop following successful treatment. This technique helps to stress that alcohol does not cause violence.

This research coincides with the practice implications argued in Holder, Treno and Levy (2005). They demonstrate, as also suggested by this research, that in order to effectively reduce violence that is alcohol-related, prevention efforts must aim to influence the relationships between the environments and individuals wherein alcohol is consumed (Holder, Treno & Levy, 2005). This research found that much intimate partner violence happens in the couples’ homes, so it is vital to examine the environmental conditions (such as, cultural, physical, and social factors) and to encourage safer drinking within the household wherein violence occurs. There is the need for a range of partners in the
community to work together to set appropriate standards for the consumption of alcohol and set informal and formal controls on the misuse of alcohol and the violence that results (Graham & Homel, 2008). Practice intervention aimed at decreasing the alcohol-related violence and negative effects of alcohol in communities must attempt to tackle the factors that facilitate alcohol abuse and the violence that results. It is important that the evidence gathered in this research is used to inform policy and practice and is customised to suit local problems and circumstances. Further evaluation and research of violence prevention programs is required to further our understanding of what works in reducing violence carried out by men who blame the violence on alcohol and why, and to recognise vital lessons for successful implementation.

**Conclusion**

The aim of this study was to understand the experiences of professionals dealing with alcohol and intimate partner violence, as there has been a lack of social research on the relationship between alcohol and intimate partner violence in the North East region within the United Kingdom in contrast to the USA. This study aimed to identify the key trends in the relationship between intimate partner violence and the consumption of alcohol by providing empirical data. The data presented herein only give an insight into the discourses of professionals in relation to this topic rather than the views of the victims and offenders themselves. The work has identified the omnipresent use of alcohol as an excuse for intimate partner violence. Whilst present in the existing literature, it is wholly underrepresented in importance. The theme of alcohol being used by both the perpetrator and the victim to excuse what would be considered completely unacceptable behaviour runs throughout this research. The thematic analysis suggests that victims see their drunken abuser as distinctly different from their sober living partner rather than acknowledging the greater problems, which is an issue that warrants a great deal more research. On balance, confirming the findings of Johnson (2006; 2008), the data suggests that intimate partner violence is essentially, although not exclusively, male-perpetrated. It was also found that women are more likely to excuse violent behaviour when their partner is intoxicated.

This research suggests that alcohol is not causal with regards to intimate partner violence, but it does offer the perpetrator a ‘shield’, which allows them to identify themselves not as a ‘violent abuser’ but rather as someone whose drinking can lead them to do things they otherwise would not do. The data suggests that, when alcohol is involved, intimate partner violence is more frequent and more injurious violence, and has debilitating psychological consequences for the victims. The alcohol allows the victim to avoid the reality of being in an abusive relationship. This type of deception is extremely dangerous, as it allows for the denial of a problem, therefore, preventing the acknowledgement for the need to address it. In short, alcohol, whilst not causal, allows for the denial, excuse, and continuation of violent relationships.

More understanding of the effect of alcohol on people with different propensities toward aggressive behaviour is required. Individual dissimilarities in anger, hostility, agreeableness, impulsiveness, and alcohol expectancies are seen as vital. It is still unclear why and how people with these characteristics seem to be more likely to carry out violent
behaviour when drunk. A fuller understanding of these processes will help inform more effective approaches to treating and preventing alcohol-involved intimate partner violence.
References
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THOUGHT PIECE

‘Thought Pieces’ are papers which draw on the author’s personal knowledge and experience to offer stimulating and thought provoking ideas relevant to the aims of the Journal. The ideas are located in an academic, research, and/or practice context and all papers are peer reviewed. Responses to them should be submitted to the Journal in the normal way.

DOING TIME WITH LIFERS: A REFLECTIVE STUDY OF LIFE SENTENCE PRISONERS

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Abstract

We constantly hear the public’s outcry that “life should mean life!” and that anyone convicted of murder should never see the light of day again. This reflective study is auto-ethnographic drawing from informal interviews, observations and life stories with prison inmates serving life sentences for murder with the aim of estimating the effect incarceration has on their lives during their time in prison and how they prepare for release through adopting new identities. Between January 1996 and February 1998 I spent two years living closely with several life sentence prisoners during which time I gained access and an insight into a secret world in which only a fellow prisoner would ever be permitted. The mirror image of their tragic existences also gave me an insight into my own disintegrating lifestyle which would eventually have the most profound effect on my own desistance journey. The lifer culture was like a secret society which separated itself from the rest of the prison subculture and hierarchy and yet was oppressed by and subservient to the Criminal Justice System. At the core of this study is the ‘self’ and the changing process that takes place throughout a lifer’s personal journey during the nurturing of their own identities while preparing themselves for the outside world. It is also about their views of the changing world around them and their relationship with the prison population from which they were desperate to disassociate themselves from in order to develop an identity that bears no resemblance to the identity they possessed before they were imprisoned. This introspective transition from killer to respectable citizen was easier than many would perhaps imagine because for these first and only time offenders, their most alarming factor was their ordinariness.

Keywords

‘Self’; identity; prison; prison culture; prisoners; lifers; auto-ethnography
Introduction

Between 1996 and 1998, while serving a five year prison sentence I spent two years and six months integrated within the lifer community. Although I was not a lifer myself, I had requested to be moved from the chaotic landings - where hordes of short term prisoners created havoc on a daily basis - to a more stabilising environment where the bulk of the population was serving long term sentences. As I became more acquainted and accepted by the lifer fraternity, I began to learn of their individual stories. Also during this time and in no small part influenced by several of the lifers, I enrolled on an Open University social sciences programme. I immediately embraced my new student identity (Meek et al., 2012; Bilby, 2013; Pike, 2013) and began to use my current surroundings as a platform to practice my new research skills on my fellow prisoners. Because of my predicament, it was not possible for any formal ethical approval but still I felt that the oral histories of these men should be shared. I did however try to follow some formal research protocol that I had learned through being a social sciences student. I explained to them from the outset that if I got the opportunity to publish their stories I would use pseudonyms and also change the names of places they talked about and the prisons we were in so as not to allow their stories to be easily identifiable but at the same time keeping it accurate and truthful. Therefore, the names of prisoners, places - such as where offences were committed - and the prisons have all been changed. I did not have the luxury of a quiet room to conduct my interviews except occasionally we had use of the Chapel meeting room where we could talk in private - with the blessing of the prison Chaplain - without any intrusion from staff members and other prisoners.

I also took advantage of quieter moments during exercise and association periods either in mine or one of the lifer’s cells or on the exercise yard where we were able to talk in depth. Because during exercise period, prisoners tend to walk around in groups, I was able to use this opportunity to converse with several at one time. Bonding with the lifer community was a slow process and it was not possible to bond with all of them. It was a very careful selectiveness. I had to be sure I was choosing the right group of people who I felt could be open and honest with me but also emotionally stable enough to share intimate memories of their life stories. As well as this there had to be mutual trust between myself and the men in order for them to feel comfortable. Once I had achieved this and had gained the trust of a selected few, there were few aspects to their personal lives and crimes that they would not share. It was not a relationship of researcher and participant. We were friends and fellow prisoners. As former prisoner turned professor, John Irwin had done for his study on lifers in 2009, I did not select my participants using any kind of sampling method. I just interviewed those I had got to know over time and it was because of this I was allowed to gain a unique insight into their lives. However, the difference between my study and that of John Irwin’s is that I conducted my study while I was still a serving prisoner (Irwin, 2009). During this time, while I was collating prisoner narratives with the aim of sharing firsthand accounts of the lifer experience, a group of ex-prisoners turned academics in the USA with similar ideas of writing from an insider perspective was emerging called the Convict Criminology Organisation (see Newbold et al., 2014). They organised workshops, participated in academic conferences, and published scholarly work to build a perspective they called “The New School of Convict Criminology” (Richards & Ross, 2003). Fourteen years later I became acquainted with the Convict Criminology
Organisation when I was invited by Professor Stephen Richards from the University of Wisconsin (an ex-convict himself) to submit a reworked chapter (Honeywell, 2015), from my autobiography, *Never Ending Circles* (Honeywell, 2012).

