

SOCIAL DEMOCRACY AND THE CRIME QUESTION

IN BRITAIN : 1945 to 1980

Submitted for the Degree of Doctor of Philosophy
in the Centre for Criminological and Socio-Legal Studies
University of Sheffield

by

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October 1981

Abstract

This thesis has the twin purposes of (a) providing an historical narrative of the evolution of social democratic, conservative and liberal approaches to crime in Britain since the war, and (b) (in part through this historical investigation) beginning to reconstruct the social-democratic form of "socialist-criminology", in both its academic and political versions, for present and future use.

The thesis is therefore organised in part as a chronological investigation. Chapters One, Two, Three, Five and Six focus in part on the general development of the crime debates in the 1940's, the middle 1950's, the early 1960's, the late 1960's to early 1970's, and the late 1970's respectively. But they also depart from a purely chronological presentation in order to allow a more detailed interrogation of particular topics in popular, political and academic debate. Thus, Chapter One attempts to describe the general character of social democratic criminology in the form it assumed in the 1940's, with an eye to its longer term effects in the later post-war period. Chapter Two contains an analytical essay on the responses of the different ideologies to Homicide and Capital Punishment. Chapter Three departs from its narrative to examine the re-emergence of the youth problem in the early 1960's as a major social issue. Chapter Five devolves around an essay on the rapid development of the major institutions of State power (particularly, social work, the police and prisons) during the late 1960's and the early 1970's; and Chapter Six, with its historical focus on the late 1970's, contains two other essays: (a) on the rise of the radical Right and its critique of criminal justice and social welfare systems, and (b) an analysis of the relationship between Conservative and Social-democratic ideology and the particular questions of the criminality of the powerful and so-called organised crime.

Chapters Four and Seven depart from this form of presentation. Chapter Four provides an account and a critique of social democratic approaches to crimes against women and the criminality of women. Chapter Seven is the programmatic conclusion to the critique of social democratic criminology provided earlier: it is an attempted first move, in seriously changed circumstances (at the end of the post-war boom), to sketch out the elements of a reconstructed socialist criminology.

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INTRODUCTION

This thesis does not take the usual form of doctoral dissertations in social science, and some explanation - and possibly even special pleading - is required.

The thesis began life in 1975 as I began to produce the first draft of a book I had just suggested to Macmillans. The idea of this book was to try to trace the influences of social democratic ideology, in particular, on crime policy throughout the post-war period, and the primary objective was to try to construct a rather more specific and concrete picture of the relationship between Labour Party policy thinking and the development of what may be called "the welfare approach" to crime than is currently available in the literature. Much of the existing literature on post-war crime policy was (and is) merely celebratory of the welfare approach (as in the work of Howard Jones, Barbara Wootton and others), whilst other more critical work (like the work of the Birmingham Centre for Contemporary Cultural Studies, now published in Policing the Crisis) was and is pre-occupied with slightly different questions (for example, with doing a critique of existing assumptions about the character of the state and also with advancing an account of changes in the structure of domination, or "hegemony"). Neither approach to the question of social democratic crime policy and social policy generally was immediately useful, in my view, in confronting the urgent problem increasingly identified during the 1970's, especially by the right-wing commentators - that the welfare approach had failed as a form of crime control and as a precursor of viable social order. Despite the massive expansion of the social work apparatus and the unification of all social work agencies in 1970, and despite the passage of the liberal Childrens and Young Persons Act of 1969, juvenile and adult crime continued to increase exponentially. Crimes of violence, which are not

so prone to overreportage and are not so straightforwardly the product of changes in police practice as are the mundane property offences that make up the bulk of the criminal statistics, increased even more rapidly than these other offences; and thus, although the question of crime and delinquency was obviously the subject of an anxious and heavily ideological coverage in the media, it was also clear that popular concern about rising crime was - in some senses - "real". But the existing approach in Labour Party circles, and amongst "social democrats"¹ generally, seemed either to be to deny the reality of such concern or else, in acknowledging the reality of crime, to advocate even "more of the same" by way of State interventions and response. Particularly troubling was the continuing resort, in social democratic commentary, to the use of largely unaccountable State professionals (in social work, in particular) as agencies for domesticating troublesome youth brought before the courts. No more imaginative or democratic response to the question of crime seemed to be emerging from the orthodox left in British Politics at that time. Libertarian and conventionally radical responses in the meantime, appeared to be even more hopeless. Many of the more libertarian writers seemed to be caught in the sentimentality of The New Criminology, which (with Paul Walton and Jock Young) I had criticised in Critical Criminology in 1975 for being merely an inversion of the correctionalism of orthodox criminology. All forms of crime (from fraud through to mugging and/or racist assaults) could, by this token, be seen as forms of rebellious and proto-political action. This was hardly helpful either analytically or politically as British society continued to polarise along a variety of dimensions and a variety of different forms of illegal and/or anti-social activity proliferated. Some of the radicals of the early 1970's had in the meantime moved in the direction of using a very sophisticated but essentially very formal kind of Marxism as a way of "theorising" the form of Law in capitalist societies. This work always ran the danger of being a substitute for concrete and

specific analysis of the application and content of law in particular periods, and it was never clear to me what purchase this kind of work might have to general political work or to particular campaigns on policy, whether revolutionary or reformist in conception.

So I was troubled by most existing approaches and felt that the only way to resolve my anxieties was by attempting to produce a particular kind of narrative of post-war debates about crime. This narrative would have to have the dual characteristics of being accurate "empirically" (it would have to be grounded in a persuasive account of particular policy developments and/or institutional characteristics) and also it would have to be sensitive to the workings of ideology in these particular areas (it would have to try to identify the political inputs, negotiations, victories, defeats and compromises occurring). Out of this kind of narrative, it was hoped, there could emerge a much richer and more rounded analysis of the character of Labourite thinking about crime, the role of the liberal professional and the role of the State generally in "social democracy" and the question of social order generally. We would then know more accurately what social democracy was, and in what ways it was in need of reconstruction.

I have been following through this kind of work since then, investigating particular periods and/or topics, according to the rather generalised concerns identified above. What has happened, of course, is that the draft manuscript just grew and grew, as my concerns expanded into new empirical fields and as I came to examine the character not just of social democracy as ideology (in relation to criminal and social policy) but the character of conservatism (in both its reformist and fundamentalist or "real" forms) and professional liberalism. This was inevitable, but in 1978 or thereabouts, I made the decision to allow the manuscript to continue to grow, but also to try and structure the manuscript in a slightly different way. I realised that each of the ideologies under examination could often only really be understood in

in their own specific detail by looking at the work of their supporters (or "carriers") in particular areas (rape, homicide or whatever), and I also realised that these areas could not be well understood by being constantly resurrected in the narrative at different moments of historical time. So I began to rewrite the manuscript in such a way that particular topics could be examined in detail within individual chapters, whilst also trying to maintain the flow of the historical narrative covering the whole post-war period. This decision resulted in the production of five of the first six chapters of this thesis in their present form. These chapters each contain an attempt to provide an accurate historical account of the crime debate generally in a part of the post-war period, and then each chapter departs from the narrative to offer what can be seen as an individual essay on individual crime topics, each of which is a particularly significant topic and transcends a particular period in its importance. So Chapter One is an historical account of the period of the last years of the war and the first post-war Labour Government, but it also contains an "essay" on the character of the social democratic criminology which was optimistically advanced for the period of social reconstruction by Hermann Mannheim, John Bowlby and others. This characterisation of early post-war socialist criminology is a useful background to the critique that develops throughout the thesis, and the "reconstruction" of socialist criminology for more contemporary purposes attempted later in the thesis. Chapter Two begins with an account of the emergence of reformist Conservatism and so-called concensus politics and policy generally (and goes on to offer a detailed description, for example, of the work of R. A. Butler, as Home Secretary), but it then departs from this narrative and kind of analysis in order to offer an analytical essay on the responses of the different ideologies to Homicide and Capital Punishment. This essay is supported by Appendix One of the thesis, which is an even more detailed examination of the "numbers game" that occurs whenever the issue of capital punishment is on the public and/or political agenda.

Chapter Three advances the narrative into the 1960's in the concern to follow through the earlier post-war "moral panics" about delinquent youth into the changed context of "affluence". The critical discussion provided in that Chapter of the rich sociological literature of that period and later on youth is supplemented by a short essay on the now obvious question of the Juvenile Labour Market. Chapter Five provides historical accounts of the developments occurring in various institutions of State power (social work, the police and prisons) in the late 1960's, but continuing throughout the 1970's. In so doing, it is also, simultaneously, an essay about the support given by social democrats, conservatives and liberals to the emergence of what I call, straightforwardly, a "strong state" (as well as being to some extent a critique of other literature (like that by my friend Stan Cohen) on the character of "social control" in Britain.) In Chapter Six, which is in part a narrative of the 1970's, I examine the critique of this strong state advanced by the new Conservative Right (on the grounds of its ineffectiveness as a means of social control, deterring crime and containing the dangerous). This provides an occasion for an essay examining the character of Thatcherism as a theory of social order as well as an analysis of the actual development of the Conservatives' penal policy in Government. But, finally and possibly rather incongruously, this chapter contains a lengthy essay on the field that is conventionally called the "criminality of the powerful" (from the economic offences of large capitalist corporations to the organised crime that is still common in certain working class areas). It will be seen, at that point in the development of the thesis, why the response of social democrats to this field of criminological debate is so crucial politically and analytically.

The exceptions to the format I have described are Chapters Four and Seven. Chapter Four is exclusively concerned with the question of women and crime and has the particular concern of excavating social democratic responses to

this particular "field". In so doing, it offers an analysis of social democratic responses to the mundane delinquencies of girls, to prostitution, to rape and sexual attacks, and also to pornography. I am well aware that there is no good philosophical-epistemological warrant for lumping these topics together and that I could be accused of offering a "token" chapter on women's questions. My defence to this charge would be that nearly all the empirical fields that are subject to discussion here are the product of a massive amount of ideological construction before they emerge as "commonsense". As Dave Robins and Phil Cohen observed in Knuckle Sandwich, the topic of delinquency itself, the most common topic of all in post-war crime talk, has no essential core, no unambiguous non-political point of reference. (Robins and Cohen, 1978). References to delinquency in everyday discussion or in policy documents have to be "deconstructed" before they can be properly analysed according to the tenets of pure class or feminist analysis, and so too does any discussion of women and crime. I have decided to leave the discussion of women and crime in one chapter, with the different particular topics that chapter contains, because that is what existing "commonsense" dictates. The task of a deconstruction of the "commonsense" that dominates crime policy discussion, across the whole field of that discussion, of the kind that is now recommended as a theoretical project by Pat Carlen, Mike Collison, Paul Hirst, Frank Burton and Mark Cousins, is not even attempted in this thesis. (cf. Carlen and Collison (eds) 1980).

The other exception to the provision of historical accounts alongside the particular and focussed analysis of individual fields in Chapter Seven. That Chapter has a slightly different rationale to the others in that it attempts to bring together the accounts of social democratic responses to the various crime questions discussed earlier, into an analysis of the general

character of post-war social democracy and then to provide a critical reformulation of them. This is the programmatic conclusion to the critiques provided earlier: it is an attempt, in fact, at sketching out the elements of a different kind of socialist criminology and penal policy. It is an attempt to respond to the problems I had felt were involved in existing social democratic, radical and libertarian responses to the crime question in the middle to late 1970's. I should therefore say that it is primarily the work done in Chapter Seven which makes the large manuscript collected here hold together as a meaningful project.

This requires clarification in three ways. First, I would want to say that I think that the thesis which is presented here is also something of "an archive". That is to say, I think that it is quite comprehensive as an "empirical" excavation of post-war crime policy and on the detail of particular issues and campaigns. But it is nonetheless not written from the perspective of an empirically minded historian (albeit my first degree was from just such a "discipline"). The concern is to link the account to a critique of the existing form of social-democratic ideology and it is on such a concern that I would want it to be judged.

Secondly, however - and this may seem contradictory - this is not in itself an attempt to "theorise" social democratic ideology in any exhaustive fashion. I have in fact attempted to avoid entering into the important debates about ideology which have been provoked in this country over the last decade by the publication of the translated work of Althusser, Poulantzas, Gramsci and others. I have felt content, in this particular project, to advance (as I have described) an historical account that is primarily informed by the concern at identifying the detailed "working" of ideology in general and of social democratic ideology in particular. I am well aware that the accounts provided here are open to criticism for their formulation of ideology, and in

particular for a certain "instrumentalism" to which I am prone (I think by political instinct).

The third reason for stressing the organising function of the concluding chapter is that it is the point at which any originality that there may be in this thesis is most operative.² I am enormously conscious that large sections of this thesis have drawn heavily on other work, sometimes for purposes of exposition or critique but often also for the purpose of advancing the argument on.³ But in Chapter Seven the attempt is made to go beyond that and to advance a new basis for socialist approaches to crime.

The decision to submit this manuscript for a doctorate was made some time in the late 1970's, as the manuscript grew in length and became more and more inappropriate in its existing form for publication by Macmillan. My existing registration at the University of Sheffield had first been made in 1975 and I now decided that the manuscript on which I was still working would continue to be written in this comprehensive fashion for presentation as a thesis. It could then perhaps serve as an archive in the University Library. But I also decided to distill certain sections of the thesis (and Chapter Seven in particular) and reorganise them in order to fulfil my contract with Macmillan. The result of that process of distillation, completed in May 1981, but with an introduction linking the argument to the riots of the Summer of 1981, is to be published later this year under the title Law and Order: Arguments for Socialism. (Taylor, I. (1981)).

Existing rules and regulations about University doctorates not only advise against the kind of rather discursive and political kind of thesis that is presented here. They also seem to deny the tendency, mentioned earlier, for all authorship, except for that of the hermit, to be collective and social.

So although it may be invidious for a thesis that is required to be an individual accomplishment to acknowledge a massive indebtedness to large numbers of people, I do want to record the names of individuals who really have helped me get this together.

I have had great assistance on particular points in the thesis from Alan Clarke, Mike Fitzgerald, Bob Gaucher, Eddie Jachcel, John Pratt and, in particular, Carol Smart. I also benefitted enormously (especially in relation to the examination of the Children and Young Persons Act of 1969 in Chapter Five) from sitting in on the lectures given on Juvenile Justice during 1978-9 by Tony Bottoms. I have also been greatly influenced at various points by the work of Stuart Hall, and by the work of his collaborators, John Clarke and Tony Jefferson. Mike Simpkin and Carole Dale have been a great help on the question of professional liberalism. Patrick Devlin has been one of the greatest helps, though, although he was not ever aware of it. I thank all of these people.

Most of all, though, this project has gone on for a long time, and I could never had done it if it had not been for Ruth Jamieson. She has affected this thesis in all kinds of ways, from her insights of special quality to her belief that I might one day finish. It is finished now, which may be some kind of gift. But I will never be able to repay what she has done to make it possible. Her time starts now.

Ian Taylor

24th August, 1981.

