Reducing Punitiveness: Strategies for Engendering a more Informed Crime Policy

DAVID INDERMAUR

Abstract
A punitive public is often blamed for limitations in crime policy. This has lead to an interest in ways to reduce public punitiveness. However, a closer examination reveals a complex relationship between political initiative, media interests and public opinion. This article starts with a brief overview of this relationship followed by an outline of some ways of improving public debate and policy. These largely concern ensuring that criminological knowledge and evidence is more likely to be considered and find their way in into media coverage and policy development. The ideas put forward relate to both structural reforms and the strategic use of information. Structural reforms include establishing and supporting institutions that can operate like a “policy buffer” to help de-politicize crime policy and develop sound frameworks for its development. Strategic approaches concern not only the timely provision of relevant information but focusing the debate on the goals of crime policy and an examination of the costs and benefits of various policies. The paper concludes that it is possible for criminologists to influence public opinion most effectively and positively by providing evidence on programs that address crime whilst at the same time encouraging a thorough and well informed debate about the causes of crime.

---

1 Senior Research Fellow, Crime Research Centre, Law School, University of Western Australia, 35 Stirling Highway, Crawley, Western Australia, 6009. David.Indermaur@uwa.edu.au
1. Introduction

Reducing punitiveness is often posed as a prerequisite for a less punitive crime policy. Apart from the practical and ethical problems associated with such an endeavor the idea of trying to get a less punitive crime policy by directly changing public opinion is flawed for two reasons. First, the relationship between policy making and public opinion is complex and heavily mediated – policy does not follow opinion in a lock step fashion. Second, public opinion is not as rigidly punitive as is commonly imagined. It is the representation and understanding of public opinion by key decision makers that is more likely to prove an obstacle to good policy.

The relationship between public opinion and crime policy fits within a complex field of politics, media and contemporary culture. It is a field where the mix of media depiction, political initiative and perceptions of public opinion interact in quick succession. Criminological input has a role not so much in trying to directly change public opinion, limit the media or direct policy but rather in ensuring the presence of good quality information, meaningful framing and a full debate on of all the relevant issues. Criminologists have already been engaged in raising public, media and political sensibilities in regard to the causes and remedies of crime. The critical question is “can we do more”? The answer is clearly yes and in this article I will examine some of the suggestions that have been made.

The paper begins with an examination of punitiveness and the way perceptions of public punitiveness feed into the policy making arena. The way that public opinion responds to political and media initiative is also discussed here. The picture of the bounded and dependent nature of public punitiveness provides the necessary background for the following two sections which outline some actions which may enhance public debates on crime. The conclusion comes back to the issue of the appropriate role or positioning of criminological knowledge within the current political environment.

---

2 Although many would argue that the contribution has been inadequate and insufficient, for example see the debate in the Western Criminology Review – Currie (1999), Hil (2001, 2002), Robinson (2003).
2. The relationship between punitiveness and public policy

Punitiveness, broadly defined as a tendency to punish, primarily represents a problem because it reduces the value of rationality in dealing with crime. It is often argued that people have the right to be emotional and less tolerant than we would like in dealing with criminal offenders. However this does not capture the essential problem of punitiveness. This is revealed by those studies that take a closer look at what punitiveness represents. For example in examining the reasons behind Californian’s support for the three strikes law, Tyler and Boeckmann (1997) found that support for the harsh laws were just one manifestation of citizen anger which related to a more general frustration with a range of social changes. Tyler and Boeckmann’s study is by no means alone and is representative of a range of analyses on the social origins and functions of punitiveness\(^3\). These various analyses point to the way punitiveness is best understood as a form of anger expression related to a range of social frustrations. This kind of analysis is relevant here because it raises questions about the idea that public punitiveness should be accepted as a form of considered judgement which can direct crime policy. Unless we accept the notion that crime policy should simply serve as a means for the public venting of frustrations we need to find a way of addressing the conflict between responsible policy making and popular punitiveness. In doing this there are three reasons why we should focus on the actions of political and media decision makers rather than try to change public attitudes directly. First, public punitiveness is usually overestimated and misunderstood as monolithic and rigid\(^4\). Second, the evidence on the practicality of direct attempts to change punitiveness is not encouraging\(^5\). Third, crime policy is only loosely linked to public opinion.