This gave me a framework from where to publish my work and by then the British Convict Criminology Organisation had also been formed (Aresti et al., 2012). At the time of writing this, the academic world seems to now be embracing auto-ethnographical writing. As Earle (2011) observes, prison ethnographers in the United Kingdom have offered rich and diverse accounts of prison life and prisoners’ views and experiences have been for the most part, reported with sensitivity, creativity and insight. However, the actual voices of prisoners, and of ex-prisoners who are now prison researchers, have been relatively subdued. This is echoed by Bennett and Crewe (2012), who claim: “Little of what we know about prison comes from the mouths of prisoners, and very few academic accounts of prison life manage to convey some of its most profound and important features - its daily pressures and frustrations, the culture of the wings and landings, and the relationships which shape the everyday experience of being imprisoned.” (Bennett & Crewe, 2012: ii, cited in Earle, 2011:32).

For reasons I outlined earlier, it was not possible to produce official field notes or recorded discussions, however I did make notes using Teeline shorthand which I had taught myself from a textbook over the first six months of my time in prison. I used shorthand to prevent scrutiny from prison officers during cell searches. I also made regular diary entries. All of the lifers were very supportive, giving their full consent with a shared view that the public needed to be made aware about the truth of their predicament of being a lifer. None of the men made excuses for their crimes or were claiming any injustice by the courts.

### The participants’ demographic details

**MIKE** – had almost served 13 years of his sentence when I first met him. He projected a lot of self-confidence yet appeared somewhat aloof. His whole persona made me think he was a member of staff. Several months later we were to become cellmates when I revealed this to him. He gave me a broad grin. He took it as a compliment. His offence had been murder though he could have been sentenced to a lesser charge of manslaughter had he not been overheard threatening to kill his victim three weeks before shooting him in the arm with a double barrel shotgun. He said it was in fact his intention to just wound him. He did exactly that but later his victim died from his injuries. I felt that his example certainly puts things into perspective for those who publicly say things in the heat of the moment. He was so unlike most of the other prisoners that he was outcast by some of them and accused of being a ‘grass’ (informant). He had a certain rapport with staff members which is frowned upon by the general prisoner community – seen as fraternising with the enemy.

**BEN** - was very quiet but very approachable once you gained his trust. He had a wife who since his incarceration had started co-habiting with his now former best friend. He was loyal and trustworthy but his personal life and prison experience had embittered him over the years. He had explained how his so-called best friend had been the cause of this.
Added to this, many years of long term imprisonment had added to his cynicism. He had become melancholy where he was so quiet and withdrawn, and at times, it was difficult to get him to open up. Ben found comfort from his faith as a Catholic and though I had no religious connotations myself, I found the Chapel community an excellent place to bond with several of the lifers. There seemed to be more lifers involved with the Chaplaincy than fixed termers and though many prisoners who turn to religion are accused of using it to try and get early release on parole, they seemed genuine in their religious pursuits at least while they were serving their sentences. Ben was a very talented guitarist who had belonged to a band before his arrest 11 years earlier.

LES - was similar to Mike in that he had developed an image that was more akin with staff. I first met Les in the prison gymnasium where I approached him to ask how to use a piece of equipment. The reason I chose to ask Les was because I thought he was a member of staff – as I had Mike. They both exuded an air of authority which came from their own personal confidence. They held themselves with a certain poise and dignity and had kept their appearance neatly groomed, clean shaven and were polite in manner. Even their circumstances were similar in that both could have received the lesser charge of manslaughter but instead had received a life sentence.

JOHN - had allegedly done his time as part of a biker’s pact - an innocent man who during his stint in prison had lost his wife to cancer. He was a very private person who I felt at total ease with. He didn’t display any signs of bitterness or anger towards the system. Sadly during the time I got to know John he contracted terminal cancer which mercilessly made its presence known for all and sundry to see in the form of a lump that grew from his neck to the size of a tennis ball. He was granted compassionate parole several weeks after his diagnosis but it was not the usual celebratory event as for most newly released prisoners. After serving 10 years in prison he was finally released and died only weeks later. I had been released myself when John died and recall one of the fellow lifers who had also since been released being quite angry towards the rest of the lifer community for not visiting John in hospital during his last days.

PETER - was serving life for a so-called ‘honour’ killing. He was a Sheik who used the English name, Peter. He had served eight years of his life tariff for taking his ceremonial sword to a family member and severing his head. When I approached the subject, this was all he was willing to disclose. His jolly demeanour and clean cut image again made it difficult to imagine him as a convicted murderer, though I didn’t mistake him as being a staff member as there were so few ethnic minorities working in the prison service. Peter used his time constructively spending his days on the education department. I would visit his cell most days. You could always have a good laugh with him and the others who used to congregate in his cell. It was hard to say where Peter would eventually end up but because of his ethnic background it would have most likely have been shaped by his community whether he was able to re-integrate or not.

SIMON - was 11 years into his life sentence. It was so hard to believe he was even in prison - for anything at all. Small in stature and of slim build, with a thick head of curly hair and softly spoken demeanour, he did not fit the mould of what is still perceived by many as ‘a criminal type’. This seemed a common thread with the majority of the lifer
community. He came across as a gentle natured person and very well educated. He was studying for a degree through the Open University. He kept himself to himself. He’d had some trouble in the earlier stages of this sentence mainly due to his naiveté as many first time prisoners experience.

DANNY - was another unlike the rest of the lifer community and went against their collective norms and values as model prisoners. He was one of the longest serving lifers; a regular drug user who mingled mainly with fixed termers with the same addictions. His cell was always a busy hive of activity including drug use, and weekend partying. He was quite disruptive but then with just three months remaining of the 17 years he had already served, he absconded. He had been given the privilege of working outside the prison in a local café. The allure of a sexy waitress was too much to resist. They ran away together, eloping somewhere far away. It couldn’t have lasted though.

FRED - was a former gang member of 1960s London; a Kray associate, and the highest profile lifer I became acquainted with. He was famously jailed in 1967 for a crime I have kept anonymous due to the possibility of him being identified. The case was one of the most notorious killings and the first gangland killing of that area sparking fears amongst the public. During my time in HMP Thorntree, I spoke to Fred many times but he was somewhat aloof from the other lifers. He was even unpopular amongst other lifers who felt he was afforded special privileges. For example, he was the only prisoner with a computer in his cell at a time when computers were still fairly new on the market.