Introduction

Footnotes

1. I clarify the sense in which I use the terms "social democrat" and "social democracy" in Chapter One of this thesis.
2. At the risk of extending the point, there may be some originality also in the discussion provided in Chapter Two on Socialism and Homicide and in the essay in Chapter Six on the Criminality of the Powerful.
3. I think that this process of drawing on other work is probably inevitable, especially if the concern is to cover so broad an historical and empirical terrain. I have not seen a better formulation of this fact, however, than that advanced by Todd Gittlin in a recent critical book on the mass media in America. He begins his acknowledgements by noting:

"We think in society; authorship is always indebted, always a process that takes place in an historical situation, on ground prepared by many hands. The ideas in this book are mine, but directly and indirectly, in extrapolation and critique, they draw on many writings by many people, many conversations about politics and culture"

(Gittlin, 1980, p. xi)

Chapter One Crime and the Post-War Settlement 1945-51

.1 Introduction : "Social Democracy" in the 1940's

An increasing number of powerful voices in both Britain and North America tell us that we are suffering from too much "socialism". The socialism in question is a vague but enormously perverse and powerful creed. It is a socialism which is said to have produced bureaucracy and the expansion of the State, on the one hand, and yet also to have encouraged a "personal liberation" and "unfettered self-expression" on the other. (J.Q. Wilson, 1975, p.74). It has weakened "authority" and yet also it has restricted "free enterprise" by its "authoritarian" interventions in the economy. It has crippled "initiative" and yet also it has encouraged dishonesty and chisseling amongst welfare claimants and in society generally. It has produced some material improvements in living standards, but free enterprise could have done more. It has been conservative and resistant to the changes which are required if "we" are to survive in a competitive world, and yet it has nonetheless unhinged the traditions on which individual and social morality depend. And, finally, it is a socialism which has been naive in its race relations and social welfare policies (and timid in its policing of the black population and of welfare claimants), whilst simultaneously being authoritarian in its general denial of the Freedom of the Individual.

One concern in what follows will be to examine the arguments of the new Radical Right in some detail, and to show the utility and appeal of these ideas to ruling classes and to certain subordinate groups in western capitalist societies in the current period. This examination of the New Right will be undertaken in most detail in Chapter Six, but we will also be interested in the earlier Conservative heritage (which the New Right has

attempted to re-work) in our earlier historical, chapters on the 1940's and 1950's. (Chapters One and Two). We will concentrate on the use of the law and order and crime questions by the Right, although we are aware that these questions connect up in extremely important and "effective" ways with other questions (of welfare, education, morality etc.) in the ideologies of both the old and new Right; and we are aware that these connections are different for the old and the new Right. Here we can only anticipate our later discussion by indicating that the law and order rhetorics of the old and new Right are part and parcel of the attempt to defend the discipline exercised by the State over the population in general and simultaneously to provide "freedom" (for "the individual" to pursue his business and personal life untrammelled by excessive State interference).

The examination in this thesis of the general ideologies of the Right and of rightwing criminology takes second place, however, to our concern to outline the weakness in existing socialist thinking and practice on the questions of crime and law and order. We are particularly intrigued, in this respect, by the willingness of many left-wing thinkers in the past and in the present to concede that the question of law and order works "naturally" and inevitably to the advantage of the Right, when it would seem the parlous social conditions now obtaining in capitalist societies in the West increasingly demonstrate the impossibility of social order under the capitalist "mode of production". We shall discuss this (crucial) question directly in the final chapter of the thesis. For the moment, however, we have to recognise that it is the impossibility of social order under "socialism" (or under liberal welfare states, in the American version) which has been affirmed in popular consciousness, and on the policy agenda of Governments by the recent ideological work (and the Law and Order campaigns) of the radical right. This "socialism"

is, quite clearly, the reformist-liberal version of social democracy which has been dominant governmentally in Britain from about 1945, and which has also been influential in a different form (for example, as the "New Deal") in the United States, especially during the administrations of Presidents Truman, Kennedy and Johnson. The New Right's critique of "socialism" is in part a critique of the "liberalism" that has characterised State policy (especially in the welfare field) in the post-war period in nearly all western societies.

So some clarifications are already required. The relationship between State liberalism and "popular" public opinion is by no means uncontradictory, as is demonstrated by the contemporary "backlash" against "welfarist" and liberal policies in public opinion polls and in national elections, especially in Britain and America and especially amongst working class populations themselves. Stuart Hall and his co-authors have put this succinctly in respect of the British case :

"The connections of this liberal 'reforming' ideology to the working class are extremely complex. At the most fundamental level, it has been the organised struggle of the working class which has played a crucial role in forcing the expansion of the State in a welfare-orientated direction. However, the social-policy orientation of the Labour Party (Fabian-reformism) has been massively shaped by the new petty-bourgeoisie. The social-democratic demands for equality, welfare and the 'caring society' have taken a form which is strongly structured by the conceptions of these 'disinterested' liberal professions and semi-professions."
(Hall et al, 1978, p.175)

The precise form assumed by the Welfare State in Britain has therefore depended in part on the practical interests and concerns of the non-commercial middle class employed by the State and, in particular, on the ideology - of professional liberalism - which has developed to describe and legitimate the practices of these middle class State workers. One concern of this thesis will be to spell out in some detail the practices of State workers in the area of crime, and the relationship of these practices to the liberal theories

which have more or less monopolised the field of criminology (and official crime policy) until very recently.

But clearly a very closely connected concern will be to excavate historically the process whereby this liberalism penetrated into specifically socialist conceptions of the reform and reconstruction of industrial capitalist society. Our interest will be with the period between 1945 and the present, but in particular with the period of the first post-war Labour Government, elected as it was (in July 1945) with the massive parliamentary majority of 168, and a clear popular mandate for "social reconstruction". (Cf. Addison, 1975).

So we will be interested in the details of the interpenetration of liberalism and social democracy in the post-war period, and in the effects of this "conflation" on the question of crime policy. But we do not intend to give the impression that this interpenetration was a straightforward consequence of the massive development of a middle class population of "professional liberals" during the post-war period. A very similar erosion of the social-democratic commitments of the Labour Party had occurred in the immediate aftermath of the Great War of 1914-18, in the very same year that the Party had adopted Clause 4 as the core of its Constitution, "to secure for the producers by hand or brain the full fruits of their industry, and the most equitable distribution thereof that may be possible, upon the basis of the common ownership of the means of production and the best obtainable system of popular administration and control of each industry and service".

As Tom Nairn has observed, the "language of Labourism was tired and bureaucratic even ^{at} its moment of most daring advance" (Nairn, 1964, p.68). But what was even more telling was the substance of the very first resolution brought by the Labour Party's National Executive Committee to the first conference after the adoption of the new Constitution :

"The resolution was about 'Social Reconstruction' after the Great War, and envisaged 'the gradual building up of a social order based on the deliberately planned cooperation in production and distribution, the sympathetic approach to a healthy equality, the widest possible participation in power, both economic and political, and the general consciousness of consent which characterises a true democracy.' It was not easy to pierce this astounding miasma of well-turned cliches. But the more clairvoyant of the left-wingers noticed the absence of any definite reference to the ownership of the means of production and distribution, and a Mr. Fairchild of the British Socialist Party rose to protest. This resolution was hardly in accordance with the fine new constitution, he pointed out, and might even be interpreted as advocating 'cooperation' between workers and employers. 'The resolution entails the creation of an army of bureaucrats and experts', he insisted, 'and there is no recognition of the claims of Labour to direct the means of production in the interests of the class represented at this conference."

(Nairn, Ibid.)

Mr. Fairchild's objections to this 1918 resolution anticipated the way in which the nationalisation of private industries by a later Labour Government would, indeed, occur - within an economic strategy emphasising the unity of interest of capital and labour, embodied in the State. But he also foresaw the way in which this "incorporation" of unequal social groups could be presentable as constructing a "community" of the "general interest", particularly if such incorporation was undertaken primarily through the State (rather than through private capitalist industry itself). The "army of bureaucrats and experts" would be the necessary guardians or representatives of this "sympathetic" and consensual form of social reconstruction. They would be the bureaucratic embodiment of State institutions providing social services and assistance. They would serve to demonstrate that capitalism had been fundamentally transformed, and replaced by a caring, planned and regulated social order operating in the general interest.

Mr. Fairchild's arguments were posed, however, as a critique of the limitations of a social democracy which, in 1918, was yet to be constructed. For Labour Party members then, and also in 1945, the construction of such a caring, planned and regulated social order was an utopian futuristic project,

exciting massive degrees of personal commitment. Especially in the aftermath of the war against Fascism, the social democracy of the Labour Party was widely seen as the means to a fundamentally different form of social order and also as a means to the achievement of new forms of human relationship, based on the equality necessitated by the war-time effort rather than on inequalities of pre-war class society. In total contrast to the cynical, defensive and managerial politics that came to dominate the Labour Governments of the 1960's and 1970's, 1940's social democracy brought forward a general commitment to "social reconstruction" as a national project and also specific reformist commitments (for example, to the introduction of universal social insurance, health provision and education, and to the reform of existing child care services) from very broad constituencies in the working class and middle class alike.

Hermann Mannheim, for example, a criminologist whose work we will discuss later in this chapter, was absolutely tireless during the 1940's in his travels around the country, lecturing and propagandising in the name of social-democratic reform of law and particularly the reform of the court system. He was quite clear that he was living and working in a period of fundamental social transformation, and indeed the frontispiece of his book of essays, Criminal Justice and Social Reconstruction, was dedicated to the proposition that they were revolutionary times. Conceptions of this kind of the Labour Party's project in Government were widespread in the 1940's and they successfully demanded the support and excited the aspirations of very large numbers of people across the middle and working class alike.

The "socialism" of the 1945-51 Labour Government and its widespread supporters was, indeed, a particular form of reformist social democracy. Born out of the long struggles of the trade union movement in the nineteenth and early twentieth century, and out of an ongoing dialogue with Liberalism as to the proper content of radical politics, this "socialism" had already had

lengthy political period of gestation. Ralph Miliband has traced the ways in which the popular democratic forms of the early socialist movements were gradually replaced by an overwhelming emphasis on the struggle for socialism as being equivalent to the training of election candidates and the winning of a Parliamentary majority for Labour. (Miliband, 1961). But it required the experience of the Depression and then the radicalisation that occurred during the Second World War to refine this generalised political heritage (of parliamentarianism) into a set of particular projects for a Labour Government in power at the level of the State. The Depression and the General Strike served to re-emphasise Labour's responsibility to reform away the structures of privilege and fundamental social inequality that remained so central a feature of British class society. They dramatised the continuing injustice of class inequality in Britain. Paul Addison suggests that the defeat at Dunkirk in the early years of the War was equally powerful in dramatising the ineptitude of an unreformed ruling class and in encouraging a rapid politicization of the general population to the Left. Class inequality was not merely unjust; it was also inadequate as a basis for the national mobilisation required by the war. (Addison, 1975). The experience of war was also effective, as many writers on the history of the Welfare State have observed, in opening the eyes of large sections of the middle class to the living and working conditions of sections of the working class. The contact established between the classes in the bomb shelters and during war-time duties were the basis for the massive degree of support for Lord Beveridge's Report on Social Security in 1943, and its insistence on the State henceforth providing for universal "security from the cradle to the grave". (cf. inter alia Bruce, 1961).

Taken together, the Depression and the war provided the specific "conjunctural" basis for the election of a social democratic Government committed in particular to a heavy degree of State intervention in the economy. Such

state intervention was required in order to ensure the planning of capital investment and industrial production according to an agreed conception of the national need, rather than according to the exigencies of the market. The "market" had been shown to be inadequate in the national war-time mobilisation: so much more was it inadequate to the task of post-war social reconstruction. In particular, "the market" could not be relied upon to avoid the cycles of boom and slump of the inter-war years - which had eventually resulted in the Depression; nor either (as Keynes so persuasively and publically argued) could "the market" be relied upon to produce the surplus with which to underwrite Lord Beveridge's Welfare State proposals. So the "statism" of 1940's social democrats was a specific commitment - to the use of State machinery, in an interventionist fashion, in the capitalist market economy, to guide investment, planning, distribution and consumption, in order to check the inherent tendencies of capitalism to cycles of success and failure and also to the production of goods and services on the basis, only, of the existence of market demand. The State's interventions were intended, therefore, to channel goods and services produced by capitalist industries according to social need.

In this project, it was self-evident that institutions providing "basic amenities" in the fields of health, education, and welfare, (hospitals, clinics, surgeries, schools, child welfare institutions etc.) and also industries which serviced the whole community with universal needs (like fuel, transport, or communications) should be nationalised by the State in order to ensure that they provided these needs and amenities on a cheap and an equitable basis. Where possible, indeed, the costs of services to the public (like health) should be entirely borne by the State, in order to ensure that the poor should not be deterred from using these services by their inability to pay. The depth of social democratic commitment to this form of statist

intervention can only be understood now, of course, by an act of historical imagination: 1940's social democrats had personally witnessed, in the Depression and during the War, the parlous conditions of living - of health, education and general life possibilities of working class people at large - which were the alternative provided by "the market".

The State's interventions in the economy were to be paralleled by State intervention in the body of civil society itself. This intervention was directed in part at "privilege" and in particular at the domination of a traditional ruling class over politics and over the administration of the State apparatus. This attack on privilege took the form, however, not of any displacement of the existing holders of power in the Civil Service or in other branches of the national and local state, but rather involved a vast expansion in the numbers of administrative and executive workers employed by the State, especially in the fields of health, education and social security. Cumulatively, the activities of the workers in education and social security in particular were seen as part of a generalised attack, mounted through the State, on social and personal deprivations within the working class, as well as being recognition of the importance of the non-commercial middle class in the project of social reconstruction. So this form of "social democracy" did not require any confrontation with existing centres of power in British class society: rather, it circumvented confrontation by attempting to attack the conditions it saw to be associated with the inequality of the lower class, and by attempting to influence the reputation and status accorded to different occupational pursuits, reducing the honour attaching to traditional ruling class occupations (like the law or, indeed, like "business" itself).

So the attack on privilege mounted by the post-war Labour Government actually left most of the existing institutional centres of ruling class power

(like the judiciary) intact, and there was no hint even of any programme to democratise these institutions or to make them accountable to the broad-based constituency of Labour support, or to the community in general. What the social democratic project did involve, however, the the reconstruction of the existing State and, in particular, the addition of new State institutions, to underwrite and to carry through the "social reconstruction" of existing economic and social relations that was prefigured in the social-democratic economic and social policies constructed during the war and earlier.

As we have said, an act of historical imagination is required to understand the depth of the popular and professional commitment that this version of social reconstruction could and did excite. This form of social democracy was, indeed, the most progressive form of politics to have gained legitimacy in the popular imagination and the programme of a political party in Britain at that point in time. Its legitimacy was recognised, for example, even in the ranks of the Conservative Party itself. Conservative social and political philosophy was very clearly outflanked and discredited by July 1945, and had lost its previously secure middle-class base.