---

\(^3\) There are different traditions taking slightly different perspectives. For example Durkhimian scholars examining the benefits of collective punishment; others such as as Ranaulf (1964) look at how social structure creates conditions of resentment which find expression in anger towards certain outgroups such as offenders.

\(^4\) Cullen, Fisher and Applegate (2000) go through the research which demonstrates the amorphous, malleable and dependent nature of public opinion on crime and punishment. Riley and Rose (1980) and Gottfredson, Warner and Taylor (1984) demonstrate how the belief in a punitive public dominates elites’ perceptions of public opinion.

\(^5\) Hough and Park (2002) and Mirrlees-Black (2002) reported on attempts in the UK to engender less punitive attitudes through providing information. Basically these studies showed that significant changes are possible but they depend on fairly involved and time intensive interventions such as deliberative polls or attending seminars. Whilst these studies demonstrate once again the responsiveness and malleability of attitudes to information they do not represent a practical way of influencing crime policy on a national or ongoing basis. See also Johnstone (2000) for a review of the issues associated with trying to reduce punitiveness directly.
in any case\textsuperscript{6}. Here I will focus on the third reason, as this provides the essential background for actions at the interface of media/politics and public perceptions which will be outlined in the following section of the paper. It is these actions, it is proffered, which provide the most opportunities for a return on criminological investments designed to enhance the quality of the debate on crime and crime policy.

Although there are signs of a reduction in punitiveness in some countries\textsuperscript{7}, the belief amongst policy makers in the “punitive public” is well established and acts as a major limitation in the movement of policy away from a heavy emphasis on punishment. A number of authors\textsuperscript{8} have pointed out how perceptions of key decision makers about a punitive public can be more restrictive to policy than public attitude itself. Because public attitude can not always be known or fully understood, policy makers self-censor directions in policy they believe would trigger alarm within their imagined punitive public. The caricature of a punitive public also comes across in the way the media, especially the tabloid media, depict public opinion as singular, angry and intolerant. Such stereotypes are necessary for simple depictions of conflict which suit various political as well as media interests but research suggests that it is inaccurate in important ways.

When taken seriously and provided with information, public responses to questions about crime and punishment are typically more complex, responsible, intelligent and responsive. A number of studies\textsuperscript{9} have demonstrated how members of the public remain open to the value of rehabilitation and the use of a range non-punitive criminal justice responses. Although at the political level public opinion is depicted as monolithic and punitive this does not acknowledge the fact that when provided with more information individuals’ views on crime tend to be more reasoned, considered and open to rational problem solving approaches. Much of the problem lies with the confusion of top of the head “opinions” with more considered views. When we move investigations away from superficial opinions towards more involved decision making tasks we see a consid-

\textsuperscript{6} See Beckett (1997) and Herbst (1998).

\textsuperscript{7} For reduction in Australian punitiveness levels see Indermaur and Roberts (2005), for the fall in US rates see various tables within Sourcebook of Criminal Justice Statistics (Maguire and Pastore, 2004). Many of the sourcebook tables clearly show the emergence of the mid 1990s “crime scare”. Lowry, Nio and Leitner (2003) attribute this to the TV coverage of crime in this period. Concern about crime shot up quite quickly around the mid 1990s and came down quickly again afterwards, and for many indicators the levels had dropped down lower than they were prior to the 1990s.


erable amelioration in overall punitiveness and a more responsive consideration of options that are presented. The essential difference here is the move along a continuum of responsibility.

However, discerning the nature of public opinion is not simply a technical task, in other words about getting our facts right on public opinion. The conceptualisation and portrayal of public opinion is an intensely political process. In this regard the media assume a powerful role through the widely held belief that media coverage somehow represents public opinion. Lewis (2001) argues that the media uses public opinion polls selectively to create certain views of public opinion. The media also have the power to shape public opinion implicitly through the way crime is selected and depicted (“most people must be interested in this” and “this is relevant to me”) as well as more explicitly by describing or suggesting what it is that the majority believe or support. Even for sceptical readers/viewers/listeners media depictions can have an impact through third person effects – the way media audiences attribute value to media content because they believe that this will have an impact on “others” (Lasorsa, 1992). In other words if a frame or issue gets up on the media it is accorded status because of its supposed effects on others. Within the issue nomination and framing process, the depiction of public opinion is often subtly entered and portrayed which then actively shapes a perception of public opinion amongst policy makers. Even if the polls are seen to be flawed the fact that they are published and projected to a wide audience gives them a status that becomes a “political reality”.