**The Lifer Community**

One of the main reasons why the lifer community was so tightly knit was because they shared many of the same experiences that set them apart from the rest of the prison population. Those who didn’t conform to the expected norms and values of the lifer subculture were outcast as being liabilities - as in the case of Danny. Lifers who tried to buck the system were not only risking their freedom (McDermott & King, 1988), but were looked down on by their fellow lifers. This was a complete contrast to fixed-termers who revelled in trying to ‘beat the system’. Fred was another who didn’t fit the mould and chose to be aloof. He adopted the attitude of thinking he was above the rest because of his famous gangster status. He was a gentleman gangster and also anti-social - all of which rubbed the others up the wrong way. Ben was particularly vindictive towards him in his own passive way. And with all close knit relationships, familiarity can breed contempt and at times this could reach boiling point between individuals. Ben took delight informing me one day that when Fred left his cell door open while he went for a shower, his computer had been smashed to pieces. This was an act of bitter resentment and envy just because the others felt he was allowed more privileges than the others - such as being allowed a computer in his cell. This wasn’t the norm. Typewriters were permitted but because Fred had claimed he had arthritic fingers he was allowed a touch type computer. The others resented this. They felt it was more to do with who he was. Bad communication skills amongst prisoners were often the root of random violence. One day, Ben was brutally assaulted by his cellmate and friend, Sean, over nothing more than a misunderstood, innocuous remark. As usual - as most offenders do - Sean blamed it on something else other than himself. Quick to back him up, a fellow lifer friend of Sean used
the tragic Dunblane massacre which had happened that day as an excuse for his outburst. He claimed that his mind was disturbed by those events being a father himself. This was a poor excuse as there were lots of prisoners with children who had not randomly attacked their cellmates. It was also highly unusual (as mentioned earlier) for a lifer to use such violence given the risk of losing privileges and spending longer behind bars.

**Becoming a lifer**

Preparing to spend the next 15 or so years in prison is unimaginable for most - as it had once been for the men I was interviewing. All said they dealt with it by taking one day at a time and not looking ahead as this way your release date never arrives. Some were quite meticulous in arranging their personal lives from inside such as preparing themselves psychologically for the expected such as losing their spouses. Some would tell their spouses not to wait for them as they felt this was an unrealistic expectation. They all explained how the early stages of their life sentence involved spending several years in high security prisons such as Wakefield. They reminisced on how those early stages of their sentences were quite volatile. Mike had told of an incident where he accidentally knocked a fellow prisoners arm, spilling his tea and how the other inmate reacted aggressively shouting at Mike. Mike explained that in these situations the best way is to not react back. He had apologised in this instance and defused what could have been potentially a violent exchange. And this is typical of prison life. The slightest incident or innocuous remark can erupt into to full scale brawl. When I asked one of them how they managed their time, he said he threw himself into education.

> 'Whenever someone got ‘lifed-up’, the education department would come round asking, ‘Do you want to do a degree’? (Field notes, 1997)

The Open University seemed to have helped many lifers deal with their time of incarceration and it was evident that a lot took it on board as it wasn’t unusual for a lifer to have gained one or even two degrees in prison. Simon talked about education a lot and how it helped deal with the emotional difficulty of prison life.

> 'I think the more intelligent you are, the harder it is [doing time]...I banged on the ceiling one night because the prisoner above me was playing his music too loud. He came down and punched me. I had a black eye. I couldn’t fight back...' (Simon)

He explained the devastating consequences for a lifer who gets into any sort of trouble. There was an ongoing tension amongst the men who felt that the system was unfair towards lifers by the way they were so closely scrutinised while in prison to a degree that it was expected they would fail. McDermott and King (1988) express this perfectly in their paper *Mind Games*:

> 'Lifers are continually under review as to how they are coping, their actions and reactions in order to judge their suitability for release. Lifers do not have a set release date because there is always an underlying risk that an incident could cause the Parole Board to reconsider, as there is always the
possibility that lifers behaviour while on licence behaviour, could result in a recall to prison. This existence of being in limbo for the life sentence prisoner causes them to be peculiarly dependent upon the staff and on getting good reports. When faced with other inmates goading, the lifer cannot rise to them because he knows that whatever he does will be open to interpretation. If he explodes, his report may say that he cannot cope with frustration and then he may be transferred back from open to closed conditions or from a training to a local prison to cool off before he is ‘tested out’ again. If he does not respond, the reports may say that he is withdrawn and cannot come to terms with his offence. Searching for acceptance brings many lifers subserviently close to staff. Not surprisingly, lifers like to distance themselves from the absurd behaviour by short term prisoners. And not surprisingly, either, staff like having lifers around as a stabilising influence.' (McDermott & King, 1988:365)

**It could happen to anyone**

Although all the lifers had been convicted of murder most were first and only time offenders and perpetrators of *crime passionnelle*. Most had killed their spouses during a brief moment of emotional weakness and it was because of this I was intrigued by their stories. For me as I developed an attachment to the men and began to analyse them more closely, I also began to analyse myself more as if through some kind of ‘looking glass self’ (see Cooley, 1986). It was this particular group of lifers I wanted to focus my attention on because although now convicted killers, it was clear to me that the public’s perception of all those serving life for murder was completely wrong and in fact they were no different to anyone else. It was their ordinarness that became the most intriguing part of my observations. None of the lifers I got to know most intimately were career criminals, persistent offenders or even bad people beneath the surface it seemed. It was this ordinarness that became the most critical part of my observations. Therefore, arguably, anyone could find themselves in their predicament and serving a life sentence. Mike and Les were perfect examples of this. Every lifer’s story could so easily have been mine and every other person who gets into a drunken brawl; domestic argument; or feud. We all take our freedom for granted but in a split second, lives can be lost and those responsible, imprisoned for decades. But it was clear that communication was at the root of many of their violent outbursts. When I asked Les about his offence he was quite emotioanl about it and angry with other prisoners who use violence to settle arguments.

‘You should never try and solve things with violence!...Sort it out! Shake hands and make up or walk away’ *(Les)*

Breathing heavier and faster as he became more anxious, he suddenly revealed to me he had killed a man over a spilled beer. It started after another man had accidentally knocked his drink out of his hand. An altercation resulted in a punch up where his victim had hit his head on the pavement. I did not press him any further on the subject as I realised he was painfully re-living it and it was necessary to avoid causing him any psychological torment. I did wonder though why he was a lifer and not serving a lesser charge of manslaughter. Another aspect of Les’ story which intrigued me was his ability to maintain his marriage
while serving a life sentence. When I pursued this he revealed that he and his wife had made a pact that whatever relationships she developed while he was in prison, there would be no questions asked but instead they would reunite once he was released. This was his way of psychologically managing his long term imprisonment without the added torment of worrying about his wife’s supposed infidelity. It also gave him hope of holding on to his family for when he was released. Ben’s example of not being able to communicate and thus eventually exploding was typical of many prisoners. He admitted that this was why he had killed. He said it was because he was incapable of opening up:

'I just used to bottle everything up and allow it to fester' (Ben)

When I asked him how he now dealt with his pent up anger, he said he was able to because he had done an ‘assertiveness’ course in prison. Ben explained he had benefited from interacting with such prison personal development courses. This demonstrated how such courses can benefit some prisoners and the importance of the Probation Services but of course not all prisoners will benefit because every prisoner’s experience is different to that individual. I wondered if this ‘bottling up’ that Ben had described was a common trait amongst violent offenders.