The party itself was dominated by the very same leadership that had proven itself unable to solve the economic problems of the Depression. In the aftermath of the 1945 election defeat, a struggle began within the Conservative Party, which resulted in the so-called "Right Progressives" gaining control from the traditional "Tories", and in the beginning of "Butskellism" emerging in Conservative thinking on policy. In Butskellism a commitment to state planning and intervention, to the financing of social welfare, and to political and economic reform, rapidly made Conservatism appear as a mild form of Labourism, distinguishable only by the concern of Conservatives to protect the traditional institutions of legal authority (the courts, the police and the law itself) and the "liberty of the individual" from the encroachments of

the more powerful welfare state. (cf. Gamble, 1974, c.3). The dominance of social democracy in the 1940's, in other words, forced a transformation in the political thinking of the traditional party of the English ruling class: to an extent that is now the subject of regret and nostalgia, on the part of some contemporary Conservatives.²

By the end of the 1940's, in other words, "social democracy" was no longer the political preserve of the Labour Party alone. It was also, on the one hand, the general goal and rationale informing the activities of the increasing numbers of liberal professionals employed by the State, and further it was increasingly dislodged from its Labour Party moorings by the ideological work of the new Tory leadership. By 1951, the year of the Festival of Britain, and also of the third post-war election, the Conservative leadership had succeeded in extinguishing the popular view of their party as the party of privilege, by moving onto the terrain of consensus politics, giving support to the expansion of the welfare state and to the expansion of state expenditure on social needs in general. "Social democracy" had accrued both a (professional) liberal and a (Conservative) nationalistic interpretation.

As we indicated earlier, a part of the concern in this thesis will be to follow through this reconstruction of social democratic politics and policy, especially in relationship to crime and law and order. What should be clearer now, however, is that the "reconstruction of social democracy" took place on different levels. The contemporary New Right attack on post-war social democratic government is at least in part an attack on those "Right Progressive" Conservatives, like R.A. Butler, Iain MacLeod, and others, who attempted to disconnect the popular support for social democracy from the Labour Party by moving the Tory Party onto the terrain of consensual politics. It is also an attack on the attempt of Labour Governments to use the State in a project of reconstructing social order, through the "authoritarian"

provision of health, education and social security for all. And, finally, it is also an attack on the ideologies and practices of the liberal professionals (in particular, in state education and social work). Each of these elements coexisted "invisibly" in the social democratic consensus initiated electorally in 1945, and which constituted the parameters of political argument in Britain until the General Election of 1970. Each of these elements (of Butskellite Conservatism, Labourism of the "statist" variety, and professional liberalism) deserves to be analysed and understood separately but also they have to be understood in the way in which they inter-acted together.

We have already said that the dominant form of social democracy in respect of welfare and crime policy was that of professional liberalism.³ Two clarifications are required to this statement. Firstly, to signal the rising importance of the non-commercial middle class in the field is not to say that the fundamental institutions of penal power, like the courts, police and prisons, were in any way dislodged or replaced during the early post-war reconstruction. On the contrary, as we shall see later, the "repressive apparatus"⁴ of the State was ultimately actually strengthened and expanded by the early post-war social-democratic governments, both in respect of its scope and coverage (over broader segments of the population) and in terms of its power (for example, in respect of the sentencing powers of the courts). The first post-war Labour Government's Criminal Justice Act of 1948 contained, amongst other proposals, the provision for the introduction of Detention Centres, and increasing amounts of public expenditure were allocated, after 1948, to the penal system and the police. Putting this another way, the well-rehearsed procedures of the courts and police in apprehending and sentencing mainly lower class petty criminals and delinquents were largely uninterrupted throughout the period of "social reconstruction". The institutions of class justice established in the early years of British

capitalism were preserved and even strengthened.

But the point to be made is that this expansion of the "repressive apparatus" of the State occurred relatively invisibly, by virtue of the dominance of liberalism in contemporary accounts as to the character of the "modern" penal and justice system. The advancement during the 1940's of large numbers of middle class State workers in social work and associated disciplines and occupations, for example, threw up a literature and a set of professional wisdoms legitimising the existing operation of the courts, police, prisons and social services as a specific contribution to the larger task of social reconstruction. These institutions were characterised as working together in the task of rehabilitation: they were all in the business of identifying and "servicing" individuals who needed re-socialisation in order to be able to take proper advantage of the economic and social opportunities that were promised by Social Reconstruction.

The second point to make about this version of professional liberalism is, indeed, to underline and reiterate the professional liberal's own description of him/herself as a servicing agent. The defining characteristic of professional liberalism, and the service it did to social democratic reconstruction, lay in the particular technical skills it brought to bear (for example, in "rehabilitative" family casework with problem families) and not in the general support that liberals might give to social democracy politically. Putting this another way, the professional liberal's skills could in principle be put to use in support of different versions of social reconstruction, and were therefore only "contingently" related to the precise political goals of social democracy.

This is an important point to emphasise for, as we will see, the "liberal profession" of social work, for example, did begin to generate a quite specific professional ideology (as to the proper parameters and most desirable

forms of the social work task etc.), which contained its own implicit politics. This politics increasingly prioritised the paramount importance of the professional's relationship with his or her client and the interests of the client over and above any other defining criteria (like the interests of the client's own community, for example, or the achievement of some specific goal). In so doing, this occupational ideology increasingly emphasised "permissiveness" towards the client as the fundamental and defining feature of the social work task, and increasingly disconnected social work practice from the larger ongoing task of social reconstruction, or, indeed, from any larger political or social definition as to the functions of the social work relationship. But whilst emphasising "permissiveness", this occupational ideology also talked increasingly of "correction" and especially of "treatment"; and the object of this "treatment" was no longer the inequality of an unreformed capitalist society (as in Labour Party conceptions of the social democratic project) but the client himself or herself. For liberal professionals engaged in treatment work, the pathologies in need of correction were increasingly those to be found in individuals rather than in the social relations within which individuals were located.

The development of this neutral occupational ideology in social work occurred alongside the elaboration of committedly social democratic versions of social work's functions by psychologists like John Bowlby, for whom the social worker had a quite specific role in rebuilding family units disturbed by the war, as the foundation upon whom the building of a new social order would depend. But these larger political functions were often silenced in a social work literature that spoke, increasingly, of good client-worker relationships as the goal of the social work task.

Later in this thesis, we shall be examining the precise ways in which the three discrete ideologies of Labourism, professional liberalism and Butskellite conservatism interpenetrated on particular issues and at particular

times. For the moment, we want to register the fact that each of the ideologies had to work, from the early 1940's onwards, within a larger set of political parameters, as to the general desirability of social reconstruction and the specific need for a welfare state, which may fairly be summarised as being a popular, national consensus around the reconstruction of British class society into a "social democracy".

It is apparent that some definition of terms is going to be required if our argument in this thesis is going to be sustained. We shall therefore refer to the version of social democracy that was articulated within the Labour Government and by its supporters (in academic and popular circles) as the Labourite version - in the sense in which Tom Nairn has referred to "Labourism", as an ideology prioritising the State as a guardian of universal interests (e.g. via social security and welfare provision) and attempting to unify capital and labour in the "national interest". Professional liberalism and Butskellite Conservatism will be discussed directly as such, but we will also recognise the support given in these ideologies to "social reconstruction" in our continuing description of them as "social democrats".

. Labourism and Crime in the 1940's

We want to begin with a narrative outlining the main features of Labourite thinking and policy-making on crime in the immediate post-war period.⁵ Later on in this chapter, we will want to pay some attention to Conservative work on crime and law and order over the same period, and to look at the shifts which were becoming apparent in social democratic work.

In the narrative, we will refer to the work done on crime - whether by politicians, by judges, by police spokesmen or by academics - as "criminology". We fully recognise that this will offend some liberal academics, in particular, who would reserve the description of "criminology" only to that work which is

done by professional criminologists, consequent on the proper amount of research and training. And it may be a strange use of the word for other readers also, in that we are not attuned to thinking of the work done on "crime stories" or court cases by journalists, for example, as criminology, any more than we think of press statements by the police or the judiciary in such terms. But we think it would be to totally underestimate the importance of this kind of public ideological work on crime and law and order issues to give it any other weaker description:⁶ it is all criminology in the sense of offering out, explicitly or implicitly, definitions of the character of real (or serious) crime, theories of its causes and prescriptions as to how "it" can be controlled or corrected. It is also criminology in that it attempts, like all criminology (no matter how 'neutral' some criminological work by academics may appear) to persuade its audience of the desirability (or otherwise) of certain kinds of action by the police, the courts or by other agencies, and indeed the desirability (or otherwise) of existing forms of social order.

There is at least one major limitation to the narrative form we will adopt. The use of materials from speeches made at the time (in Parliament or elsewhere) or from journals and newspapers can encourage a certain kind of empiricism, in which the accounts that were offered of events or processes by participants in them or by their contemporary observers takes the place of any analysis of the logic of the events by the "researcher". In this chapter, for example, the enormous emphasis in speeches and written materials during the 1940's on social reconstruction and the over-weening hegemony of social-democratic politics could lead us into a kind of idealist history, in which the massive restructuring of the State that occurred in Britain during this period and in the 1950's was seen to result from the ideological formation of social democracy itself. In fact, as Ian Gough and others have so ably demonstrated, this reconstruction of the State, and in particular the use of

Keynesian measures of intervention by the State in the economy, was common to nearly all western societies during this period, almost irrespective of the political complexion of their Governments. (Gough, 1979).⁷ In particular, our caution should be alerted by the rapid introduction of welfare state measures into the United States simultaneously with the continuing articulation of an anti-socialist rhetoric by the U.S. Government and Opposition. So is not our purpose to see the actual restructuring process that occurred in the relationship of the State to civil society and to the economy as being directly the result of ideological struggles successfully conducted by the Labour Party and/or the other consensual social-democrats of the time. But it is our intention to argue, as we shall later, that the precise form assumed by the restructured State (as an instrument providing universal social security; as a guardian of the common interest of labour and capital in industrial relations; as a defender of the general interest against criminals, delinquents, subversives etc., etc.) was very much determined at the level of ideological work by Labour supporters and by other supporters of social democratic reconstruction. We shall return to this more theoretical point later in the thesis.

Historical excavation of "Labour criminology" in this period immediately encounters the overwhelming concentration of such criminology on the delinquencies of youth as the core topic for discussion. Government commissions and academic committees debated this question from the early 1940's onwards, and even before the end of the war, the question of "deprived" or "disaffiliated" youth was high on the agenda of problems that were likely to be confronted by a Labour Government during the process of social reconstruction. The issue remained a high priority, as we shall see, throughout the 1940's, and it was no surprise when the first academic journal on criminology to be published in Britain (launched in 1950 by a hybrid collection of psychologists, psychiatrists and criminal lawyers calling itself the Institute for the Study

and Treatment of Delinquency) was called the British Journal of Delinquency.

But an important concern in the talk about crime in the 1940's was with what were called, in some accounts, "economic offences". Economic offences appeared to have included both "white-collar crimes" (crimes committed by individual businessmen and other members of the middle-class in the course of their occupations) and corporate crime (committed by industry or by other powerful institutions), but also, and perhaps most importantly, offences connected with the black market (in rare goods and services) which flourished in the period of rationing and shortages (i.e. at least until 1948-49). The concern with economic offences was very much a reflection of the broader shifts in political ideology towards "social democracy", animated as it was by the attempt to remove double-standards from the enforcement of law (which had been an important focus in Labour Party critique of class society in Britain). The correction of white-collar, corporate and black-market crime was therefore an essential component of popular criminology in post-war Labour Britain, for these were offences committed by people in positions of privilege, taking advantage of their social position in order to further their own (already socially advantaged) interests.

Both of the dominant conceptions of crime in post-war Labourism were born of recent political and social experiences (rather than of some simple "empirical" observation of post-war social problems). They were born of the memory of the Depression and, more immediately, the War itself. In particular, Labourites appear to have been strongly influenced by some "positive" lessons drawn from the two periods of hardship and struggle, and notably by the development in the Depression and in the War, of a "sense of community". The bringing-together of individuals from the same class, or on occasion from across the classes, in a common struggle (for material and psychic sustenance, or, in the War, for the defeat of the common enemy) entailed a temporary suspension of the conflicts - and also the personal isolation and

estrangement - of class society. For the upper and middle classes, this experience of community, or togetherness, was later said to have been responsible for "a fit ... or series of fits ... of conscience" (Bruce, 1961, p.271) - the creation of the Welfare State itself, and also in some accounts the support given by the middle class to the Labour Party in the 1945 Election. For social-democrats themselves, the experience of togetherness was an embryonic demonstration of the potential human consequences that could result from the reform of a class society. It was a togetherness which was celebrated in the wartime novels and essays of J.B. Priestley, in the pages and photographic essays in Picture Post and in the journalism of the Daily Mirror. It was a togetherness born of the "common decency" of the common man (first eulogised in Orwell), but a togetherness which was by no means confined to one class. "Working together" was a means for all the people to fight the war, untrammelled by a "parasitic, amateur and incompetent establishment". "War radicalism" was a particular form of populism in which

"The 'people' were seen as being forged by the war, entering society as a force to be reckoned with through mass mobilisation, experience in air raids and the breaking-down of working-class ghettos. They would survive the war only by working together, united, decent, fighting against Fascism abroad and an establishment at home."

(Cultural History Group, 1976, p.38)

This vision (of the bringing together of citizens of different classes in a common struggle) permeated the reforming activity and the evolving ideology of the social democrats in 1945-51. It found a place, for example, in the original post-war plans for housing, in the ill-fated proposals for well-financed communities of council houses on the fringes of large cities, and also in the New Town proposals (proposals from which many a retreat was later to occur). (Darke 1981). And it also found a place in proposals for the introduction of comprehensive state education in all local authority areas (which were to have some effect, though twenty years on from the Education Act of 1944). But the ideology of "community" was also strong in

the attention given by Labourites throughout the 1940's to the family.

The concern with the family appears to derive, in part, from social-democratic observations of the effects of family division during the war, and from the development of an account of the causes of delinquency in which the family played as important a role as that of the unequal economy itself. In 1942, a body entitled the International Committee of the Howard League ("a committee of men and women of thirteen nationalities brought together by the fortunes - or misfortunes - of war")⁸ had begun to meet in order to produce explanations for the problems of youth that were likely to be encountered after the war, and to advance policy suggestions for dealing with them. In the introduction to their report, eventually published in 1947, under the title of Lawless Youth, the authors recall that they had "visualised the problem, now a grim reality, of winning back for society, the children and young men whom war had made rebels and outlaws", and they commented on the need for the child care services and the juvenile justice system to be a means for reintegrating "lawless youth" into their families, and the means for giving support for those families weakened or broken by the experience of the war.

The general thrust of the International Committee's recommendations was summarised in the chapter contributed by Margery Fry, the Vice-President of the Howard League. For her, the essential feature of reform should be that

"... the treatment of young offenders as well as of other children in moral danger, should be dictated by the special needs of the individual case: the 'offence', where such exists, will be regarded as a symptom".
(Fry et al, 1947, p.20)⁹

The "grim reality" to which this Report had earlier referred was the general increase in all forms of crimes known to the police throughout the war-time period (Table One), and also the continually increasing number of offences against the Defence Regulations, which governed the proper conduct

of the War by the citizens.¹⁰ Offences against the Defence Regulations increased from 59,911 in 1939 to 186,429 in 1943, before declining in the two last years of the War.