Because the media also depend on political action for stories we find a mix of political and media initiative defining the issues which the public then focus and respond to. Beckett, (1997) and Loo and Grimes (2004) have discussed how public opinion on crime in the US has followed political initiatives which create media interest in crime. In this view by privileging public attitude as the primary force in the development of crime policy we are “putting the cart before the horse”. Certainly public debates on crime can not be viewed in isolation from the political uses of crime. Beckett (1997) points out a number of problems with the view that policy is the direct result of opinion and illustrates the many ways politicians in the US have used crime as an issue to attract media coverage and galvanise public emotions.

Because crime is such an appealing media topic it also works as an excellent device for politicians to gain a profile and posture that is difficult to achieve in other areas. A more sympathetic view of politician’s relationship to public opinion on crime policy is taken by Rubin (1999) who focused on the perception

---

10 See also Hermann and Chomsky (1988) and Beckett and Sasson (2000).
amongst Californian politicians in the mid 1990s that there was an overwhelming public demand for harsher punishment. However it is quite likely, as Garland (2001) has pointed out, that by the 1990s, for a range of reasons, “high crime” had become an accepted reality in public discussions and provided a growing urgency to the issue of crime control. As the salience of crime has increased in the 1990s, the adoption of populist crime policies served to elevate and privilege the image of a punitive public and increase the value of emotionality over rationality in public debates (Roberts et al 2003).

Against the interests of both media and political interests to emotionalize crime policy what can be done to move the debate to a more rational level? Clearly a good understanding of the forces at work at the interface of the media, public opinion and politics is necessary. Based on this understanding it may then be possible to plan how to disseminate criminological knowledge at key strategic points to enhance the quality of the debate and to protect it from exploitation. Some ideas about how this may work are outlined in the next section.

3. Strategies for enhancing public debate

In order to enhance debates on crime policy criminological input needs to be accessible, timely and appropriately matched to the current public concerns. The aim is to ensure that the most relevant factors in any debate are attended to and that information is accurately presented to the public, the media and special interest groups.

Providing strategically relevant information requires a degree of knowledge about how media and political decision makers process information on crime and punishment and the approach they take to debates in these arenas.

**Box 1: Proposed contributions in regard to public opinion and public policy**

<table>
<thead>
<tr>
<th>A. Informing and enhancing the debate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ensuring information is available to key decision makers</td>
</tr>
<tr>
<td>2. Critiquing policy, providing alternative frames of reference</td>
</tr>
<tr>
<td>3. Emphasizing accountability</td>
</tr>
<tr>
<td>4. Providing information on alternative policies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Establishing institutional support for well informed crime policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Increasing recognition</td>
</tr>
<tr>
<td>2. Creating independent sources of information on crime and punishment</td>
</tr>
<tr>
<td>3. Supporting institutions that act as “policy buffers”</td>
</tr>
</tbody>
</table>

Strategies to achieve an enhancement in the level of debate must work with these forces as they operate. Seven areas for action are outlined in the remainder of this
paper. These actions are about ensuring criminological knowledge is made ready, accessible and relevant throughout the course of public debates. The first four relate to areas of action in providing information, the remaining three concern strategic positioning or the establishment of structures to support the availability of criminological knowledge.\footnote{A slightly different version of this strategy was presented in Roberts et al (2003). See also Robinson (2003) for a similar kind of agenda for action.}

4. **Informing and enhancing the debate**

4.1 *Ensuring information is available to key decision makers*

Providing information and understanding about the nature of crime, its causes and what works to prevent it constitutes the most important contribution of criminology to the quality of public debates on crime policy. Most information about crime and punishment will continue to come to the public through the media. Attempts to educate the public are thus tantamount to improving the interest and uptake of good quality information by the media. Probably the biggest general issue in ensuring uptake in the media is information dissemination. Here, the Internet has provided a major opportunity to make a comprehensive range of quality information available at varying levels to meet the needs of a range of users.