**Differentiating from fixed termers and relationships with staff**

Lifers tended to challenge probation staff and psychologists who were constantly scrutinising their behaviour but as McDermott and King highlight in their study, their association with prison officers was more personable than the rest of the population (see also Crewe, 2006). It was unusual to hear a prisoner address an officer by his/her first name but common for lifers to have that level of familiarity. One day I queried Mike why he and the officers were on first name terms:

'We’ve gone through the system together for a long time and from prison-to-prison' (Mike)

But I noticed they [lifers] didn’t have the same rapport with female officers. This could have been due to the fact that female officers working amongst male prisoners was a new phenomenon. For the most part of the men’s sentences, female officers had not been part of the prison culture the men had come accustomed to. It wasn’t until the early 1990s when the men were in the final stages of their sentences that women became a major part of a mixed prison officer culture. I decided to test if there would be a different response if I used the same familiarity so one day I addressed one of the prison officers – who Mike was on first name terms with - by his first name. The response was a disapproving look from the officer which confirmed to me that there was a unique rapport between staff and lifers. Usually when prisoners adopt that level of familiarity with officers, other prisoners automatically assume they are in cahoots which causes animosity leading to accusations amongst the prison grapevine. Mike seemed unmoved by their accusations as he was clearly distancing himself from the rest of the prison population anyway – except for a few close friends. He was adamant that he did not want to be associated with the rest of the habitual criminals or look like a criminal (meaning thuggish in appearance) and went to a lot of trouble to hone a self-image that reflected that of a
law abiding citizen. He would never shave his head or muscle-up in the gym as he felt this gave off that thuggish appearance. Ironic I thought, that a prisoner who was serving life for the ultimate crime, shared the rest of society’s perception that criminals possess a certain image.

**Self-identity and image**

After years of incarceration, it was important to many of the lifers that their identity be transformed even to the point of being more akin with their jailers than their inmate colleagues. They were psychologically preparing for their release and gradually adopting a new ‘socially acceptable’ image (Giordano, Cernkovich & Rudolph, 2002:999-1002). One of the most basic yet significant attributes of the lifer’s personal appearances was their hair. Those who could, maintained a well groomed head of hair which distinguished them from the rest of the prison population - most of who chose to shave their heads. Such basic rituals were of huge importance to all prisoners. Clothing was also an essential identity statement for prisoners. At Thorntree open prison, prisoners were all allowed to wear their own clothes. Many of the inmates would go to great lengths to wear particular labelled clothing as a way of displaying their individualism and wealth. The whole importance of a wealthy image amongst prisoners was very competitive. By displaying wealth, other prisoners would view them as serious criminals. Mike was certainly no exception either but for him, it wasn’t about impressing other prisoners. He didn’t even want to be viewed as a criminal - let alone a serious one. For him it was about the opposite. Being smartly dressed in his own clothes made him feel less of a prisoner. He and I both knew that there was not really a criminal ‘type’ and that it was the public’s perception that he was pandering to.

Mike had spent many years cultivating a new identity to perfection. He was eager to know why and what it was about him that had made me think he was a member of staff. It was essential to him to nurture this identity and he was clearly very proud that it had worked on a fellow prisoner. His genuine determination to become accepted by others as a respectable family man was reassuring. For him, establishing the right impression was an essential turning point in starting a new life and a major personal transition from his prisoner identity to that of a family man.

This has been well researched by John Laub and Robert Sampson whereby a small number of factors are sturdy correlates of desistance (e.g. good marriages, stable work, transformation of identity, and aging). The processes of desistance from crime and other forms of problem behaviour appear to be similar (Laub & Sampson, 2001). The more relaxed regime of the open prison allows this careful transformation to take place with much more ease than it could for the prisoner who does not go through the resettlement process synonymous with open prisons. As with all lifers inside the open prison, resettlement is vital therefore, each lifer was permitted regular five day home leaves and weekly six hour community visits during which time they were able to be part of the community and of society. Perhaps it is through these continual interactions of ‘normality’ that their new identities begin to emerge. The difficulty on the other hand is holding on to this during the periods they are inside the prison where, while they belligerently hold on to their new personas, they must also be able to fit into the prison culture. While learning
of their life stories, it soon occurred to me that one of the main distinguishing features of the men compared to the rest of the prison population was that none of them displayed aggression, machismo, or tested their masculinity compared to many of the fixed termers who continually displayed their masculinity and toughness while trying to gain a respectable position within the prison pecking order. Perhaps the lifers had done so in the past in order to survive the jungle of prison life but as they prepared for release, it became increasingly important to them to develop and nurture an identity that would be accepted by wider society. Their individual identities were not only important to them while in prison but as they neared the end of the prison term, they meticulously worked on developing a persona that distinguished their identities as being non-criminal.

Preparing for release
Lifers do not have a release date. They have an approximate length of time they must serve (tariff) before being considered for parole but nothing is written in stone (see Ministry of Justice, 2011). But as they neared the end of their term in open prisons, they were allowed regular home leaves where they got to spend five days at a time with their family. They were also allowed community visits every week where they were able to spend up to six hours on a Saturday with friends and family outside the prison. Sometimes the worry, strain and feelings of uselessness not being able to deal with family crises as they arose would cause some to abscond. For some lifers, the alternating lifestyle of freedom such as working in the community, spending days and nights with family and friends on home leaves while residing in prison was just too much to deal with. Another reason for absconding from open prisons is that prisoners are struggling to cope with the drugs culture or feeling threatened within open prisons. It has also been reported that too many violent offenders are being sent to open prisons far too early (Hallet & Lowbridge, 2014).

After I was released I felt it was important to stay in contact with some of the men. This was because we had become friends but also I was able to observe them in a different social setting to further my study of them. So for a short period of time I continued to socialise with those lifers who had been released but some of their lives seemed more tragic after release than when they were incarcerated. During this period I would meet up with Ben whenever he was on home leave. Rather than spending time with his estranged family though, he would spend his days living in a hostel. He had become isolated and a mere shadow of his former self. Dave was a regular cannabis user and we’d had many debates over the harm it can cause. His stance was that it could not have any effect whereas I was adamant it could. I felt it was his only way of numbing the pain inside he felt since losing his wife to his so called best friend.

Mike’s predicament was in total contrast to Ben’s however. I met Mike several times in Leeham, sometimes arranged and sometimes just bumping into each other. He always looked happy and was always with his new wife. He had found something to cling on to that would launch him into a new and exciting life. One day we went for lunch at a local pub near Brydon, and Mike picked me up in his new car. He had learned to drive at the
age of 45. He had developed a new zest for life which was aided by his new marriage and the support he had around him.