TABLE ONE

CRIMES KNOWN TO THE POLICE (1939-45)
(excluding offences against Defence Regulations)

	Violence against the Person	Sexual Offences	Receiving Frauds and False Pretences	Breaking and Entering	Larceny	Other Crimes	Total
1939	2,899	5,015	17,561	52,295	219,478	6,523	303,771
1940	2,424	4,626	16,998	49,340	225,671	6,055	305,114
1941	2,727	5,608	21,392	52,876	268,738	7,314	358,655
1942	3,050	6,766	21,079	56,166	267,789	10,039	364,889
1943	3,432	7,784	20,964	58,543	272,186	9,851	372,760
1944	4,162	8,079	21,922	73,890	297,930	9,027	415,010
1945	4,743	8,546	23,254	108,266	323,310	10,275	478,394

Source: Criminal Statistics (1939-1945) (published 1947)
Cmnd.7227

TABLE TWO

INDICTABLE OFFENCES KNOWN TO THE POLICE 1946-1948

	Larceny	Breaking and Entering	Receiving	Fraud and False Pretences	Sexual Offences	Violence against the person	Other Offences	Total
1946	310,650	114,690	8,130	14,080	9,329	4,062	11,548	472,489
1947	330,918	111,789	8,976	18,459	9,999	4,408	14,027	498,576
1948	349,358	112,665	9,044	19,326	10,922	5,183	16,186	502,684

Source: Criminal Statistics, England and Wales (1959) (Cmnd.1100)

There was, therefore, an increase of some 30,000 offences known to the police over the first three post-war years.

In large part, these increases in crime were interpreted as increases in youthful delinquency (although no separate figures were presented for adolescent and adult offences during the war-time period); and overwhelmingly, these increases were discussed in terms of the disruption caused to the family by the war.

This threat to the family was felt to be expressed, in one respect, in the increase in the number of illegitimate births during the war (from 25,942 in 1939 (4.19 per cent of recorded live births) to 64,064 in 1945 (9.35 per cent of live births). These increases resulted from the increased geographical mobility experienced both by men and by women during the period, as many more women had the opportunity to leave the home to work in the factories and/or to join the military services, and the majority of men were fully mobilised and dispersed away from their own neighbourhood and community. In 1943, a Ministry of Health sub-committee reported on the problem of the unmarried mother, and recommended the appointment of social workers to help deal with the unmarried mother and her child in the community. This establishment of domiciliary services, going into the mother's home, was a radical transformation in the State's response to unmarried mothers (who had previously been taken away into institutions). In the words of Jean Heywood, the historian of the British child-care services, the "old association of the poor law with illegitimacy was ended ... at a stroke".

The provision of domiciliary services was supported by the creation of State nurseries for young children on a previously unparalleled scale. In Heywood's words :

" ... the partial mobilisation of women, the need for many of them to spend a large part of their day working in the factories, the absence of fathers on service, or relatives at work, and the destruction of houses by bombing require the state to intervene in another way in providing residential nurseries where young children could be given the care and attention impossible where family life had become non-existent, and where they could be protected from enemy attack."

(Heywood, 1959, p.136)

The State's increasing provision of facilities for unmarried mothers and for working parents was justified, therefore, as part of a project of providing a form of family life for children who would otherwise not experience it, as a result of the effects of the war. (cf. also Riley 1979).

The more well known measures taken by the State in evacuating thousands of children from major urban areas and other potential targets of enemy attack, taking them away from their parents and placing them in the temporary care of families in other (usually rural) areas, were also important in wartime experience in underlining the importance of the family (and in prioritising the family as a central institution in the forthcoming, post-war project of social reconstruction).

"... this does not seem to have been accepted until the wartime disruptions between 1939 and 1945 demonstrated its truth, the fact that the family still preferred to cling together as a fundamental unit in the face of every obstacle. In spite of carefully contrived plans to evacuate young mothers and children, to safer areas, they refused to remain divided, and gradually, in ones and threes and then in groups and crowds, they returned to their homes and family circle ... "
(Heywood, 1959, pp.134-5)

Support had to be given, both economically and "ideologically", to families in trouble (in need of care and protection), and the attempt had to be made to create substitute family settings for children and adolescents whose real families were temporarily or permanently non-existent or unable to cope. The recognition of these problems at the level of the State was fairly rapid during the war, and action on them occurred quickly after the election of the Labour Government, although the immediate spur to action appears to have been an individual incident. The level of "maladministration" and indeed "repression" in the existing child care services was highlighted, graphically, in 1945 by the death of the 12 year old Dennis McNeill (from a cardiac failure resulting from violent attack, from a foster parent and under-nourishment).¹¹ The Monckton Inquiry, reporting on the incident, put the blame for McNeill's death

on the division of responsibility for the child's placement in a foster home between two committees of local government as well as between two local authorities. By 1948, the recommendation of a Committee of Enquiry, under Dame Myra Curtis, into the regulation of the standards of the child care services, recommended that formal responsibility be given to a single Government agency (the Home Office), and this was incorporated into the Children Act of 1948. Child care was made the responsibility, in other words, of a national State agency, rather than being left to voluntary, amateur, care workers, and volunteer foster parents.

Weakness or inconsistency in the control exercised over children by the family was seen as an encouragement to delinquency, especially in the conditions of the war-time period, with a variety of other malignant influences at work (for example, in the black market) and an increase in the number of opportunities for illegitimate gain (especially, during the early years of the war, in looting of properties hit by the air-raids). Hermann Mannheim, whose work we shall use throughout this chapter, commented on "... the indirect effect of shelterlife, particularly on juveniles" and observed in 1941 that :

"(juveniles) hardly ever chose to go to the same shelters as their own families ... parental control has become a thing of the past ... and even the police experience great difficulties in tracing juvenile delinquents."
(Mannheim, 1955, p.92, reprinting an essay of 1941)

In nearly all the accounts of delinquency and crime written in the 1940's, the problems were temporary. The period of social reconstruction after the war would be a period in which the family would be restored and strengthened, and the sense of community experienced temporarily in the war-time period institutionalised as a permanent feature of social and economic relationships in a reformed welfare state. Crime and delinquency, the expression of inconsistent family control and socialisation brought about by the war, would decline and lose significance in proportion to the success of social reconstruction.

"it would be altogether wrong to regard the rise in crime as something extraordinary or particularly alarming. it is nothing but the natural result of six years of total war with all its inevitable moral, psychological and economic repercussions, and there is consequently nothing original in the many official and unofficial attempts to explain the present situation. The general cheapening of all values; loosening of family ties; weakened respect for the law, human life and property; especially property of the State and of big firms; scarcity of all consumer goods, the black market, and the resulting rise in prices; rationing and the well-justified austerity policy of the Government; easy accessibility of many bomb-damaged houses, and lack of trained police officers and, finally, the activities of deserters are, usually, maybe rightly, put forward. It was Mr. Chuter Ede, the Home Secretary, who said 'No one would have thought of stealing a second hand shirt in 1939; today the sight of a shirt on a clothes line has become a temptation'" (Mannheim, 1955, p.110 - reprinting an essay written in 1947)

For Mannheim, therefore, and for the other social democrats with whom he collaborated (for example, on the previously-mentioned committee of the Howard League for Penal Reform), the increase in delinquency, and general disorderliness of youth, resulted, primarily, for a collapse or reduction in the moral and personal regulation exercised by individual families, rather than from any other features of the wartime and early postwar situation. The slight increases in the numbers of male adolescents found guilty of offences in the later 1940's (from 47,124 9 to 20 years olds in 1946 to 56,252 in 1951) (Wilkins, 1960, p.11) were a result of circumstances obtaining in these adolescents' recent (war-time) past and not a consequence of their experience of the present (social reconstruction). Delinquency was not conceived, for example, as having to do directly with changes in the employment situation of youth (from very high levels of employment in the war, with wages far above the pre-war level, to much reduced levels in the immediate post-war period). The employment situation was only discussed by Mannheim in terms of the ability of ex-prisoners and other groups usually deemed unreliable or unemployable to contribute to the war effort, and to post-war economic revival:

Given the scarcity of labour in the war, he says :

" ... employers have had to abstain from asking awkward questions about the past ... (and) on the whole, it seems that the old lag has admirably stood the test and is giving very little trouble. As far as he is concerned, recidivism, as happened during the last war, is likely to diminish considerably."
(Mannheim, 1955, p.94, reprinting an essay written in 1941)

Press reports of the time were at one with Mannheim in stressing the primacy of effective moral socialisation in the control of delinquency, and in some cases were sophisticated enough to point to the importance of such socialisation in allowing youngsters to withstand the harmful effects of "the inflated earnings of youth today" (Mannheim, ibid., p.105). This particular formulation of the youth problem (as a problem of moral training) was also given support in the pamphlet released by Conservative Central Office in 1946, but originally written up for the Parliamentary Committee on Post War Problems, and released as a response to the proposals anticipated in the Criminal Justice Bill later that year. In this pamphlet, however, it was not simply rapid increases in affluence that might undermine the moral senses of working class youth (and the population in general), but also the tendency for these increases, in a period of Labour Government, to be associated with the increased regulation by the State of economic and social life.

" ... an improvement in social and economic conditions is not, in itself, sufficient to promote law and order. In the United States of America, in the nineteen-twenties, a crime-wave during a period of great material prosperity established once again that the decisive factor is not the affluence of a nation, but its general moral tone and the extent to which public opinion supports the laws. More recently in this country a multiplicity of unpopular restrictions, inevitable no doubt in war time, has shown how dangerous are conditions in which the normally well-conducted citizen tends to regard the infringement of such restrictions as a legitimate exercise of his ingenuity."
(C.P.C., 1946, p.5)

In the debate in the House of Commons on the Criminal Justice Bill of 1947, Osbert Peake, Conservative M.P. for Leeds North, and Under Secretary of State at the Home Office during the pre-war Conservative Government, made what was later to become a common Conservative link between economic stringency and

the resulting state control and regulation (with the emphasis on the latter) as the cause of the conditions in which crime would naturally arise.

"It is a sad thing that growing shortages and increased controls have done much to foster gambling, black markets and all sorts of petty crime. These things have put a premium on dishonesty and have diminished respect for the law, and there are great moral as well as economic and financial dangers at the present time."
(Hansard, Vol.444, 27 November 1947, Col.2162)

We shall return to the question of Conservative criminology in the 1940's later in this chapter. For the moment, we should simply note that a common ground had already been established in Conservative and Labourite discussion of delinquency: delinquency was a product - specifically - of "bad families". That this diagnosis was linked to different criminological theories overall (of inconsistent socialisation on the one hand and over-regulation of life by the State on the other) did not prevent the identification of the family as a cause of delinquency from becoming an agreed topic within social democratic criminology as a whole). Nor either, we should add, did Mannheim's identification of faulty family socialisation patterns as a cause of delinquency mean that he was unconcerned, as a socialist, with the relationship of delinquency to inequality and poverty. But what is clear is that Mannheim, like other social democratic writers on poverty, saw the abolition of poverty as a long-term, cultural as well as political, affair; requiring changes in values and practices in poorly functioning families, as well as in neighbourhoods and, in some cases, in whole regions of the country. In this account, the family had to be strengthened not only in order to be an effective institution morally, but also because of the importance of the family to social reconstruction. Families might soon have to be prepared to move from areas of dying industry and declining employment opportunities to the New Towns, for example, and they would have to adjust to new working and living conditions in their changed environments. Temporary upturns in economic affluence might therefore actually result in increases in criminal and delinquent behaviour on the part of families

who were the least well prepared for the disorienting effects of relative wealth.

"Although poverty and unemployment may rank high as crime-producing elements, we should never forget that, in most cases, they can become effective only in cooperation with other factors or may be neutralised by favourable ones. Likewise, events which, as a rule, have a crime-preventing effect may lose this character under special circumstances. And, finally, nothing is more dangerous than a sudden change in man's fortunes and even the most propitious happenings may require a long process of education and training before they are properly digested. These are platitudes, but their practical implications are sometimes overlooked. To shower inflated wages upon an adolescent entirely unaccustomed to them may easily upset his mental and moral balance, give him an equally inflated sense of his own importance and impair his relations with his family."
(Mannheim, 1955, p.105, reprinting an essay of 1942)

Mannheim's "realist" appreciation of the tasks that might have to be performed by the family during social reconstruction was paralleled at the time by the very popular accounts offered out of juvenile troubles and social disorder generally, by psychiatrists and psychologists. An important figure in the early 1940's was Anna Freud herself, in the Hampstead Nursery, researching and publicising widely the emotional consequences of separation on young children, with particular reference to the problem of an absent father. (cf. Burlingham and Freud, 1942 and 1944). This work was continued, and also given further variations, by John Bowlby, who, like Freud, was active in the broader social-democratic constituencies, as well as within psychiatry itself. (Bowlby, 1947-9).¹² Bowlby's most well-known study, Forty-four Juvenile Thieves, is famous for his finding that some 17 of the 44 boys studied had suffered some early or prolonged separation (in the first five years of their lives) from their mother or father. Bowlby concluded that the delinquency of his adolescent thieves resulted from the experience of "maternal deprivation". (Bowlby, 1946). In that work, and even more influentially, in Child Care and the Growth of Love, published in 1951 and written for the World Health Organisation, Bowlby was concerned to provide "scientific" arguments for the importance in child development of a child's

'earliest ties to his mother' and as the authoritative history on post-war child care policy observes, the publication was well timed (it was helpful to government departments wrestling with the problem of homeless and deprived children) and it was presented as "a message (which) appealed to the heart as well as the head ... (being) readily translated into layman's language ... Few research studies can have had such a favourable launching, nor such a profound impact". (Packman, 1975, p.23). Gordon Trasler, perhaps the most archetypal of social-democratic psychologists, was later to generalise out the findings of Bowlby, Stott, Andry and others into a general theory of delinquency as resulting from the "inconsistent socialisation" that he argued to be prevalent in working-class families in particular. (Trasler, 1962; Andry, 1960; Stott, 1952). The use of inconsistent techniques of punishment and reward, and the lack of differentiation in the conditioning resulting from non-verbal or physical exchanges, was ineffective as a means of preparing working-class adolescents for the increasingly complex demands of modern industrial society. The task of the caring agencies, in working with the delinquent adolescent, was to provide the socialisation on which the adolescent could confront these more difficult demands, at work, at school and in leisure.