Some types of crime are predictable and lead to debates around “what to do” with the offenders. For example, in Australia, devastating bushfires lit by arsonists are a regular event every summer now. Calls for harsher penalties are often made, however the problem is of such a concern that more considered calls about what can be done to prevent this crime attract much attention. A range of academic and government activities have resulted in a series of detailed papers, bulletins and other accessible material that is readily available on the Australian Institute of Criminology website (www.aic.gov.au). Journalists and other interested parties now routinely access (or are directed to) the website for information that meets their needs. This means that there are now succinct summaries of relevant research available which are vital in informing debates which can flare up alongside the news on alarming crimes. It does not now take long for a journalist to produce a better story, particularly if they have some guidance and support from a criminologist.
There is more that is possible with international collaboration by those groups concerned with the quality of information on crime and justice. Such collaboration may work to catalogue existing information and re-package it in ways that increase its utility for non experts. The publishing and dissemination of such information can be promoted through NGOs and other groups with an interest in social welfare and justice. The range and depth of these specialized websites are growing rapidly and represent an important aspect of the public debate on crime policy. Consider for example the work of NACRO (http://www.nacro.org.uk/safersociety) and the Esmee Fairburn Society in the UK (http://www.rethinking.org.uk) as well as sites such as the sentencing project (http://www.sentencingproject.org/) and the Justice Policy Institute (http://www.justicepolicy.org/) in the US. Various websites have also been developed in Europe, consider for example the ongoing development of a German website (http://www.journascience.org/de) specially developed for journalists to provide them with up to date criminological information on crime suitable for their needs.\(^\text{12}\)

4.2 Critiquing policy and providing alternative frames

News thrives on conflict. Criminological knowledge assumes a higher profile when it is used to critique assumptions and assertions made in relation to crime and public opinion on crime. There is clearly inadequate knowledge of what precisely public opinion is, but claims made about what public opinion is can be powerful political forces if left unchallenged. For example, a claim that the public is "sick and tired of crime and the inaction of police" if repeated often enough and unchallenged may come to be accepted as a reality despite the lack of any particular survey evidence to support it. In this regard it is important to help engender insight into the way public emotions may be exploited for entertainment and political purposes. Skepticism regarding the authority and motives of politicians is always relatively high and thus in regard to proposed solutions to crime the public can be encouraged fairly easily, as the buyers, to ask the sellers for some evidence.

Debates on crime and punishment are not always cynically self serving. They are often framed and led by agents who often only see one part of the picture. A vital contribution for criminology, therefore, is to provide some context to the discussion in a manner that fills out the picture and provides meaningful frames of reference. Criminologists can help re-focus the debate in a manner that encompasses the whole rather than one part. For example, we can do this by de-

\(^{12}\) Another website developed in the US specifically for journalists covering crime issues is justice journalism (www.justicejournalism.org/).
scribing trends in both reported and unreported crime and crime rates in other countries. In regard to violent crime, looking at the real risks of domestic violence and child abuse can sometimes reveal that most people are probably safer from common violence now than they were a few decades ago. Criminologists have a particular role in placing crime in a social context so that the social roots of crime are better understood. In responding to public concerns it is vital that the expressed concerns are acknowledged but then sufficiently focused in the light of available criminological knowledge. Rubin (1999, p. 30) provides an example of how this might be done:

People fear crime, but they can be convinced that some crime is not quite as fearsome.; they want criminals punished, but they can be convinced that prevention programs will divert nonblameless individuals before they become criminals and that not all criminals need to be punished with equivalent severity; they want drugs outlawed, but they can be convinced that less punitive treatment of some violators will lead to less drug use and less harm to the users and the general population.

4.3 Emphasizing Accountability

Crime policy inevitably involves choices between alternative courses of action. Once we have established the ultimate goal of crime policy such as preventing victimization we are in a better position to judge the relative merits of alternative policies that are designed to achieve those goals. Settling on a primary goal allows politicians to be made accountable for their policies. Existing and proposed policies can then be subject to a cost benefit analysis. Criminologists could provide advice and an independent estimate of a specific proposal’s impact on crime trends and correctional populations.