**Conclusion**

The lifer community consisted of mainly broken men with amputated spirits and Dave’s case was no exception. Most had lost families, wives, children who had either disowned them or died. I felt that none of the lifers would ever see the inside of a prison again unlike the rest of the population. Of all the lifers I studied, none ever showed any signs of aggression towards me or other prisoners. None were what you might expect to be your typically male violent criminal despite having committed the ultimate crime of murder. Instead they were people who had allowed their emotions -albeit usually fuelled with alcohol or drugs - to get the better of them. Once they had crossed this line there was no going back and their lives could never be the same again. Although I remained in contact with some of the men after release the bond was not as strong as what we had in prison which is usually the case once prisoners are released. It is a case of everyone pulling together while living in the same difficult circumstances. Once released everyone went their separate ways. Some had family support such as Mike with his new marriage; Ben continued to stay in probation hostels and some were given independent accommodation through local housing schemes. Apart from Mike each one continued to try and rebuild a new life without support from family and friends. Getting to know the men on such intimate terms gave me enormous insight – not only into their lives but also my own. Their mistakes, impulsivity and how they had suffered as a result of their actions, forced me to take a long hard look at myself. And when the men saw that I was starting to look within, things took on a complete role reversal and they began to share their own analysis of me. At the dinner table one afternoon, I remember feeling privileged to be sat with five lifers as an accepted member of their group. During our conversation, Mike suddenly said to the others:

’Look at Davy sat there with a big ‘L’ [learner] plate on his back!’ (Mike)

The others were amused at Mike’s statement and all seemed to agree as if with some kind of insight that I was completely oblivious of. The ‘L’ plate reference is prison slang for someone who is heading for the same fate as lifers. I now knew why the lifers had welcomed me into their fold so easily. It wasn’t just because they had wanted to share their stories with me; it was also because they regarded me as one of them - ‘a lifer’ in the making. This was supported by Ben’s comment to me that I had committed the exact same criminal act as he had - the only difference being - my victim had survived. Just the word ‘victim’ sent a shiver down my spine. My analysis of the lifer community had now turned full circle and revealed what it had observed in me. Their observations made me think very deeply about where my life could be heading and that there was an urgent need to make a huge transition. I embraced it. Through analysing lifers, I had been given a unique ‘looking glass’ view of my future, but unfortunately for the lifers they would never have this privilege.
References
Offender Rehabilitation Act, 2014
On 1 February 2015 the Offender Rehabilitation Act 2014 (ORA) came into force, meaning an extension of supervision to 45,000 prisoners per year released from short prison sentences of less than twelve months. Any person whose offence was committed on or after 1st February, and who is sentenced to a custodial term of more than one day, will in the future receive at least 12 months of supervision in the community. The Act, passed in March 2014, accompanies the Transforming Rehabilitation programme.

The full details of the legislation can be read here:

The Announcement of the legislation by the Ministry of Justice can be found here:

One in, one out: New interim Chief Inspector of Probation announced
On 2 February 2015, in a written statement made by the Lord Chancellor and Secretary of State for Justice, Chris Grayling, it was announced that the Chief Inspector of Probation, Paul McDowell, had resigned. Given that Mr McDowell’s wife is employed in a senior management position by Sodexo, a multi-national services and facilities corporation which, in partnership with the crime reduction charity Nacro, has been awarded six of the 21 new probation contracts, Chris Grayling announced:

I have considered carefully all of the potential mechanisms and systems that could be introduced and used to manage any actual or perceived conflict of interest. However Mr McDowell has decided that, in the circumstances, he will resign.

The statement of Mr McDowell’s resignation can be read here:
http://www.parliament.uk/documents/commons-vote-office/February%202015/2nd%20February/2.JUSTICE-probation.pdf
Following Mr McDowell’s resignation, on 16 February 2015 it was announced that the new interim Chief Inspector of Probation is to be the former Chief Executive of London Probation Trust, Paul Wilson. Mr Wilson is to lead the probation inspectorate while a permanent Chief Inspector is being recruited.

The Ministry of Justice announcement of Mr Wilson’s appointment can be found here: https://www.gov.uk/government/news/interim-chief-inspector-of-probation-announced

**Evaluation of the “day one mandation to the Work Programme”**

The Department for Work and Pensions has recently published an evaluation of the “day one mandation to the Work Programme” initiative. The initiative requires people leaving prison who are claiming Job Seekers Allowance (JSA) to join the Work Programme immediately on release.

The compulsory nature of the initiative is due to the recognition that people leaving prison face considerable barriers to employment and need greater support to find work. The apparent advantage of the programme for prisoners is that they can make an advance JSA claim from up to five weeks before release and can receive additional support to help them find work.

The evaluation included 57 interviews with prisoners and a telephone survey with 1,013 prison leaver JSA claimants. Almost three in 10 (28%) claimants surveyed had all or part of their benefit stopped because they failed in some way to follow the requirements of the programme. Those respondents aged under 25 years were more likely (31%) to have all of their benefit stopped compared to those aged 25 and over.


**New figures on prison drug seizures**

According to figures provided in response to a parliamentary question, the Ministry of Justice has disclosed that the number of illegal drug seizures in prisons in England and Wales is rising. There were almost 4,500 instances of illegal substances taken from prisoners in 2013-14 compared to just fewer than 3,800 in 2010-11.

The disclosure accompanies a press release by the Ministry of Justice published on 25 January 2015, announcing a crackdown on so called ‘legal highs’ in prisons. Prison governors have received guidance from the Ministry of Justice setting out new measures available to deal with these New Psychoactive Substances (NPS) including closed visits, additional time in prison and removal of privileges. Legal highs such as ‘spice’ are synthetic drugs containing chemical compounds which produce similar effects to illegal drugs.

**Prisoners to make kit for the army**

Prisoners will make sandbags, fence posts, hydraulic jacks and other support products for Britain’s armed forces after a new ten-year service level agreement was signed by ministers. The agreement to supply army equipment between the Ministry of Justice and the Ministry of Defence builds on a six month trial and was signed at HMP Coldingley.


**The costs of prison staff redundancies**

In a speech to the Prison Reform Trust delivered on 26 January 2015, the Secretary of State for Justice, Chris Grayling, stated that the Ministry of Justice was in the process of recruiting a further 1,700 prison officers. Three weeks later, in response to a Parliamentary Question asked by Shadow Justice Minister Jenny Chapman, the Prisons Minister Andrew Selous revealed that in 2013 the Ministry of Justice spent more than £56 million on redundancy payments to prison staff in England and Wales.

The transcript of Chris Grayling’s speech to the Prison Reform Trust is available at: [http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/257](http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/257)

The response by Andrew Selous to the question by Jenny Chapman can be found in Hansard at: [http://www.publications.parliament.uk/pa/cm201415/cmhansrd/chan81.pdf](http://www.publications.parliament.uk/pa/cm201415/cmhansrd/chan81.pdf)

And it was also reported on the BBC News website at: [http://www.bbc.co.uk/news/uk-31525794](http://www.bbc.co.uk/news/uk-31525794)

**European Court of Human Rights ruling on UK prisoner voting rights**

In a press release published on 10th February 2015, the European Court of Human Rights (ECHR) has announced its latest ruling against Britain for refusing to grant prisoners the right to vote. The judgment that it was illegal to deny 1,015 prisoners the vote between 2009 and 2011 follows the ruling by the ECHR in October 2005, in the case of Hirst v the UK, that refusing prisoners the right to vote is a violation of article 3 of protocol 1 to the European convention on human rights, which relates to the right to free elections. The Council of Europe is due to return to the issue in September 2015 after the Coalition Government in defiance of the ruling officially ruled out changing the law. However, despite the ruling, the ECHR has declined to order that any of 1,015 claimants are entitled to compensation or their legal costs. The court ruled that no compensation was due
because the case for compensation brought by the prisoners was nearly identical to other prisoner voting rights cases in which the court has never awarded compensation and laid out clear protocol to that effect.