The work done by psychologists and psychiatrists in the area of delinquency gave rise to a new terminology with which the experts in treatment could formulate an expert, professional criminology. The delinquent's behaviour came to be talked of as the "acting out" of "psychic traumas", as an attempt to "resolve anxieties" over masculinity (in homes with inadequate father figures and dominating fathers), or as an expression of a "personality breakdown" of a kind that is most likely in disorganised working-class families. There was also a marked growth of interest, in the 1940's and later, in the 1950's, in the prevention of delinquency, as a possible alternative to treatment and correction at a later date. Prevention was to be attempted via interventions into 'problem' families by psychiatrically-trained case workers. An increasing

number of studies appeared into the pathological determinants of "pre-delinquency" and social maladjustment, and there was a rapid development in the number of so-called longitudinal studies of cohorts of children, with a view to identifying "scientifically" the cumulative interaction of particular family and personality characteristics that were deemed to be 'productive of delinquent outcomes'. Conflicts of view did arise in this work between psycho-analytical writers like Bowlby for whom institutional placements were less desirable for children from broken homes than foster homes or adoption (institutions were thought by him to be less successful as mother substitutes) and other social welfare thinkers for whom this view of deprivation was altogether too individualistic. Jean Heywood puts the point clearly though simplistically :

"The effects of Bowlby's work ... while very necessary ... had tended to confirm social workers in their emphasis on individual relationships and it was not until 1965 that two sociologists, Peter Townsend and Brian Abel-Smith, published their discovery of poverty in the welfare state."
(Heywood, 1978, p.203)

A characteristic feature of the psychological studies of delinquency in the 1940's (and 1950's) however was their openness towards "sociology" (taken to mean the study of the environment and its social effects, as for example, in the relationship between housing conditions and family breakdown). There was no fundamental dispute (in the immediate post-war period) between sociology and psychology over fundamental philosophical questions: the primacy of environment or personality in the causation of delinquency was by and large thought to be an empirical question, to be investigated in each individual instance. As a result of these investigations of particular cases, it should be possible for social workers and correctional staff to develop programmes of "individualised treatment".

Perhaps the most important consequence for "practical" discussions of crime that was occasioned by the acceptance of psychological and sociological

diagnosis of individual cases as a central part of the social-democratic response to crime, was the conversion of the existing penal system to "rehabilitative optimism".¹³ The problems of crime and delinquency were in principle resolvable through treatment; the crucial issues were to do with diagnosis, measurement, financial provision for treatment institutions and staff, and patience.

The rise of rehabilitative optimism and of treatment expertise was signalled in a variety of penal policy initiatives in the early post-war period. But one of the most significant legislative effects was the Criminal Justice Act of 1948 which, amongst other provisions, substantially increased the use of probation with both adults and juveniles (officially as an alternative to institutionalisation), abolished hard labour in prisons, and corporal punishment generally; introduced Remand Centres (to be used in lieu of prison for the pre-trial containment of 17-21 year olds); and legislated for the financial support of "new treatments" for offenders, as yet to be fully developed. The Times' editorial summarised the guiding principle of the Act as being "that there must be no despair of humanity". (31 July 1948).¹⁴

3. Labour and the Treatment Professionals

By 1948, three years after the end of the War, and a short time after the high point of the "popular socialism" of the war-time period, the criminology applied by the Labour Government had become a matter for expert intervention, diagnosis and treatment. Delinquency as such, the core "behaviour" in talk about crime, had been disconnected from the social contexts of the economy, and the structures of class and power, and relocated into a psychodynamic theory of maladjustment. The work of the International Committee of the Howard League, beginning in 1942, and of Mannheim and others, had helped to create, and to provide Government support for, a "treatment establishment" as a part of the

emerging Welfare State apparatus. The "treatment establishment" was held together by its acceptance of the view of delinquency as a symptom of a deeper maladjustment, by its tolerance of the gentler sociological theories of environmental deprivation and by a commitment, of a profoundly ideological kind, to "rehabilitative optimism". The intervention of trained experts (social case workers) in the affairs of working-class families was justified, on social scientific grounds, in "saving the children" from the known effects of deprivation and, morally, in bringing to them the benefits of "individual treatment".

Prior to the recognition of treatment as an appropriate area of State activity, for example in relationship to the family, social work had been by no means so significant an occupational pursuit and by social work ideology has been by no means so elaborate. "Caring" for delinquents and children "at risk", and engaging in programmes of prevention and treatment, had been more of a voluntary, amateurish occupation, a leisure pursuit, often of the unoccupied wives, daughters and relatives of powerful industrialists, Churchmen and other right-thinking powerful citizens. But, given the seal of approval of dominant social democratic politics and the authenticity of a scientific, socio-psychological terminology, the treatment establishment was significant enough, by the early 1950's, to enter into a confrontation with the other constituency with the legitimacy and power to engage in popular and in official criminology: the traditional apparatus of law enforcement of the police and the judiciary.

Highly influential within the "treatment establishment" in the early post-war years were the European refugee criminologists and social reformers who had worked on the International Committee of the Howard League in producing Lawless Youth. Many of these figures - Mannheim and Max Grunhut from Germany, and Grabinska and Radzinowicz from Poland - exhibited very clearly what Perry Anderson has called "an elective political affinity with British social

democracy". Like Malinowski in Anthropology, Eysenck in Psychology, Wittgentstein and Popper in Philosophy, Isaiah Berlin in Political Philosophy and Namier in History, these "white emigres" had chosen to come to England (rather than America, for example) because of their respect for the climate of "tradition, continuity, and orderliness" in England (Anderson, 1968). Mannheim and Grunhut in particular appear to have established relatively secure teaching and research positions in the early post-war period, and to have had close contact, especially via Harold Laski and the London School of Economics, with the Labour Party and the Government. Mannheim and Grunhut were indeed highly enthusiastic and committed proponents of the ideology of treatment, and both went around the country making contacts with social workers, local government politicians, and educationalists in order to prepare the way for social reform in the name of rehabilitation. The relationship of the treatment establishment to Labour's intelligentsia and Transport House, and Government planning departments, was rapidly transformed, from being a relationship of insiders (who make the decisions) and outsiders (who petition, lobby or sent delegations) into a close and "fraternal" relationship of friendship between experts. A common complaint in the editorial pages of legal journals in the 1940's was that criminologists like Mannheim had greater inside knowledge of impending legal and penal reform than the legal profession itself. This "imbalance" of professional representation in Government circles was to be corrected by the Conservative Government of 1950-9, with the parameters of expertise being broadened to include the police and the judiciary, and the patronage of Government being extended away from the LSE and toward Leon Radzinowicz and his small criminological department within Cambridge University Faculty of Law.

The receptiveness of Labour Party officials, Ministers, and policy makers to the treatment establishment had partly to do with their belief in

the importance of discipline within the family as a solution to individual delinquencies (a belief born of the experience of working-class parents preparing their offspring for entry into work) and, of course, partly to do with the limited nature of their critique of the capitalist "order". There was (and is) no recognition, in Labour's analysis of later capitalism, of the alienation of the individual in the capital-labour relationship, of the crisis-ridden nature of political economy on which it is based, or the contradiction between capitalism as a mode of production and social-democratic dreams of a stable, planned and consensual social order ("a community"). There is, however, in the analysis offered by Labourism, a repugnance for the more obvious human effects of the capitalist mode of industrial organisation, and the inequalities in living standards and human provisions that tend to be associated with it. In particular, in early 1940's versions of Labour Party penal thinking, there was a profound opposition to the use of measures of legal coercion (long prison sentences, or even fines, for juvenile and adult property offenders in particular). "The law" was still associated, in Labour's sentiments, with the employing class; the police themselves being seen as defenders of the "boss class" during the General Strike and in some cases, as defenders of the Mosleyite marches in the 1930's. To allow juvenile offenders to be dealt with by the law enforcement apparatus was to compromise with the authority and the institutions of the unreformed capitalist order; and it was also to make the juvenile offender suffer the stigma of a court appearance and subsequent criminal labelling in the working-class community. Where possible, the use of the Law as a solution to delinquency, in particular, was to be avoided; and treatment was the most obvious, and certainly most socially supported, alternative.

The alliance of the Labour Party and the treatment worker was also seen for a time to be successful in the reduction of the crime rates of the

immediate post-war period, for in the year after the Criminal Justice Act, the numbers of offences known to the police did actually fall, by some 8 per cent.

TABLE THREE

CRIMES KNOWN TO THE POLICE : 1948-50
(Indictable offences)

	Larceny	Breaking and Entering	Receiving	Fraud and False Pretences	Sexual Offences	Violence against the Person	Other Offences	Total
1948	349,358	112,665	9,044	19,326	10,922	5,183	16,186	502,684
1949	301,591	91,445	7,206	17,358	12,015	5,235	15,019	459,869
1950	301,075	92,839	7,586	27,561	13,185	6,249	14,946	461,136

The increase in the official crime rate in 1950 was almost entirely due to police activity in the pursuit of fraud and corruption in and around the black market. Otherwise, the official rates appeared to support Mannheim's earlier arguments that the post-war crime problem was temporary, and that it could be reduced by the effective intervention of treatment workers. In 1951, however, the rates began to show an overall increase (to 524,506 indictable offences known to the police. Nearly all this increase was accounted for by an increase of 54,000 in the numbers of larcenies known to the police).

By the end of the 1940's, the understandings that bound Labour to the treatment establishment on the question of delinquency and crime were quite firmly established. The task of the Labour Government was seen to be to reform the social and economic order, to provide 'security from the cradle to the grave', and to eliminate the worst excesses of class inequality and injustice; and the task of the treatment establishment, in parallel, was to reform and correct the pathological individual in the hope that he might be able to take

up his membership of the reformed, social democratic, community. The practical activities of the treatment establishment and the social-democratic Government were each carried through in the name of the "sense of community" we discussed earlier in this chapter. The "community" was largely unidentified (as a term, it had as much meaning as the references to the "national interest" in Labour Party talk in the 1960's and 1970's), but its most important characteristic was its classlessness. "The community" was a transcendence of class (in the same way as the wartime struggle itself provoked a sense of togetherness, suppressing divisions of class), and it was to the betterment of community, rather than the living conditions of any class within it, that social democrats and treatment workers were supposed to be committed.

Most of the problems that were discussed by Labourite politicians, academic criminologists and social administrators and treatment workers, were of an essentially practical nature. A closure had been effected in which even social philosophers like Ginsberg were expected to be interested (as they were), in a utilitarian fashion, in the reconstruction of British society as a welfare state. Philosophical enquiries into the nature of crime, or the ultimate objectives, and operating assumptions, of social-democratic or treatment projects, would probably have been regarded, in the atmosphere of the post-war period, as conservative, diversionary, or perhaps as idle and precious.

The criminology of Labour and the treatment specialists was firmly bound up with the question of youth and its "treatability". Youth posed a threat to the social reconstruction of Britain as a "community" organised around the institution of the family; but the troublesome behaviours of youth were, at the same time, clearly understood as the result of the pathological circumstances of the recent wartime experience. The expert initiatives of the social case worker were required to treat such pathology in particular by the provision of substitute family settings or by the correction of the problem family.

4. Social Reconstruction and Crime Control

But the wartime conditions were also seen, for example by Mannheim, to have encouraged a variety of so-called "economic offences", amongst adults as well as among youth. Alongside the traditional urban crimes of burglary and shop-breaking, increases were noted in a variety of other forms of property crime. Particular concern was expressed over an outbreak of looting in the winter of 1940-1, which resulted in 4,584 cases being heard before the London courts alone during 1941; and also much deplored was a tripling in the number of cases of smuggling (with 16,000 "interceptions" or seizures in the financial year 1945-6). At the end of the war, attention was also focussed on a large number of currency offences, which were known to have been the work of members of Armed Forces on the Continent, and also of British visitors to the Continent. (Mannheim, 1955, pp.111-112). In 1949, Harold Silcock published a re-interpretation of the increases in crimes of theft between 1938 and 1947, and suggested that the 78 per cent increase over the period was in part to be explained as resulting from the activities of "Black Marketeers", and others. The value of the property stolen "in transit" during this period, and later written off, (notably textiles) increased from £2.5 million in 1938 to £13 million in 1947 (Silcock, 1949). The overall number of indictable offences of fraud and false pretences known to the police increased from 13,122 in 1945 to 27,415 in 1951 (an increase of 108.9 per cent, by far the largest rate of increase of any of the offence categories) (Criminal Statistics, England and Wales, 1959).

For Mannheim, these increases, like the delinquencies of youth, were artifacts of war-time and immediate post-war conditions, and not, as Sir Cyril Burt and others in conservative circles within psychology were to argue, the result of ineffective repression of "mendacity". The prevalence of first offenders in the statistics on looting, smuggling, war-time profiteering, and in offences against food control and lighting regulations was a demonstration of

the fact that these activities were engaged in by juveniles and young adults, temporarily out of parental control, and presented with one-off opportunities for material gain: there was no evidence of any general outbreak of "pathology" or of any general commitment to a criminal career (although commitments of this kind might eventually develop if there were no Governmental initiatives to control the economic offences of the powerful):

"Looting and the various types of profiteering are nothing but more pronounced forms of general patterns of anti-social behaviour which remains unpunished in times of peace, and their perpetrators, though public nuisances, do not therefore rank as professional law-breakers. In other words, the juvenile looter may represent only a further stage in the normal development of the slum child who is used to picking up things lying about on the pavement, and the war profiteer is only the somewhat more unscrupulous war edition of the smart businessman who, under normal circumstances, manages to keep to the right side of the law."

(Mannheim, 1955, p.103, reprinting essay of 1942).

Elsewhere, Mannheim insists on its being the duty of the Courts to enforce existing laws against the "white-collar" criminal, and in particular fraud (which he sees as being economic gain won without productive effort).

"As long as the extreme dangers resulting from this type of anti-social behaviour are not clearly realised, and as long as legislators and administrators of criminal justice fail to take appropriate measures against white-collar crime, it is nonsensical to expect the penal system to be successful in its fight against the ordinary thief and burglar and small fry."

(Mannheim, 1946, p.119).

The legitimacy of Labour Government initiatives across a wide range of issues was in part connected with the enforcement of law against economic offenders as much as against the "ordinary" thieves and burglars.

"It is becoming clearer every day that social reconstruction and the future of crime are largely dependent on the attitude of society towards it."

(Ibid., p.120)

A report in The Times, some two years later, makes it clear what Mannheim had in mind in urging action on economic offences, and the importance

for Labour of the enforcement of law "without fear or favour".

"On 4 May ... Mr. Gaitskell, in his capacity as Minister of Fuel and Technology, during the second reading of the Motor Spirit Regulation Bill, informed the House of Commons that the loss of petrol to the black market was estimated by the Government as 100,000 tons a year. (The Vick Committee, which had just reported, had a figure of 160,000 tons). He continued that this (was) 'a moral scandal which should not be tolerated. We have a remarkably high standard in such matters and the petrol black market is an unfortunate lapse from that standard. It is surely wrong that people should benefit from the black market at the expense of fellow-motorists who are playing the game and obeying the rules.'
(The Times, 5 May 1948)

In the commentaries of Mannheim, Gaitskell and others, the economic offences connected with the black market, with fraud, and with currency offences, were presented as dishonest, and immoral, departures from normal, honest capitalist endeavour. Dishonesty and immorality were more likely to occur, and less likely to be noticed and prosecuted, in a market that was uncontrolled by the State, with individual economic offenders being able to hide their misdemeanours by stealth or by presenting them simply as examples of sharp business practice. But fraud and other forms of white-collar crime - far from being merely devious examples of efficient capitalist practice - were actually akin (in cause as well as in morality) to the criminal behaviours of the racketeers at work in the black market. Indeed, the spread of business malpractice and individual cases of white collar crime was probably due to the corrupt influences of the "mobs" percolating through into business. According to later commentators, it was in the 1940's that London's "underworld" began to be a professionally organised (by Jack "Spot" Cromer, Bill Hill and others), and out of their experience of the black market that the later leaderships of the "East End gang" (notably the Krays and the Richardsons) were to emerge. In social-democratic accounts like that of Mannheim, organised crime, like white collar crime, was an indication of the corruption of individuals (who were prey to deviance by virtue of faulty upbringing), taking advantage

of the opportunities presented by the uncontrolled, and relatively unpoliced, free enterprise market.