Naturally there is usually more than one goal in regard to the public demands of the criminal justice system. Most people will agree that reducing crime is good and few would not endorse, for example, a proposal for the government to work as hard as it can to ensure we prevent all the sexual abuse of children we can. But behind much public attitude of crime there is still a desire for justice, for the infamous “pound of flesh” that will serve to repair, in some symbolic way, the harm that has been done. Competing goals are not necessarily a problem, but if public sentiments are to be used as a basis for public policy they should be made explicit, and the costs should also be drawn out. Ultimately it may come down to

---

13 There are some good general examples of this – e.g. Currie (1998). What is probably more needed is much simpler and generally accessible works that provide a “layman’s guide” to crime policy like Morris and Hawkins (1970) Honest Politicians’ Guide to Crime Control. A recent work in Australia which to achieve just this is provided by Weatherburn (2004).
a question of at "what cost retribution?" When expressed in the abstract the answer may be "whatever it takes." When expressed in terms of a 5% increase in income tax in the coming year, the same answer might not so quickly be forthcoming. When expressed in terms of the number of child sexual assaults which could have been prevented if the sum had been spent differently there may be a greater pause for thought.

Public debates can also be focussed by looking more closely at how much responsibility people are willing to take for their opinions. For example how much they were willing to spend (be taxed) to produce a certain reduction in crime. The introduction of such devices moves us to a greater level of involvement with the public rather than in isolation from the public. These devices also connect with legitimate public concerns about the squandering of public monies on ineffective actions and the relative under-funding of effective crime prevention leading to reductions in levels of public safety.

By ensuring a very clear accounting for all expenditures made to achieve the goal of public safety, the effectiveness of crime control policies will become more evident. The focus on costs and accountability is a form of re-framing towards a more evidence-based debate about how to enhance community safety.

The funding for specific proposals for reducing crime needs to be made explicit. Ideally specific budgets and plans for areas of crime control, crime prevention and punishment should be joined together so that all efforts in regard to the prevention, control and responding to crime can be compared between jurisdictions and open to public scrutiny. Encouraging the development of a "community safety budget" (Roberts et al, 2003) will help keep the debate focused on the outcome of crime reduction and help protect it from being hijacked for media "beat ups" or political exploitation.

4.4 Alternative policies
Public debates are often hamstrung simply because alternatives are not known or widely understood. Criminology has a distinct role in laying out the public policy options in a clear and precise way so that the key points can be considered in a public debate. Information on how crime policies are handled in comparable jurisdictions can open up possibilities for consideration. For example the way different countries handle drug problems certainly helps raise questions about the effectiveness of a "war on drugs" and helps dispose of arguments concerning the effects of decriminalisation. Comparisons of imprisonment rates, policing practices and such like are all useful ways of opening up debate to what works, what is possible and what some of the costs and benefits of certain policy choices are.
There is now a substantial literature on “what works” in crime prevention\(^\text{14}\). This literature includes comprehensive summaries of the results of evaluations of a range of interventions aimed to prevent crime – both within and outside the criminal justice system. As this information becomes regularly accessible it is hoped that claims that “nothing works” will be less credible as will the funding of interventions that have consistently been found to be ineffective in reducing crime. Sharing ideas about best practice is a clear way to ensure that debates around crime issues have more authority and more detail. Providing access to comprehensive evaluation data underlines the fact that in facing crime there is now a world of experience to draw on. As these ideas are shared globally they are entering the language of politicians and the value of long term developmental crime prevention is growing.

Alongside the idea of cataloguing the growing number of crime prevention strategies there is also the idea of designing model crime policies. Robinson (2003) has suggested that one of the practical ways to ensure that criminological knowledge enters into the arena of political decision makers is to provide a readily accessible set of policy guides. These guides could provide detail and summaries on the evidence, the value, and the application of policies. This would be helpful in not only providing ideas for more effective policies but also in responding to policy suggestions that may be proposed. The University of Maryland review of “what works” in crime prevention mentioned above has established something of a benchmark in discussions of effective crime prevention. A similar exercise, in regard to crime policy may have the effect of elevating crime debates and preventing the re-cycling of failed crime policies.