The ECHR press release, Remaining legacy prisoner voting cases: ECHR finds violation of the right to vote but awards no compensation or legal costs, is available here: http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-5010996-6151237#{"itemid":["003-5010996-6151237"]}

And a fact sheet published by the ECHR on prisoners’ right to vote is available here: http://www.echr.coe.int/Documents/FS_Prisoners_vote_ENG.pdf

**MP's Select Committee statement on the detention of mentally ill people in police cells**

In its report on policing and mental health published on 6 February, the Home Affairs Select Committee has said that the prevalence of people with mental health illness in the criminal justice system is a continuing scandal. The detention of children, in particular, must stop immediately. The committee’s main findings include:

- The Mental Health Act 1983 should be amended so that police cells are no longer stated as a place of safety for those detained under section 136.
- It is clear that too many NHS Clinical Commissioning Groups (CCGs) are failing in their duty to provide enough health-based places of safety that are available 24 hours a day, seven days a week, and are adequately staffed. CCGs must not only acknowledge local levels of demand and commission suitable health-based places of safety; they must also design local backup policies to deal with situations where places are occupied. CCGs need to provide more “places of safety” in NHS hospitals so the police are not forced into filling the gap.
- The police need to make sure they use their powers in relation to mental health correctly, to reduce the numbers detained and so reduce pressure on both the police and the NHS. Frontline staff need to learn from one another, and each organisation needs to understand the priorities of others.
- Early indications of the effectiveness of the Street Triage scheme are very positive, it is important that the scheme is fully appraised. We recommend that the Government give a clear commitment that funding will be made available for schemes which have been proven to be cost-effective.

The full report, Policing and Mental Health, can be read at: http://www.publications.parliament.uk/pa/cm201415/cmselect/cmhaff/202/202.pdf

The main findings of the report and Chair’s comments can be read at: http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news/150206-mental-health-rpt-pubn/
The contribution of Youth Offending Teams to the work of the Troubled Families Programme in England

Work relating to the Troubled Families programme represents a “sizable and growing profile of Youth Offending Team (YOT) workloads” according to this joint inspection by the HM Inspectorate of Probation, the Care Quality Commission, HM Inspectorate of Constabulary and Ofsted. The inspection was commissioned by the Criminal Justice Chief Inspectors’ Group and visited six local authority areas, drawing on group interviews with staff relating to 107 cases and interviews with 30 service users. The report found considerable differences in the “scale and ambition” of the programmes across local authority areas and also that uncertainties about the lead professional role limited the ability of staff to deliver co-ordinated packages of services. YOT practitioners needed to be clear about the priorities and outcomes being addressed for families in a multi-agency context.

The full report, *The Contribution of Youth Offending Teams to the work of the Troubled Families Programme in England*, a Joint Inspection by: HM Inspectorate of Probation, Care Quality Commission, HM Inspectorate of Constabulary, Ofsted is available from HM Inspectorate of Probation at:

Improving efficiency of criminal justice proceedings

Following a review published in January 2015 of the justice system led by Sir Brian Leveson which *inter alia* included proposals for expanding the use of video technology to allow suspects to appear remotely in court from prisons and police stations, the Civil Justice Council has called for the creation of an online court for low value civil claims of up to £25,000. In the introduction to the report, published in February 2015, Professor Richard Susskind, IT Adviser to the Lord Chief Justice writes:

> We predict two benefits would flow from HM Online Court – an increase in access to justice (a more affordable and user-friendly service) and substantial savings in the cost of the court system. On-line Dispute Resolution (ODR) is not science fiction... We argue that to improve access to justice, it is vital not just to have better methods of resolving disputes but also to have effective ways of avoiding and containing disputes. ODR can help here.

The *Review of Efficiency in Criminal Proceedings* by The Rt Hon Sir Brian Leveson is available at:

The Civil Justice Council report, Online Dispute Resolution for Low Value Civil Claims by the Online Dispute Resolution Advisory Group is available at:
The Coalition Years

A report on The Coalition Years has been produced by the Centre for Crime and Justice Studies. The report seeks to explain criminal justice developments across the United Kingdom over the five years between 2010 and 2015 and considers the challenges facing an incoming United Kingdom government after the May 2015 General Election. All three United Kingdom criminal justice jurisdictions are covered: England and Wales, Scotland and Northern Ireland. The Coalition Years focuses on three areas of criminal justice reform: policing, punishment and legal aid. It seeks to articulate the political nature of criminal justice reform, shaped as it is by a complex array of economic, cultural, historical and ideological influences. The report supplements the four UK Justice Policy Review reports published over the previous five years.

A copy of the full report can be found at:
BOOK REVIEWS
Edited by Jake Phillips & Anne Robinson

SERVANT OF THE CROWN- A CIVIL SERVANT’S STORY OF CRIMINAL JUSTICE AND PUBLIC SECTOR REFORM

This detailed and focused book is an insider’s attempt to make sense of the shifts in policy and decision making, changes between consultation and final result and impacts of different political ideologies that have brought criminal justice to its current position in the UK. It is an account of David Faulkner’s professional work and role underpinned by detailed understanding of changing political positions and by the ideological perspective of the observer. Uniting these three perspectives, personal, political and ideological is an impossible task but David Faulkner navigates the waters with more authority than most observers could. In this volume he complements the analysis given in Faulkner (2006) and Faulkner and Burnett (2011) with a personal, almost autobiographical, account of experience inside Whitehall as a working Civil servant.

While this book contains elements of autobiography Faulkner retains a hold on the crux of the debate raised in previous work: how does and how should the administrative arm of the state relate to the governmental arm? How can a civil service be constructed that has at its heart rigour, ethical practice and humanity and whose principle purpose, in Faulkner’s words, is to ‘speak truth to power’ but which is resourced and managed by the government? This conundrum is particularly clear as Faulkner charts changes like the evolution of ideas about public confidence: originally to reflect certainty that the ‘system was accountable, that what was supposed to happen did happen’ and finally as an argument ‘for convicting more offenders’ (pp90). The argument is pulled together in the final chapter of the book, in which Faulkner allows himself to write more personally. However, a major strength of the book lies in the way in which this fundamental question runs through this account of different roles, tasks and aspects in criminal justice.

The account is detailed and meticulously sourced. Faulkner’s respect for research findings and their place in policy creation is clear: He discusses that issue with caution and insight. To some extent the book is strongest when looking carefully at the way in which the civil service has developed methods of accountability. There is a balance to be struck between being accountable for naming and presenting outcomes and letting those outcomes...
become the drivers of action rather than reflections of an approach. This organizational challenge is recognized, although it could not be resolved. The book describes the ‘job’ of developing a working managerial civil service in a time when ideas about the state, ideology and practice in government and social mores were all in a state of change. In chapters 5 and 6 and again in chapter 10 Faulkner explicitly explores this with reference to both criminal justice and to the expectations and behaviour of civil servants: A move towards a more punitive approach both to offenders and to professional standards.

Because Faulkner has held different roles, and Home Office responsibilities have changed over time this volume gives insight into some very specific actions, like re-building Holloway Women’s prison. The narrative structure means that the account can end as he moves role. This can lead to a partial story: for instance, responsibility for Northern Ireland came at a particular point in the peace process and therefore does not address many of the complications of that process. The running thread through the narrative account lies in the development and overview of criminal justice in the broadest sense: Not only how to punish but also who to punish and how to support actors in the system. There are particular and detailed accounts of both the prison and probation services: Unusually the points made are supported by reference to non-government actions and discussions. These chapters provide invaluable background reading for students from first degree to doctorate, linked as they are with an understanding of political intention as well as result.