One of Mannheim's concerns in his definitive text on post-war crime was to encourage the State to use the criminal law much more extensively in the "world of business", and, indeed, to examine the use of legal control for this purpose by the Soviet State to see what lessons could be drawn for Britain. (Mannheim, 1946, pp.195-9).

The involvement of delinquents in economic offences was then connected, in Mannheim's account, with the fact of youth having been provided with "bad examples" by the economic offences of some adults, or, in some cases, by youth having fallen into "bad company" - for example, with members of the Armed Forces returning from the war, or, indeed, deserters (many of whom appear to have mastered the technique of smuggling, fraudulent conversion and other sophisticated economic offences). So far as deserters were concerned :

"Very soon after the onset of the crime-wave, the view was expressed by the authorities and the press that the rise in crime was largely due to the activities of this group of outcasts of whom, according to official estimates, there were about 20,000 at large (as against 80,000 after World War 1). Unable to get identity cards and ration books in the legal way, they were said to be living largely on their wits, and always ready to commit even serious crimes."
(Mannheim, 1955, p.114, quoting essay of 1947).

Mannheim notes that the attempt to encourage the deserters to return to "normal life in the community" by the granting of an amnesty, was largely unsuccessful, because of "the force of retributive tendencies in the population."¹⁵

For those commentators with "retributive tendencies", deserters were not the only source of poor example, and corruption, affecting the youthful population. The Justice of the Peace and Local Government Review, in 1947, moved from a discussion of desertion to note "the presence in the country of a fairly large number of aliens of various nationalities, refugees and others,

whose activities may not always keep them on the right side of the law."

The article continues :

"We do not wish to say too much on this subject, because we are uncertain of the real facts, but we do feel strongly that as far as this class of person is concerned the Courts have a special duty. The Aliens Order 1920, Article 12(b) (a) and the third schedule of the Order set out the circumstances in which a Court may recommend to the Secretary of State that a convicted alien be deported. We feel that it is the duty of the Courts at the present time to approach this question of recommendation from the standpoint that it is for the alien, if he can, to show cause why he should not be recommended rather than for the court to consider why he should. We should not at any time keep in this country aliens who refuse to obey our laws unless there are strongly mitigating circumstances in their favour, and at the present time, it is doubly important to get rid of them, and so leave the police free to deal with the native criminals who cannot be deported."

(Justice of the Peace and Local Government Review, CX(2)
12 January 1947, editorial on "The Crime Wave")

Once the scapegoating of a certain segment of society begins, whether for its alleged role in "moral decline", the "undermining of authority", or in officially-recorded crime, the nature of the debate over "causes" tends to shift ground. Causation is thought to have been established - the corruption of the youthful, the naive or the disturbed by "outsiders" is seen as the self-evident explanation of the presence of pathology (crime, deviance, dissent) in an otherwise healthy society. The debate then tends to shift to the relative responsibility to be accorded to different outside, or minority, groups. In the 1940's, the Conservative press, along with some elements in the judiciary and the police, began to debate, either overtly or by inference, the relationship between the "crime wave" and the presence of aliens, deserters, and other potential corruptors in the post-war population.¹⁶ There are no studies of the effect of such scapegoating in the crime-talk of the 1940's on the various migrant groups, or on those demobilised from the services; but we can see that conservative writers in the legal press were able to use the aliens' involvement in economic offences as a topic distracting attention away from the

economic offenders identified and deplored in Mannheim and other Labourite accounts. The debate in the legal journals (and in some of the weekly press) was conducted in terms of a largely conformist British culture being threatened by the presence of migrant groups, whose norms and customs were often at odds with those of English Criminal Law. There was little attention paid to the possibility that the various migrant groups might themselves be the target of attacks and theft from sections of the neighbouring British population, and that they might suffer the double disadvantage of not feeling readily able to ask for the protection of the local police.¹⁷ Social democratic writers certainly did not directly challenge the increasing numerous accounts of Polish, Ukrainian, or other migrant group involvements in crimes; for to do so might have required a more critical examination of the notion of "community" vis-a-vis nationality and social class.

For Mannheim, one of the major dangers in the apparent growth of economic offences was the possibility that youth might come to imitate the deserter, or, in some cases, the white collar criminal. The youthful population (and especially that section born to inadequate or broken families) might transfer their loyalties to a more exciting alternative - the outlaw. Indeed, in other accounts of the delinquency of the period, the element of excitement in delinquency - in what was a rather drab and puritanical period of social and industrial reorganisation - was given as an "additional causal factor".

The chances of "youngsters" developing an interest in delinquency and crime as "excitement" was also being worried about increasingly in relation to the content of the new mass media that were beginning to open out in the 1940's. During the war, the media had been confined to the role of straight information provision (as defined by what information was helpful to the wartime effort); but in the immediate post-war years the radio and film industries began to play on other important cultural themes. The radio serial, Dick Barton -

Special Agent, was the subject of critical comment, and one Police Chief called for the programme to be banned on the grounds that it constituted "crime propaganda", and the gangster film, No Orchids for Miss Blandish opened to a similar reception in 1948, and was actually banned by organisations representing more than a thousand cinemas (Chibnall, 1977, p.55; Yallop, 1971). The elements of a "causal connection" (between crime and the mass media) were beginning to be sketched in by the end of the 1940's, although they did not really gain primacy in crime-talk until after the advent of television.

The possibility of young offenders drifting into criminal careers, as a result of these associations, and also as a consequence of the general economic shortages, was now considered to be a serious problem in both Labour and Conservative accounts. For Mannheim, an appropriate political response would be to increase the size of the Police Force,¹⁸ and also to improve the level of technology under its control (detection of the economic offender would be no simple matter). This would have deterrent effects on juveniles as a whole, as well as allowing for more of the minority of disturbed adolescents "in need of care, protection or control" to be apprehended and handed over to the care of treatment workers.

It was at this point in the evolution of a Labour criminology in the 1940's that a link was made with the existing law enforcement apparatus. The Police were to be supported, and encouraged to direct their attention towards preventative work with juveniles, as well as to bring juveniles to court as often as was necessary. Encouragement was also given to the Police in their role as detectives, especially in working on fraud, "fiddles" and on black market offences - the "rackets" - an area of expertise in which the police took great pride in the 1940's (cf. Hart, 1951).¹⁹ There was, indeed, a considerable "moral panic" in the late 1940's over the widespread activities of the so-called "Spivs" and "Drones" (a terminology, according to the Daily Telegraph, derived

from the race-course fraternity of the 1890's, and applied in the post-war period to sharp-practitioners, con-men and other skilled operators on the margins of legitimate and illegitimate business practices): it was alleged, in characteristically Labour style, that the Spivs and Drones were making "easy pickings at the expense of the wider community". (cf. Hopkins, 1963, pp.97-100). According to one later commentator, public anxiety was excited, in the main, by the more violent and "really" criminal of the spivs. The "wide boy" version of spivvory as such met with a rather more tolerant, not to say admiring, public response: it was a "cocking of the snook" at the rigidity and bureaucracy of the "Age of Austerity". Alan Deacon observes that the "spiv", as a black marketeer, actually provided "nylons, chocolates, and other luxuries" which people wanted to buy as a means of mitigating the overall atmosphere of austerity, and that spivs were often admired as "exploiting a clumsy bureaucracy rather than (their) customers". In addition :

"Arthur Helliwell's tales of "spivory" made his Sunday column of the People the most widely read in the country (whilst) the cartoonist, Osbert Lancaster, and the comedian, Arthur English, made the flashily dressed "wide boy" a national character".
(Deacon, 1980, p.446)

In a situation of national shortage of labour, however, the Government had to act against what Prime Minister Clement Attlee called "a section of the population which serves no useful purpose" (Hansard, 6 August 1947): and particular attention was given to the drones, the able bodied but unemployed "idle rich" of whom it was felt there was one million, "most of whom spent their time in gambling dens and night clubs" (Deacon, ibid). If the drones were idle, the spivs were also likely to move out from the black market into other forms of crime, especially in the bad company they encountered in the black market :

"In 1948 The Times deplored the failure to search positively for the 20,000 deserters, without the right to a ration book, as yet unpardoned, who formed the pool of lawbreakers. They had been taught the techniques of violence in wartime

and were bitter enough to exercise them now; indeed, London in 1946 attributed nine per cent of all crimes to them. By 1950 a legal paper had stated that the ordinary citizen no longer felt safe in his own home, and the Lord Chief Justice had earlier cited cases of old people trembling, often with good reason, when they heard a knock on the door at night. The statistics showed that every large school in the country could hope to have on the register a couple of active criminals who had no fear of the police". (Hopkins, op.cit.)

Conjectural though arguments of this kind may have been (and reported in language that was to become familiar in the litany of moral panics over crime throughout the post-war period), they were in part responsible for the increase in expenditure on the police from the central Government funds during the late 1940's, along with an upturn in recruitment (prompted by the award of a pay rise), and an increase in the amount of amalgamation and investment in technological support within the Police Force as a whole.

Along with measures to increase the size and efficiency of the police force, Mannheim and Labour criminologists like Grunhut envisaged a need for a massive expansion of the treatment and correctional institutions. Between 1947 and 1952, seventeen new open and medium security prisons and Borstals were built, but even the opening of the new institutions was insufficient to match the increase in the daily average prison population, which rose from 12,910 in 1945 to 20,687 in 1951, the highest figure since 1877. As a device to combat the overcrowding in prison, the Prison Commissioners for the first time allowed three prisoners to a cell. (Thomas, 1972, p.181).²⁰ There was clearly no in-principle objection within the Labour Government to the use of prison sentences, especially in the era of rehabilitative reform within the Prison Commission, and especially for "young adults" who were engaged in acquisitive crime. A distinction began to emerge in Labour Party talk about youth and "young adults" (the 17 to 21 year olds) between those who were deprived, on the one hand, and those who were simply ungrateful, recalcitrant and undisciplined; a distinction which closely paralleled the distinction in

the Beveridge Report and in the thinking of Labour Party and Fabian Society social policy makers, between the "deserving "and "undeserving " poor. The fact that a section of youth appeared not to appreciate the efforts of the reforming Labour Government was explained, in Labour circles, as the result of that section having been contaminated with acquisitive, individualistic and dishonest preferences. In some Conservative accounts, too, a distinction of this kind emerged: J.D.W. Pearce, a prominent liberal Conservative and psychiatrist, identified acquisitiveness as one of the pathological effects of inadequate socialisation, along with fluency and aggression, in the personalities of the juvenile delinquent. (cf. Pearce, 1952). In social-democratic writing, however, the corruption was seen almost as a contamination deriving from the period before social reconstruction, in much the same way as criminologists in the Soviet Union, during the 1920's and 1930's, interpreted the crime, delinquency and alcoholism of the time as a "contamination from the West" and/or as "culture lag" from before the Revolution. (Cf. Connor, 1969).²¹

The fear of this "contamination" deriving from "bad company" was certainly used by the then Home Secretary, Mr. Chuter Ede, in justifying the creation of the Detention Centre in the 1948 Criminal Justice Bill. A central function of the Centres was to segregate "young adult offenders"(aged 17 to 21) from adult prisoners, which had previously been impossible in the British penal system. But it was clear that other motives were involved. In the debate on the Bill, Mr. Ede commented on the Centres in the following terms :

" ...there is a type of offender to whom it appears necessary to give a short, but sharp reminder that he is getting into ways that will inevitably lead him into disaster. It is hoped that these Detention Centres which will be set up gradually will enable that warning to be given. Their regime will consist of brisk discipline and hard work."

The introduction of the Detention Centre (as well as the support forthcoming for the Police, and for a "reformed" and expanded system of prison)

is evidence of the continuing, if muted, influence of law-enforcement thinking in the late 1940's. The Detention Centre which was modelled, according to Nigel Walker, on the "penal camps" used by the Army to discipline its own young offenders, was first spoken of by a Departmental Committee of 1938, as an alternative to corporal punishment. After the war, in the context of the general anxiety over youth, the introduction of the Detention Centre was soon demanded by the Magistrates' Association, as it had already been by the senior London magistrate, John Watson, in his book, The Child and the Magistrate, published in 1942.

Watson argued in terms which closely anticipated the 1948 formulation used by the Labour Government's Home Secretary :

"there is a very definite demand for some form of treatment ... which would be of short duration, but thoroughly unpleasant, and available as a penalty for minor offences, including minor breaches of probation."

It is not clear whether Watson or Ede had any particular type of youthful offender in mind here, or whether the argument was simply intended to underline the need for a coercive institution as a support for the new "rehabilitative" measures, a guarantee that the proper conformist behaviours could be enforced, should moral persuasion and resocialisation fail. Certainly, the Howard League was totally unconvinced of the utility of Detention Centres as "rehabilitative measures" and could not identify the "type of offender" for whom the Centres might be intended. Even Conservative spokesmen in the House of Lords, in that Chamber's debate over the Criminal Justice Bill, confused the Detention Centre with Attendance Centres. It seems likely, in other words, that the pressure for the creation of the Detention Centres marks an early stage in the struggle of the magistracy (and the law enforcement apparatus) to draw up its battle-lines in defence of coercion in the criminal justice system, in the face of the early advances of "rehabilitative measures" and the "treatment establishment".