5. Establishing institutional support for informed policy development

5.1 Increasing accessibility

Populism poses a distinct challenge through the rejection of expert knowledge and the devaluing of public opinion as simple and punitive. There are two pathways to responding to this challenge. The first is to mobilize forces that represent the value of criminological knowledge in an organized fashion – so for example

---

professional organizations such as the American Criminological Society are now developing positions on certain policy directions the way that the American Medical Association does in the field of health\textsuperscript{15}. Although there is certainly merit and value in this, a second and probably more useful direction, is to work with policy makers in a practical way in helping them with the real world political problems that they face in association with crime issues. Rubin (1999) describes such an attempt, the California Crime Policy Project sponsored by the California Policy Seminar. The result was the development of a policy of harm minimization that provided a framework and a direction that resonated with the needs and interests of political decision makers but also built on the suggestions of a range of notable American criminologists.

The kind of effort reflected in the California Crime Policy Project is a helpful application of criminology as it is specifically designed to communicate at the level where key decision makers are operating. This level is largely defined and shaped by the constraints of the fast moving and ever changing environment of contemporary politics (Rock, 1995). This effort also acknowledges and attempts to accommodate the influence of the media and the role of special interest groups. These groups can be a powerful force in driving crime policy as illustrated by their effect in the passage of the three strikes law in California. When these groups are able to use the media, politicians are often out-maneuvered. In this scenario it is important that criminological knowledge is readily accessible so that it can be used by those (including the media and politicians) who wish to counter the claims of the special interest group. Criminologists and well equipped non government organizations can provide important external and independent reviews of their claims and help prevent honest politicians being framed as the "apologist for crime".

Developing easy, accessible and packaged research on key policy issues serves as a useful aid to the beleaguered politician. Academics can do more to focus efforts and share successes through special seminars, journals, books and internet resource sites. An example of a recent attempt by the American Criminological Society to produce policy relevant material has been the launching of the journal Criminology and Public Policy in 2001. As Clear and Frost (2001, p1) put it in the article setting out the aims of the new journal:

If crime and justice studies are ever to play a more meaningful role in public debates on crime and justice, criminal justice policy researchers must prepare and disseminate their work in ways that are more suitable to the policy making audience.

\textsuperscript{15} Although this move has been long in coming and is still quite tenuous, see Robinson (2002).
Although *Criminology and Public Policy* represents a move in the right direction there is no evidence that it will have the desired impact on policy makers. To increase the likely take up, the journal needs to be connected with a comprehensive and accessible online directory of crime policies as discussed in the earlier section on alternative policies. The key is to provide searchable data bases, set out in a way that political and media decision makers will use. Organized summaries along the lines of the University of Maryland review of crime prevention programs ("what works, what doesn’t and what’s promising") might cause many criminologists to cringe but they may be will be viewed by political and media decision makers as a refreshing break.

To ensure the authority and the independence of such a directory of policies they need to maintained by an agency such as a criminological society, a national institute or an independent and respected university based centre.

5.2 *Creating independent sources of information on crime and punishment*

Independent non government centers linked to universities are best positioned to provide unfettered commentary and advice on matters to do with crime and punishment. University based centres and independent specialist centres serve not only as a basic repository of knowledge in relation to crime policy but as a source that is not bound up in the politicization of crime policy. For those deep in the government policy making machinery it might sometimes be difficult to discern the difference between a good policy and a popular one. The independence of the university hopefully can help here by providing a valuable "reality check". Independent centres based at universities have a useful role to play in providing for the filtering of relevant information and authoritative advice on crime policies. Centres have the capacity (if sufficiently supported) to provide information that will be respected by the media and by political parties as well as special interest groups looking through a sea of claim and counter claim for information that has authority.

Investment in the quality and dissemination of information on crime and crime control remain the surest ways to enhance the quality of public debates on crime. As Weatherburn (2004, p. 36-37) argues, comprehensive information on crime must be available to all, from the public to researchers, for a rational crime debate to flourish. Furthermore, this information needs to be maintained and authorized by an agency that is not directly responsible for crime control or prevention policy. As the internet expands it is not the availability of information that will be most relevant but the status of the information. Accessibility or usability of the information to a lay audience would come a close second. Very succinct
summaries of known facts about crime such as trends and distribution need to be made readily available and constantly improved and updated. Interest and access can be enhanced by allowing users to search in a way that picks up their relevant interest (e.g. demographic, type of crime, geographic area). Maintenance of such reliable public information on crime should be the responsibility of an authoritative but publicly funded agency.