Faulkner does not flinch from personal ideological and actual opposition to government policies. In the build up to the Criminal Justice Act 1991 he presents the development of practical and conceptual difficulties and regrets the final outcome. This does not mean that he is willing to personalize his account. The autobiographical aspect of this book is constrained to description of actions and reactions, ideology and political difference. While the picture of a life lived according to principles of service and professionalism, with care and diligence for those who come into contact with criminal justice is clear, there is no glimpse given of the frustrations and triumphs, the likes and the dislikes, the human faces of the actors.

To some extent this approach makes this narrative a difficult book to become involved in. It is an invaluable account of the actions of the time, both for the detail given and the resources used but the detail can become dense. It addresses the big questions of the last fifty years, as much about relationships of power as about criminal justice. It will be read and enjoyed by those interested in political ideology as much as by criminologists but it is not a book whose merit will be immediately appreciated by newcomers to the area.

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References
UNDERSTANDING RESTORATIVE JUSTICE – HOW EMPATHY CAN CLOSE THE GAP CREATED BY CRIME

‘Understanding Restorative Justice’ is an interesting read for those concerned with this important and expanding field, combining practical insight with a theoretical foundation as to why ‘empathy’ is the essential ingredient for the successful resolution of crime related harm. In this respect the book makes an innovative contribution to the literature.

Although the declared intent is to provide a resource suitable for general readership, the book is unmistakably written from the experienced practitioner’s perspective, and at times appears to focus more on a practitioner-orientated audience. That being said, it does provide a very good grounding in what Restorative Justice (‘RJ’) is all about, highlighting relevant academic and empirical research as well as explaining the realities and practical mechanics of facilitating the RJ process. The easy conversational style, use of topic and sub-headings, cartoon-type illustrations, list of current resources and key texts, certainly provides both a comprehensive and readable introduction to the ‘restorative approach.’ In some respects it is arguable that its simplicity of form and presentation belies the significance of this work.

What makes this an innovative contribution to the field is that Pete Wallis has focused on the interaction between the offender (‘the person responsible’) and the victim (‘the person harmed’) and provides a cogent explanation as to why empathy is ‘the driver’ for the RJ process. Using Simon Baron-Cohen’s recent work on the link between offending and low empathy, Wallis takes the reader on the restorative journey explaining how at the point of the offence a ‘gap’ is created between the parties despite the fact that the harm inextricably links them together. As the author points out, empathy ‘is a notoriously complex topic’ of interest to scholars in a variety of disciplines, and so in introducing the subject, the construct (supported by useful authorities) is defined in the context of restorative practice. More importantly, Wallis explains the need for ‘resonant empathy’: the restorative process is dynamic, where parties are carefully brought closer together on the ‘restorative journey’ to heal the harm, through a greater understanding of the other’s perspective.

Through the following thirteen chapters, the six ‘levels’ of empathy are explored. At the outset the harm creates the ‘gap’. Those who are hurt or are unhappy understandably focus on their suffering and it is difficult to see the perspective of anyone else. This applies as much to the person responsible for the harm as the person harmed, for, as has been suggested by others, there is arguably a link between the causes of crime and unhappiness and such unhappiness causes us to focus ‘on the self’. This is Empathy Level Zero: ‘hurting’, where in many cases the parties do not want to have further contact, often from fear of the consequences. However in doing so, many people are unable to fully resume their former lives as if the harm had never happened. Interestingly Wallis makes the point (which really invites further exploration) that the Criminal Justice System (‘CJS’) often can be seen as reinforcing the gap (or ‘social distance’) between the parties when, for example, the parties are prevented from making contact and at most, limiting the role of
the person harmed to the submission of a Victim Personal Statement during the court process. In this respect Wallis argues the case for ‘parallel justice’ in the CJS to ensure the needs of both ‘the harmer’ and ‘the harmed’ are more effectively addressed.

The point is well made however, of the importance of the CJS in cases where an element of compulsion is necessary to bring the parties together. The two chapters which constitute ‘Empathy Level One: seeing’ notes how the RJ process can be a legal requirement in some circumstances and provides examples of the Family Group Conferencing experience in New Zealand and Northern Ireland. One aspect which could have been further interrogated is whether statutorily or court imposed time frames for RJ conferencing (which appears to structure RJ around CJS imperatives), can undermine the process, bearing in mind it has to be ‘a partnership of the willing’ (p.122). Each party is on a personal journey of healing and the legal framework requires flexibility to accommodate individual needs which is emphasised in the following four chapters that describe ‘Empathy Level Two: voicing’.

As Wallis notes ‘one of the trickiest aspects of successful restorative justice involves getting the timing right’ (p.71) and from this point onwards (with subsequent chapters covering Empathy Levels: Three - ‘hearing’; Four - ‘helping’; and Five - ‘healing’), the author draws on his extensive work as a facilitator, highlighting both the problems likely to be encountered along the journey and providing guidance in getting the parties to close the gap to achieve a healing resolution. Even so, the book is well balanced, explaining why the ‘take-up rate’ of RJ is woefully small and that there will always be cases where the parties can’t or won’t move and situations where a restorative ‘encounter’ should not even be attempted. Essentially ‘Understanding Restorative Justice’ is not only a very important resource for anyone associated with the RJ field, but it should prompt more academic enquiry into the dynamics of the inter-party relationship and raises an important issue for policy makers: how can RJ be ‘institutionalised’ without losing the essentially human, and intangible, element of empathy.

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Innovative Justice provides a welcome addition to the field of criminology and criminal justice. The global reshaping and restructuring of criminal justice systems and agencies has increased acceptance of social entrepreneurship and innovative justice ‘making a positive difference in the lives of offenders and those around them’ (p.1). This timely book presents a number of innovative projects in criminal justice from jurisdictions around the world. The authors take on quite a challenge in doing this, as these innovative projects are subject to (sometimes unpredictable) rapid changes from ‘fiscal insecurity, short-termism in funding and electoral cycles and politics of the jurisdictions and social contexts in which they exist’ (p.17). There are also very challenging methodological issues with research of this magnitude. The authors use an Appreciative Inquiry (AI) approach which is an applied and collaborative method with an action-oriented change focus, which is positive and strengths-based (p.13). The research method itself is somewhat innovative, and the authors succeed in delivering a ground-breaking and inspirational book.

Innovative Justice comprises eight chapters: Chapter one begins with a critical overview of the paradoxes of justice in criminal justice systems around the world, and it outlines the key concepts and theoretical foundations of the book, notably theories of desistance. A discussion of defining innovative justice follows with an overview of the research methods adopted.