The 1948 debates also illustrate the beginnings of the use of abstract images of social order and social disorder in post-war criminology. The references in and around this debate to "very definite demands for (a certain form of) treatment" and to "types of offender to whom it appears necessary to administer a short, but sharp reminder" were not obviously understood, either in the House of Lords or in the Howard League, as having any clear application to any particular kind of youthful disorder.²² The mere mention of youth had already begun to conjure up an imagery of disruption - for Labour, the disruption of a consensual social order organised around the family, and, for Conservatives, the disruption of authority and the effective learning of (subordinate) social roles. As we shall see later, the image, or "metaphor", of youth as disruption, appears repeatedly in post-war talk about crime, but the basic elements of this metaphor were already well established by 1948. By the time that Rock n' Roll and the Teddy Boys began to emerge as identifiable options for post-war youth, the message they had to emit to the adult audience had already been well scripted and rehearsed.²³

5. Conservative Criminology in the 1940's

The abstract metaphors were present in both Labour and Conservative accounts (for example, in the Conservative Party pamphlet, Youth Astray, of 1947, which was prepared by a committee which included both the previously-mentioned Watson and Page). But where Mannheim, Grunhut, Fry and other Labour Government spokesmen located the disturbance of youth in a psychodynamic and environmental "theory of crime", Conservatives were articulating an alternative account, albeit on a tentative basis. Crime was a behaviour quite specifically of the criminal classes in this account, and it was a behaviour which was therefore to be expected in all societies, irrespective of the particular social structure of the society, or the particular disruptions a society might experience (for example, in war). Simply, there are evil men,

immune to moral or social reform, and the system of social control and law has to be such as to deter or otherwise to catch and to contain these men. The "frailties of human nature" being what they are, say Conservatives, we may all be prey to temptations, and a strong legal system and police force is a useful protection for the population as a whole (in defending both persons and property). But there is a qualitative distinction between an individual failing of character (a single act of delinquency) and the commitment to delinquency (or adult crime). The commitment to crime and/or delinquency is evidence of a commitment to the attempt to amass wealth outside the labour market without working: it is evidence that an individual belongs to the "criminal classes" (who are understood as those groups who have not accepted the moral values underlying "modern social order" - that wealth is to be worked for, and that the inequitable social position within the social order are, to some extent, justified by the fact that the occupants of those positions or their relatives have worked hard to obtain them).

There was a clear distinction, therefore, for Conservatives, between those juvenile delinquents who are found guilty, in court, of "grave misconduct" (who may be taken to exhibit "criminal tendencies") and juveniles who had been "led astray" (who may not, in other words, be really delinquent, but who might still require some rehabilitative treatment, or possibly, some correctional experience of a deterrent nature). The 1947 Conservative committee's proposals opposed the blurring of the distinction between the "disadvantaged" and the "delinquent" child which they saw in the proposals of the International Committee of the Howard League, and in the direction of Labourite penal policy thinking generally. Real crime (the amassing of wealth by members of the "criminal classes" outside the labour market) had to be clearly deterred and controlled, whilst occasional delinquencies resulting from the deprivations of the working classes as a whole should be combatted via Governmental economic policy and by individual rehabilitative measures.

The discovery of the committed delinquent must take place through "due process" in court. Guilt must be proven before any serious penal or welfare decisions are taken, and the onus of proof must be on the prosecution. It is in the courtroom that the basic test of democracy, as the defence of individual freedoms, is carried through:²⁴ and, consistent with the classical philosophies on which pure Conservatism depends, it is the responsibility of a magistracy to adjudicate, neutrally, the guilt or innocence of a defendant. The magistracy and judiciary are representatives of a general interest only - the social contract that is society - and are seen (classically) to be immune from the "interests" of the propertied and the working classes alike. They represent the authority of "the society as a whole".

A continuing theme in Conservative thinking in the early 1950's which was present in a less emphasised form in Youth Astray, was the growing threat to "authority" - primarily as a result of the disruptions of the war, but also, significantly, by some aspects of Labour Government activity in the early post-war period. In the context of delinquency and crime, the proposals made to substitute welfare proceedings in family tribunals (by Margery Fry in Lawless Youth) constituted a challenge to the authority not simply of "the Court" but also the ability of the society as a whole to exercise its authority over delinquent youth, and adult criminals. The "threat to Authority" theme was certainly muted in the 1940's and always overlain by the concern of the Conservatives to give support to the popularly welcomed attempts of the Labour Government to tackle "deprivation" and poverty. At no time did the concern for "authority" approach the hysterical levels of the late 1970's. But the elements of a Conservative response to "welfare" were clearly being articulated, with the defence of the courts, the police and the legal system being presented as the guarantees of "individual freedom", and a neutral agency of the general interest, as well as being, in some Conservative accounts of i.e. continuity of

established tradition and (therefore) the natural order of things.

The guardians of this tradition at a local level, the Magistrates, were on the defensive in the earlier years of the Labour Government. In the early post-war political climate, with many of the traditional forms of class authority (like the aristocratic leaderships of the police and the military) under critical popular scrutiny, the magistrates were apprehensive of the Government and indeed of its supporters in the increasingly powerful social work and treatment professions. These anxieties were fuelled by the appointment, in June 1946, by the Home Secretary, of a Commission on the Justices of the Peace, "to review the present arrangements for the selection and removal of Justices of the Peace, ... and to report what changes, if any, in that system, are necessary or desirable to ensure that only the most suitable persons are appointed to the Commission of the Peace". For a time, that most reliable institution of class power in England at local level appeared actually to be under threat, and in the pages of the Justice of the Peace and Local Government Review a certain nervous anxiety was detectable. The report of the Commission, published in 1948 and enacted in 1949, did recommend changes in the method for the appointment of J.P.'s by the office of the Lord Chancellor. The power of political parties over the appointments was restricted a little by the recommendation that the main criterion for selection should be "fitness for discharge of judicial duties"; and by the recommendation that the local advisory committees, who nominated individuals for the Bench, should be drawn from "different sections of the Community". Also, a statutory age of 75 was established for retirement. But this was hardly the fearsome or revolutionary Report anticipated by the Bench, and this recognition, along with the concessions made to the Magistrates' Association in the Criminal Justice Act of 1948 (the introduction of Detention Centres, appears to have restored the confidence of this part of the law enforcement apparatus, and also encouraged it to work for further Conservative measures).

6. Labour and the Police

The core organisation for the defence of "Authority" (alongside the Magistracy and the Prison Service) was, in practice, the police. Like the Magistracy, the police force had to adjust to the reformatory climate of the early post-war years; but, in addition, in a climate characterised by some anti-authoritarian feeling, they had to distinguish themselves from the agencies of State authority with whom the British population had been at war. Sir John Noylan's The Police in Britain, published in 1946, was in part an attempt to distinguish the British police from the police forces of the totalitarian State. According to this author it was precisely because of "antiquity" of "the office of constable" with its unbroken lineage of 700 years" that there was a sense of trust between the citizen in Britain and his police force as well as a sense of the police being responsible through the local constabulary, to neighbourhood and community.

The police force was in a "haphazard", under-financed, and undermanned state at the end of the war,²⁵ and it was also less popular in some quarters than the more accountable local auxiliary police and Civil Defence wardens of the war time period.²⁶ In some Labour circles, as we have mentioned earlier, there was a continuing resentment of the role of the police in the General Strike period and during the struggles against the Fascist marches in the 1930's.²⁷ Recruitment of new manpower into the police had been at a standstill in 1941-5, with most potential constables being taken directly into the armed forces; and the level of police pay had been allowed to fall to around about the national average. This remained the situation in the immediate post-war period, and in 1949 there was a very high number of vacancies in all forces, and especially in the Metropolitan force. The size of the police force actually fell from 63,980 in 1939 (one policeman for every 648 in the population) to 60,190 in 1949 (one for every 727); and expenditure on the police also fell as a

proportion of total government spending from 2.4 per cent in 1938-9 to 1.3 per cent in 1949-50.

This "decline of the police" was in no way the result of any concerted attack from the Government. The Police Act of 1946 was actually of some help to the Force, in introducing some efficiencies through amalgamation, in providing for new equipment and also in providing support for the opening of the National Police College. But the fragile - cooperative but cool - relationships of the early post-war period eventually strengthened and warmed to the point where, by 1949, the Government was able to accept the recommendations of the Oaksey Committee for substantial pay rises for police (bringing them well above the national average and having a rapid effect on the police's recruitment problems).

There is little doubt that the publicity given by the popular press to the murder of P.C. Edgar by an army deserter in February 1948 played a part in the improvement of the police's fortunes; and it may also be the case that the efforts of Sir Harold Scott, as Metropolitan Police Commissioner, to improve the image of the Force by cooperation with the making of films like "The Blue Lamp", (in which policemen were depicted as folk-heroes) had some impact on public opinion. (cf. Chibnall, 1977, p.270). Equally important, however, was the fact that the Labour Party in Government came increasingly to need the help of the Force, politically, especially after 1947.

The renewed outbreak of Mosleyite activity in London, in 1947, resulted in attempts from the Left of the Labour movement to break up the Fascist meetings, and marches. Barry Cox reports that :

"... the police interpreted their powers under the 1936 Public Order Act to obtain the names and addresses of hecklers to mean that they should give such information to the meeting chairman. The Fascists exploited this cheerfully, to the dismay of their opponents, who accused the police of assisting in the formation of a Mosleyite blacklist ... (D.N.) Pritt raised the matter in the Commons, but Chuter Ede, the Home

Secretary, defended the practice because it enabled the chairman of meetings to pursue private prosecutions, if they wished to, when the police did not undertake public ones."
(Cox, 1975, p.40)

In 1948, as a response to the continuing harassments from the Fascists, Chuter Ede banned all political marches in London for three months, a ban that was renewed, in the event, until 1949.

The links formed between the Government and the higher echelons of the Metropolitan Police Commission during this period were generally useful as challenges came increasingly to be posed to the direction of Government policy itself, from the Left. The spread of strikes through the London and Merseyside docks during 1947-50 was the most obvious sign of a disenchantment with the gradualism of the Government's economic and social policies, especially in traditionally militant working class constituencies. The Government's response to the dock strikes was to use the Special Branch in an attempt to discredit the unofficial Port Workers' Committee as a Communist cell. Tape recordings of speeches by the P.W.C. organiser were passed to Arthur Deakin, General Secretary of the T.G.W.U., who expelled the individuals concerned from the union; and in April 1951 seven dockers were tried for organising strikes in contravention of war-time legislation still in force. (Bunyan, 1976, pp.124-5). The role of the police in the anti-Communist campaign directed by the Labour Government, especially after 1947-8, at the Left, is not on public record; but the purge of "communists" from the Civil Service initiated by Prime Minister Attlee must have depended, in part, on police information and encouragement.

One of the most significant moments in the developing relationship of the Labour Government and the police occurred in the context of the accusation of corruption in Government circles made by a Mr. Sidney Stanley in 1948. Stanley, a Polish emigre, ne Kohsychy, who described himself as a "promoter of business contracts", made public allegations that several senior and junior ministers and civil servants had taken special favours from industrial

and commercial representatives in exchange for their being ensured Government contracts.²⁸ The investigation of these allegations by the Lynskey Tribunal (Cmd.7617) required close cooperation between the Attorney-General (Mr. Hartley Shawcross) and the police. In the event, no criminal charges were laid against any members of the Government, but Mr. John Belcher, Parliamentary Secretary at the Board of Trade resigned, after the publication of the Tribunal's Report, and Mr. Stanley was deported, to criticisms that this was too severe a punishment, and suspicions of a desire to have Mr. Stanley removed from the public eye. (Gross, 1963).²⁹

The increasingly close relationships of the Government and the police appear to have developed in parallel with a loss of direction on the part of the Government, which has been widely commented on in subsequent histories of the economic and social policies of the first post-war Labour Government. The economic recovery suffered a temporary set-back, and the Right and Centre of the Party led by Herbert Morrison argued for a policy of "consolidation" and (under the pressure of campaigns from business over nationalisation) for resistance to the demands from the Left for further extensions of public ownership.³⁰ The beginnings of the Cold War, in 1947-8, gave an impetus to the Right, and enabled them to associate any radical opposition, especially on the industrial front, with Communist influence and "infiltration". In 1948-50, just at the point where the Government appeared poised for a massive appropriation of "the commanding heights of the economy", and "when the economy appeared to be regaining both internal and external balance, there was a substantial shift away from planning in the direction of a free market system" (Rogow, 1955, p.41). The "retreat from planning" and the so-called "bonfire of controls" of 1948-50 marks a point of collapse in Labour's reconstruction of the economy, and the beginnings of an acceptance in the Labour leadership "that the objectives of private industry harmonised with the aims of the Labour Government". (Rogow, 1955, p.44). The close reconciliation

of the Home Office and the police, in 1949, in the form of considerable pay rises, can also be read as evidence of the Government's general move towards a consolidation politics. It certainly is evidence of a renewal of influence of the police, and hence of the 'law enforcement' approach to questions of social order within the Labour Government itself; an influence that continued, with similar reciprocal benefits, in the rest of the post-war period.

In one area, there was clear evidence of the conflict of view between the Government and advocates of traditional forms of policing, and that was over the nature of the "police task". A Home Office Committee, appointed by Home Secretary Chuter Ede, on 30 August 1950, "to investigate the performance of police on "extraneous" duties" refused to accept that the traffic-policing functions of the police (which had obviously increased in the line with the increases in motor vehicle use after the war)³¹ were not "within the ambit of police work proper" (Report of the Committee on Extraneous Duties, 1953, para.5). Chief Constables and other witnesses had argued before the Committee for police to be relieved of these duties, in order that they might concentrate on the pursuit and control of "real" criminals. The Committee on Extraneous Duties withdrew some already anachronistic responsibilities from the police (in the area of tax control), but argued that "uniformity in the extra duties performed by police forces is neither necessary nor desirable" (para.40(i)). For this Committee, the police force was a "peace-keeper" in the most general sense, with a proper responsibility for traffic and domestic problems, as well as for crime control, and for the policing of industrial disputes and political demonstrations in the broader society. It was precisely this conception of the police's role, of course, which increasingly came to inform Labour's policy of support for the police across a broad range of activities. The active participation of the police in the juvenile and adult court was encouraged by the Howard League, in Lawless Youth, and in the Criminal Justice Act. It was a conception of policing which increasingly found a place in local

police forces in a general political climate emphasising the importance of common sacrifices in the universal interest, as well as amongst Police Chiefs adjusting to changing priorities in the thinking and policy-making of a Labour Government.

For Conservative commentators on crime in 1945-51, also, the police were to be encouraged, but primarily in their capacity as representatives of Authority and as crime-fighters. The delinquencies of the young were evidence of a commitment to illegitimate ways of obtaining financial gain: they threatened the moral fabric of an industrial society that required that the mass of the youthful population in each generation should accept the need for productive labour. The police were to be given the power, equipment and manpower to carry through the crime-fighting, and delinquency-controlling, task, and they were to be encouraged to bring lawbreakers to court for punishment. Law enforcement, as opposed to treatment or mere "peace-keeping", was the primary role of the police. The strength of the Police Force increased rapidly, under the Conservative Government elected in 1951, from 62,910 in 1950 to 72,850 in 1960, and, indeed, the proportion of Government resources spent on the police also increased, rapidly, by 256 per cent between 1950 and 1965 (as compared with a growth in the Gross National Product of 163 per cent). (Martin and Wilson, 1968, pp.70-1). It has also been noted, vis-a-vis the police's experience of the Government after 1950, that :

"the recurrent attacks (on Government expenditure) by balance of payment crises, and stop-go Government economic policies were delayed and arbitrators awarded less than the Police Federation demanded on occasion but there were not cuts. Police building was held up ... by checks on local authority spending, and perhaps most important of all, the development of central services, in particular radio communications, was slowed by shortage of funds. Though they occasioned much heart-breaking at the time, none of these measures could compare with the inter-war cuts in wages, long delays in spending and inability to put new ideas into effect." (Martin and Wilson, 1968, p.71) (my emphasis)

By 1951, at the moment of the return of a Conservative Government under the influence of the "Progressive Tories", the police, magistracy and prison

services were firmly in favour in Government circles, and with the outgoing Labour Party itself. Amongst Labour Government supporters, the police were in favour, consensually, as "peace-keepers", as detectives (working against the fiddles and swindles of the economic offenders),³⁰ and as crime-prevention agents working, in collaboration with social workers, in "the community". But for Labour and Conservative commentators alike, the police were becoming increasingly important as guardians of the parameters of the new consensus politics of the post-war era, and the "crime" they policed increasingly understood as being the behaviour of the youthful, the individual economic offender (the "spiv"), and, to some extent, the political and industrial groups who were involved in challenges to the consensus over welfare, planning and reform already established between the two major Government parties.

