

Introduction



Justice is a concept which many of us take for granted: its meaning and its existence are assumed to be the foundation of the 'British way of life' and integral to the society in which we live. *Justice* is often assumed to be that which is automatically produced through the workings of the police, courts, judiciary and related criminal justice agencies. When prefixed with the word 'social', *justice* takes on different meanings, conveying ideas about citizenship, public services and social equality. Criminal justice and social justice may therefore seem, at first, to occupy different spheres of policy and social relations. In the past this separation applied to study, research and policy in these areas, but the last decade has witnessed significant changes (described in Chapters 3–4). At the same time, the central argument of this book is that criminal and social justice are not (and never have been) in separate spheres, but they are inseparable – you cannot really talk about one without the other.

To take criminal justice first: the concept is rooted in the exercise of (legitimate) power in particular contexts – spatial, cultural, historical, political, economic and social – and this includes societies which are stratified along lines of class, income and wealth, status, gender, religion, 'race' and ethnicity and so on. Criminal justice is therefore not a free-floating or abstract concept that is devoid of social context and so, inevitably, this raises the question *How do we ensure criminal justice in a society which is basically unjust?* Many critics argue this is a question we continue to face in contemporary Britain.

Turning the question the other way around, we could ask *How can we work towards social justice in a society in which criminal justice and equal treatment before the law cannot be guaranteed?* Whichever way around we pose these questions, it is fundamentally about asking *How do we start to reconcile criminal and social justice?* This book attempts to explore this question, and to offer some positive ways forward.

One key concern of this book is therefore to illustrate the ways in which criminal justice and social justice are interconnected and interdependent concepts, in theory and in the day-to-day realities of our lives. The focus of the analysis throughout will be Britain, although there are two riders here: firstly, as the legal systems of Scotland and of England and Wales differ in key respects, I will at times refer to them separately. Secondly, although European and North American politics and research will be drawn upon here (as will historical themes), the primary scope of this book is contemporary Britain.

Any book with such a broad title as *Criminal and Social Justice* is bound to disappoint and to be seen by some as 'thin' or inadequate in its analyses. This may well be the case, as a high degree of selection is inevitable in the choice of key issues raised, literature surveyed, questions posed and in the comprehensiveness of policy proposals put forward. In all of these respects – *me culpa*. In addition, this book is somewhat of a *hybrid*: it seeks to cover some important theoretical ground for readers who are new to the fields of criminal justice, or social justice, or indeed both. At the same time, it attempts to critically engage with *some* of the key contemporary issues in both spheres and so must be, in this sense, selective. It draws on published research and 'grey' literature in both fields, in addition to new or unpublished research conducted by the Policy Research Institute at the University of Wolverhampton. In this way the book is three things: partly text book; partly a critical review of policy and practice in criminal and social justice; and partly a discussion of original empirical research.

The book is structured as follows: the first chapter attempts to examine and unpack the different (and competing) understandings of the concepts of criminal and social justice. This chapter then goes on to gather a range of research evidence in order to assess the current state of justice – criminal and social – in contemporary Britain. The second chapter reflects back on the historical themes which underpin this state of affairs and which run through representations of criminal and social justice issues. It will analyse those elements which are constant over time (and place) in these discourses, and also the dissonants – the 'new' issues, representations and themes – that have emerged as the twentieth century drew to a close. The chapter will then apply these themes – old and new – to a case study of criminal and social justice: the differential treatment of tax and welfare benefit fraud.

The next two chapters (Chapters 3 and 4) address issues of theory, research and policy more explicitly. The third chapter (while drawing on the constants and dissonants which emerged from Chapter 2), brings us into the twenty-first century. It aims to equip readers with the 'signs and posts' they may need to navigate their way through, and beyond, the criminal justice and social policy space which is the 'Third Way'. This will include discussion of issues including globalisation, postmodernism, the vexed issue of trust, social capital and 'criminalising the social'. Chapter 4 takes forward the issues of policy-making and implementation in the criminal and social justice fields by addressing the issues of evidence-based policy (EBP) and the 'what works' paradigm. Having promised to 'back anyone' who could deliver 'what works', the New Labour government's efforts in this direction, since it took office in 1997, are critically assessed. The uses, misuses and implications of this paradigm – for policy, for research and for governance – are also highlighted.

Chapters 5 and 6 critically examine the delivery and the outcomes of criminal justice and social policies, to date, under New Labour governments. Chapter 5 takes the analogy of an upside down duck to visually indicate the panic and flailing at local levels which the plethora of national policy initiatives (and their requirements for consultation) have given rise to. The chapter examines community participation and engagement for criminal and social justice and, in particular, looks at consultation (in theory, and in practice on the ground) and at the diverse impacts of policies

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geared to reducing crime through social inclusion. Chapter 6 examines the ways in which social justice and criminal justice issues are allegedly perceived by the 'middle Englanders' identified by pollsters and politicians. It focuses on the construction of mythological 'Others' who are cast outwith the bonds of social inclusion, and against which middle Englanders may unite (and vote!). In so doing, this analysis uses the three themes of area, asylum and anti-social behaviour.

Finally, Chapter 7 attempts to bring together the themes which have emerged from the preceding chapters and examines and critiques the ways in which, over the past eight years, policy initiatives within and across the two spheres of criminal and social justice have often led to contradictory and mutually defeating outcomes. The chapter starts with a personal reflection on the May 2005 general election and also sketches out the implications of the terrorists attacks in London in July 2005 for progressive criminal justice and welfare futures. Finally, the book ends with the identification of ten 'good-enough' (Williams, 2000) principles which could usefully inform ways forward to reconciling criminal and social justice.