The innovations are presented in chapters two to seven through six broad themes: (1) the arts: from prison-based initiatives teaching skilled needlework to inmates in England and Wales to hand-crafted products such as greeting cards and home furnishings in Bolivia; (2) Skills-based initiatives: a number of vocational and educational prison initiatives from the United States and the United Kingdom, that include programmes teaching prisoners entrepreneurial skills or building motorcycles, and workshops in shoe and watch repairs possibly leading to employment post-release; (3) Greening justice: a number of initiatives which ‘provide in-depth insight into the human dimensions associated with learning about, interacting with, and deriving benefit from Nature’ (p.54). Examples include a prison gardening and horticultural initiative in Australia and a project in Papua New Guinea teaching inmates and correctional officers the basics of fish farming; (4) Animals and therapeutic justice: therapeutic benefits of including animals in a variety of criminal justice contexts including prison-based animal programmes in the United States, which deliver therapeutic, rehabilitative and vocational projects with inmates, and a programme in Israel providing dog training classes to prisoners with complex needs; (5) Countering extremism: chapter six focuses on working with terrorist and extremist offenders in Saudi Arabia and reducing hate crimes in Northern Ireland. Although the authors acknowledge they ‘are not subject experts’ (p.93), they provide a good discussion and reflection of the innovations and ideas; (6) Community-based justice: the Yellow Ribbon Project in Singapore raises public awareness and community support for the reintegration of ex-offenders from their communities, and an initiative in Australia that trains prisoners to volunteer as community sports umpires whilst serving prison sentences.
All empirical chapters are similarly structured, sharing common sub-headings. The structure works very well and allows for continuity throughout the book, which increases content accessibility. The empirical chapters outline the ‘Foundational concepts and practices,’ and each initiative is described under the heading ‘Snapshots of innovation’, with a review section, ‘Understanding best practices’ critically appraising the initiatives’ key lessons and learning points. Next, the section ‘Questions and critical reflections’ offers ‘an opportunity to encourage critical thought and reflexive application’ (p.18).

In chapter eight, the authors draw together the key themes, issues and critical reflections of the book, highlighting the challenges and positive contribution of innovation in criminal justice very well. In particular, suggesting core principles for innovation and advocating the use of strengths-based approaches in researching and evaluating such initiatives.

The analysis is heavily focused on prison-based projects and initiatives, and a complimentary review of community-based projects within each themed section would have strengthened the empirical chapters. In addition, a key concern of projects and initiatives working with offenders is the evaluation of their impact. Whilst some of the initiatives appear to have incorporated evaluative processes, this was unclear for many of those presented, and some discussion of evaluation of impact would have been useful. The critical reflection sections assist the reader in understanding the themes of best practice for the initiatives presented, and they provide questions to encourage critical thought, which adds to the concise and accessible nature of the book.

Overall, the authors set out to ‘promote innovation and improvement in services and systems that work with ex-offenders’ and pursue their passion for ‘what else works’ (p.12). They achieve this in a thoughtful and well-structured book, which will be of valued interest to academics, criminal justice practitioners, students and innovators.

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WHAT WORKS IN OFFENDER COMPLIANCE: INTERNATIONAL PERSPECTIVES AND EVIDENCE-BASED PRACTICE

The discussion around compliance and its related dynamics is, by the say of the editors Pamela Ugwudike and Peter Raynor, a ‘mammoth task’ (p.4). Compliance is a multidimensional construct with varying characteristics according to the specific relationships and contexts at play (e.g., probation officers and probationers in the community, prison officers and prisoners in prison etc.). The editors must be praised for the great effort which they have undertaken in compiling a book whose contributions are mostly organic, exhaustive and stimulate further discussion. This book includes a variety of themes, from community sentences to probation, from critical investigation to a reconstruction of the history of supervision in England and Wales. The book leads the reader into a full immersion about the topics and issues around compliance. The feeling, at the end of the book, is of a healthy balance between intellectual fulfilment and stimulation, which leads to further curiosities and questions about compliance, in its theoretical and practical applications. The book is a great anthology aimed at “practitioners, students, policy makers and others interested in rehabilitation research, policy and practice” (p.5).

The book, while providing useful insights, shows the limitations of approaching single contributions separately. I appreciate the discussions around the concept of compliance as it is applied in various areas of the criminal justice system and in different countries around the world (Belgium, France, United States, and Australia). The book is best appreciated when read cover to cover, in order to fully understand the complex interrelationships between the themes focused upon in each individual chapter. To do otherwise would give the reader only a partial understanding of this complex topic. Compliance is multi-componential and best understood by adopting a socio-psychological perspective, together with a historical and cultural one. This approach helps to appreciate how the ‘issue’ of compliance is dealt with in other countries, or, for England and Wales, how it has been dealt with in the past.

The book provides evidence of effective practices which may encourage compliance, and the sheer importance of addressing service users’ needs and difficulties. At the same time the book also shows how the current demands on practitioners can defeat this same aspiration for compliance. The demand for ‘quantitative’ indicators of compliance is one example. This requirement does not always reflect true change or desistance (substantive compliance) but, rather, a form of compliance which is only ‘formal’ (a superficial change which satisfies managerialist ‘tick boxes’ exercises rather than reflecting true rehabilitation and ‘reformation’ of the ex-offenders). This important distinction in forms of compliance (see Bottoms, 2001, and in this book, and more recently McNeill and Robinson, 2012) is well articulated by Ben Crewe in his chapter on prisoners’ compliance. Here he provides an indication of the wider influences which the socio-political climate, current policies and social environments can actually be counterproductive and stimulate a superficial acceptance of fate – one which is mistakenly interpreted as compliance.
The book represents an important call to reconsider the current practices and policies in offenders’ rehabilitation and supervision. The criminal justice system’s limited understanding of compliance becomes evident where, for example, programme completion, recidivism and its equivalent desistance are assumed as true indicators of compliance. This call for a critical approach is echoed in Gelsthorpe and Robinson’s chapters. The former chapter sets the basis for a theoretical discussion around the need to be careful in discussing compliance, as it is often a blurred concept which imprecisely overlaps with issues linked to programme completion and desistance. The latter chapter argues that the meaning of compliance has been historically and socially constructed, and must not be taken as a given. Policies to foster compliance have detoured from the key need for ‘substantive compliance’ in favour of ‘formal compliance’. This is particularly true as the range of factors which interfere is quite extended, as shown in Ugwudike’s chapter. External factors, such as child minding needs and/or transportation difficulties, can considerably affect one person’s ability to attend supervisory meetings, with this lack of attendance being solely at the level of formal non-compliance, rather than substantial non-compliance.

For this reason, and also because the working relationship between practitioners and service users is a two-way relationship, the editors support the further investigation of offenders’ ‘responsivity’ (as indicated in the Risk-Need-Responsivity model; see Andrews et al., 2011). This can be obtained by building on offenders’ motivation and by removing potential and actual obstacles to completion. The importance of ‘responsivity’ emerges in the chapters by Gelsthorpe, Bateman, and Sparrow (see chapters 16-18) who discuss the cases of women, youth, and drug misusing service users respectively. The current system must address the specific needs of these ‘minorities’ to favour successful completion of sentences and the breaking of the cycle of re-incarceration.

The book is a wonderful anthology where the various chapters intersect, complete and fulfil each other, and deliver a well-articulated overview of the concept of compliance. The key message of this book is the need to develop policies and interventions which promote ‘substantive’ rather than formal ‘compliance’, through a more critical and holistic approach to rehabilitation. The editors Pamela Ugwudike and Peter Raynor have done a great job in providing a very exhaustive piece of work on this topic. This book is a much needed addition to the literature and the shelves of anybody interested in compliance, rehabilitation and desistance from crime.

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