5.3 Policy buffers

A key concept in many of the discussions of how to manage crime policy in a democracy come back to providing institutional structures that create some distance between the vagaries of media and political debate and the actions of government. Much has been written recently about the challenges of producing a rational crime policy in an increasingly democratised environment (Zimring, Hawkins and Kamin 2001, Greenberg, 2002, Johnstone, 2000, LaFree, 2002). Populism represents an anti-elitist movement within the framework of a passive democracy. The alternative way forward away from elitism is a participatory model which requires the engagement of a more involved and informed public (Johnstone, 2000). To ensure that a range of potentially effective policies can be properly developed there needs to be a policy making bureau that is of sufficient weight to process the available evidence on crime as well as the information on public opinion. Such a policy “buffer” is needed because the full complexity of information on crime and what might be required to reduce it will simply not be available to key political and media decision makers let alone members of the general public. Policy bureaus are needed to prepare policy options and through a process of public consultations, consider public responses to them. The end result will be a range of policies designed to reduce crime and presented in a way that engenders public involvement.

The policy making bureau may also serve to protect policy from superficial and day to day shifts of opinion as well as media and political opportunism. Here comparisons between various English speaking jurisdictions as well as European ones are instructive. Some countries, for example Germany and Finland have not experienced the widespread increases in imprisonment rates observed in many of the English speaking countries, particularly the US. These countries have managed to keep their imprisonment rates down and as expected their crime rates have not suffered as a result. Given that these countries experience the same broad social and cultural changes as the English speaking countries it is worth considering how they manage to use buffers to achieve this. Savelsberg’s (1994, 2000) comparison of German and American political arrangements shows how
the German model builds in a series of protections to policy making. For example, processes which disconnect policy making from individual politicians reduces the chances for the media to convert debates about crime policy into a battle of personalities.

6. Conclusion

Crime policy is the result of a changing and complex set of factors. Crime is an intensely emotional and morally compelling issue. It is different from more prosaic areas of public policy. The matters that concern the public relate not only to their fears for personal safety but also to their beliefs about what is right and just. Much of the demand for harsher punishment is driven by a belief that this is the right and proper outcome for someone who has wilfully caused harm. The roots of a less punitive attitude do not stem from a lessened concern with justice, or a more sanguine approach to the risks of crime. They come from a wider understanding of the causes of crime, the position of the offender and what may be required to create a safer environment. Criminologists are often dismissed as being bleeding hearts, excusing criminals or being callous in regard to the suffering of victims. It is important that these caricatures are disowned in the framing of a new assertive criminology that is just as concerned about justice, safety and the rights of victims. An informed response to crime must also signal concern and urgency to match the media and political treatment which has established the protocol for public debates.¹⁶

Criminologists have a part to play in helping debates on crime remain honest and meaningful. This does not mean that all the passion or moral dimensions of the debate need to be pushed aside, in fact we should encourage crime to be taken more seriously. Populists succeed by suggesting the issues are simple and the solutions are simple. Populist solutions privilege emotional reactions like anger and appealing beliefs such as “punishment works”.¹⁷ The problem therefore, is not too much interest in crime, but not enough. What is needed is more interest and information on crime and its consequences. Criminologists have a role in extending, enhancing and embellishing the debate. To do this they must not only provide information but also provoke the need for information by questioning current policy and practice. Contradictions in government policy on crime and punishment need to be pointed out and questions asked as to why a different approach is not taken.

¹⁶ See Frieberg (2001).

¹⁷ Michael Howard, UK Home Secretary pursued a pro-imprisonment policy from around 1993 under the slogan “prison works” (Roberts et al, 2003).
The true democratization of crime policy requires more public involvement, not less. Increased public input into policy will not be achieved through more superficial polling or media coverage. Rather it will come through an increase in the level of engagement, the level of knowledge, the level of deliberation and ultimately the level of responsibility taken for crime policy.

References