7. "The Climax of Labourism"

Ralph Miliband refers to the early programme of the 1945-50 Labour Government of nationalisation and socialisation (of health and education) as "the climax of Labourism". In so doing, he wants to identify the fatal flaw in the assumptions of many of the Labour activists of 1945, namely that the measures of 1945-8 were "the beginning of the social revolution to which he believed the Labour Party was dedicated". Instead

"... his leaders took these achievements to be the social revolution. Of course, they would readily agree that there was still much to be done to consolidate the social revolution. But, as far as they were concerned, the bigger part of the task had, by 1950, been completed. And they therefore were genuinely impatient with the argument that there remained a citadel to be conquered. They believed it to be already occupied."
(Miliband, 1961, p.308)

Though the "citadel" was "occupied", international tensions were requiring a rearmament programme (as over Korea in 1949) and cycles of boom and slump were proving difficult to contain - a wage freeze was imposed in

1948 and rationing of both necessities and luxuries was continued throughout 1948 and 1949. It was clear that social reconstruction and "an end to sacrifice" were going to be no overnight achievement, however well intentioned the Government. The character of Labour's social policies and rhetorics on crime in such circumstances was therefore no surprise. Crime and delinquency were "short-cuts" to material gain, and they were therefore parasitical on the mass of the population, which was seen to be engaged in worthy labour and self-denial. The juvenile offender and the economic offender were identified as the primary criminal threats to reconstruction precisely because public experience and knowledge of these behaviours did threaten the Labour Government's emphasis on the importance of "postponing gratification" and on the equality of sacrifice during continuing conditions of austerity.

These were sentiments which no Conservative spokesmen would deny. But, as we have shown, Butskellite Conservatives had already participated in an ideological reconstruction of the central themes of "social democracy" in which other connotations had been constructed around the agreed problem areas (the family as an agency of discipline; the State as a source of unwarranted interference and on the court as an institution for separating out the depraved from the deprived). This was ideological work which was to give the Conservative Party, the organised party of the ruling class, considerable ideological advantage as economic conditions were transformed from those of "austerity" to those which were described, in the 1950's, as "affluence".

CHAPTER ONE : FOOTNOTES

1. Later in the chapter, we discuss the very limited reforms proposed by the Home Office Committee that was struck in 1946 to investigate "the present arrangements for the selection and removal of Justices of the Peace". No such committee was established to investigate the judiciary as such.
2. During the run up to the General Election of 1979, spokesmen for the existing leadership of the Tory Party went to great lengths to distance themselves from previous post-war Conservative Governments' policies on social welfare. In large measure, these spokesmen seem to have been influenced by Sir Keith Joseph's earlier ideological work on "State dependency" as a form of decadence and also as an obstacle to the creation of free market of independent producers. See, for example, Joseph's speech of 1974 "Britain : a Decadent New Utopia", in which he argued that "delinquency, truancy, vandalism, hooliganism, illiteracy, decline in educational standards teenage pregnancies drunkenness, sexual offences, and crimes of sadism ... (arise) because the message is that self-discipline is out of date that the poor cannot be expected to help themselves that the State (should) do more." (Guardian, 21 October 1974).
3. In contrast, the dominant form of social democracy in the 1940's in relationship to the economy was that of Labourism, in the sense that Labourism prioritised the use of the State to ensure the production of some goods and services to meet universal social needs and also to mitigate the cycles of boom and slump and their effects.
4. The term "repressive apparatus" is used by Louis Althusser in contrast to his notion of the "ideological State apparatus" (of the welfare and educational systems) (Althusser 1971). In introducing this term, however, we do not want to give it uncritical approval: it is clear from the body of work in the thesis that the so-called "repressive apparatus" is frequently, and probably routinely, involved in ideological work at the level of the State (see, for example, our discussion of the Police Federation and the Association of Chief Constables as constituent elements in the New Right (Chapter Six).
5. The narrative is constructed from a reading of a variety of journals (like The Magistrate, The Justice of the Peace and Local Government Review, The Sociological Review, New Stateman and Nation etc.) as well as from the weekly Hansard. It also draws on a variety of texts by professional Labour and social-democratic criminologists and psychiatrists, and, in particular, Mannheim (1946, 1955), Pearce (1952), Ferguson (1952), Stott (1952) and the International Committee of the Howard League (1947). There is some use, also, of the work of the Conservative Party's perennial spokesman on juvenile courts, John Watson (1942, 1950) and the Conservative Party's report on which Watson worked (1946).
6. In order to emphasise the fact that criminological work is no preserve of the expert and professional, and that popular ideas on crime and law and order are constructed in "commonsense", in everyday conversation, and also via a reading of the popular press and media, we had originally intended to speak of "crime talk" as the crucial area of analysis. The problem with this formulation is that it does not identify the everyday commonsensical work (of politicians, journalists and Everyman alike) as sufficiently consequential. We want to emphasise that it is

precisely in these exchanges occurring between politicians, journalists, 'experts' and Everyman that real criminology occurs.

7. Accounts of "social reconstruction" which are formulated in terms of the power of the reforming, "welfarist" ideas alone ignore all kinds of awkward empirical features of the post-war settlement in Britain and elsewhere. They ignore, for example, the fact that the State doubled its share of National Product from 13 to 27 per cent during the first World War and increased it to 30 per cent before the Second. (Barratt Brown, 1971, p.201). They also underplay the extent to which similar forms of "reconstruction" of State policy were occurring in other western societies, where social-democratic ideas were much less influential. Ian Gough has shown how the proportion of Gross Domestic Product spent on social expenditure in nearly all western societies by the early 1970's was in the narrow range between 17.1 per cent (in the U.S.) and 23.7 per cent (in Sweden), and that the approach to these levels of expenditure in each society had followed a very similar pattern. (Gough 1979, pp.78-80). Keynesian interventions by the State into the economy and into civil society were occurring in all western societies, in the attempt to "plan" capitalism away from the slumps of the 1930's and in the attempt to restore the faith of a relieved, war-weary population in the benefits of some form of free enterprise economics. We must be careful therefore that we do not exaggerate the extent to which the expansion of the activities of the State in the immediate aftermath of the war was essentially "social-democratic" in inspiration.
8. The International Committee of the Howard League appears to have been an ad-hoc creation of European social democratic criminologists based in London in the early 1940's, exiled by the events leading up to the war. The influence of Mannheim is apparent in the final report, and it may be more than a coincidence that in 1942, Harold Laski, close friend and sponsor of Mannheim (to whom Mannheim dedicated his Criminal Justice and Social Reconstruction), as well as being chairman of the Labour Party, had suggested to the Home Office that a Royal Commission on Crime should be established in order "to create the atmosphere of large-scale social change". (Lodge, 1975, p.12).

The International Committee which was established by the Howard League was undeniably social-democratic in outlook. But it should not be thought that Conservative Party Members in Parliament or outside were entirely opposed to the League and its liberal positions on crime and penal policy. Sir Samuel Hoare, Home Secretary under Chamberlain before the war, was a member of the Howard League and a prison visitor. Also prominent in the League were John Watson (Chairman) and Leo Page, both of them J.P.'s and both of them members of the Conservative Policy and Political Education Committee's subcommittee on the treatment of offenders (the group which had produced Youth Astray, published in 1946). In this pamphlet, proposals "... to replace juvenile courts by committees of educationalists and social workers are deprecated". Many of the Conservative penal reformers in the Howard League, and around Watson and Page, were involved directly in the Butlerite initiatives in the Home Office in the late 1950's. John Watson, the then Chairman of the Conservative Sub-committee, was active in many of the enquiries of the 1950's, and has made it his concern to comment, at book length, on behalf of the Magistracy, on the various changes in

juvenile justice legislation since. See Watson 1942, 1948, 1950, 1965, 1970.

9. The notion of the offence as "a symptom" and the idea that treatment should be extended to children in moral danger, finds a place in the crucial section 1(2) of the Children and Young Persons Act of 1969, where the target population is identified as children "in need of care or control". The influence of Lawless Youth as a whole on Labour Party and social democratic thinking on crime could be the subject of an individual research project, but it is clear that the arguments advanced in 1964 by the Lord Longford Study Group of the Labour Party in Crime : a Challenge to Us All, (the originating document in the construction of the 1969 Act) were by no means unconnected with the arguments against the courtroom as an adequate arena for assessing a juvenile's "treatment needs" originally advanced in the 1947 Report of the Howard League.
10. The Defence Regulations dealt with a variety of areas, from the control of industrial and building operations to the protection of the financial markets. They also were used to ensure the immobilisation of motor vehicles when not being driven, and to prosecute people found looting abandoned or bombed premises. The official statistics indicate that 1,754 people were found guilty, during 1940-45, at Assize and Quarter Sessions, of offences against the Defence Regulations. Of these, 686 were imprisoned and 147 were sentenced to penal servitude. (Criminal Statistics 1939-1945 (1947) p.12).
11. The description of the child care services as repressive and as 'chaotically' maladministered appeared, initially, in a famous letter written by Lady Allen of Hurtwood to The Times in 1944. Her denunciations of the Poor Law ideology dominating British child care were fully supported by the Curtis Committee in its Report of 1946.
12. In an article in The Sociological Review in 1947-9, Bowlby crossed over the usual disciplinary boundaries, and argued for the application of the perspectives of what Moreno, an American psychiatrist had called 'sociatry' to the post-war mobilization of British Society. Psychiatrists and social scientists should join together and act as 'doctors to social groups' (p.48), in order to unleash the 'terrific drive (that) there is in people towards achieving better personal and group relationships'. It was the existence of these drives which ensured that Sociatry would not be put to authoritarian ends; and, indeed, Bowlby argued, the characteristically pragmatic and realistic style of social democrats. It was in Germany, where religion and philosophy had flourished, that Nazi authoritarianism had succeeded. "The legal, religious and philosophical techniques failed" and hence (it is) science which is bringing to the aid of the traditional and not very effective legal, religious, and philosophical techniques for making people good, powerful new techniques for achieving the very ends they value." (p.47). In Bowlby's formulation, science and expertise achieve an almost inherently social-democratic status by virtue of the good (the egalitarianism, collectivism, altruism, etc.) they release in Man.

13. The idea of the prison system having rehabilitative functions was by no means new in itself: Ignatieff and others have shown conclusively how the prison system originated in the context of classical philosophies which identified and legitimated prison as an institution in which reflexion and penitence, and an essentially voluntary decision to reform, could occur. (Ignatieff, 1979). What was different and specific to the rehabilitative optimism of the 1940's was that it occurred within a generalised climate of social democratic reconstruction: prisoners were to be given the chance to become full citizens in the new democracy. (Cf. the discussion of the work of Home Office Prison Commission in Thomas, 1972, c.9).
14. The Criminal Justice Act of 1948 was, however, also responsible for the introduction of the Detention Centre. This would appear to contradict the characterisation of the Act in The Times, and indeed to militate against many of the liberal measures introduced by the Act. The coexistence of 'liberal' and 'coercive' penal measures in this Act is some indication of the changing character of Labour Government criminology, from 1942 in particular, as discussed later in this chapter.
15. The scapegoating of deserters as the source of the post-war crime-wave was aided by the well-publicised involvement of deserters in two police killings, in February 1948, and in July 1951 when four policemen died. Steve Chibnall notes how "the killing of policemen has played a particularly prominent role in the development of law and order crises since the war, becoming a potent symbol of lawlessness." (Chibnall, 1977, p.54).
16. The insularity and incipient racism of the Conservative press and certain spokesmen in the Conservative Party on the aliens issue was matched by an overwhelming lack of interest in the social policies being pursued elsewhere as a means of post-war reconstruction in the world. Examples of this 'Little England' perspective were to occur during the debates over capital and corporal punishment and the Criminal Justice Bill in the House of Commons in 1948. Lt. Col. C. Gage, Ulster Unionist M.P. for Belfast South, who had acted as an Assistant Deputy Judge Advocate General with the Canadian forces in Belgium during the war, nonetheless commented on the use of statistics on countries where capital punishment had been abolished as follows :

"I am not impressed by the argument as to statistics in other nations. It is an attractive argument and, at first blush, one would like to accept it, but the psychology of criminals differs with nations as well as with people."
(Hansard, vol.449, 14 April 1948, col.1063).

Ethnocentrism is a continuing (possibly deepening) feature of contemporary English conservatism (and it is a 'quality' to which the social democrats in favour of consensus have metaphorically and naturally adjusted). It is responsible for what foreigners find to be an amazing lack of interest on the part of the English politicians and also the British police and social workers in experiments and programmes conducted abroad.

17. The blindness of official criminologies in the area of immigration and crime is highlighted in John Lambert's study of Crime, Police and Race Relations in Birmingham, where the high rates of reported crime in some immigrant areas in the 1960's were shown to be to a significant extent the result of the large number of crimes committed against immigrants (as well as being the result of different policing practices in migrant areas). Cf. Lambert, 1970).
18. Mannheim writes "The English police, and, in particular, the Metropolitan Police Force, have always been counted among the most efficient forces in the world, and they amply deserve all the praise bestowed upon them ... according to the Home Secretary, (however) the total male strength of the Metropolitan Police is 14,850 as compared with an authorized establishment of 19,740". (1955, pp.112-113, quoting article of 1947).
19. The police were not immune themselves from the general climate of reconstruction and reform, and there is evidence of a considerable level of concern amongst the police over offences arising out of privilege. The police had had their full share of 'privilege' during the war, with many a Chief Constable being disdained, and even subverted, on account of his Conservative, or aristocratic, style and politics. Accounts of the police for this period are very much taken up with the police detective, burrowing away in pursuit of the crimes of the powerful, the racketeer, in the 'mobs' and the fiddler who was defrauding the hard-working community as a whole. (Cf. Martienssen 1951, c.VIII) The number of people found guilty of 'frauds and false pretences' in England and Wales increased sharply from 13,122 in 1945 to 27,358 in 1949.
20. The prison system, though increasingly overcrowded, was undergoing considerable changes in the late 1940's and, in particular, it was adjusting to the general climate of 'rehabilitative optimism'. The abolition of so-called 'progressive stage system', whereby a prisoner could earn his privileges by good behaviour, was gradually reformed away as an anachronistic and deterrent conception; and many of the prison buildings of the pre-war period were revamped to provide a system of 'regional training prisons', to which were sent 'stars' (first offenders) and 'trainable ordinaries'. The rest of the prison system was categorised into central prisons (to take prisoners serving three years or over) and local prisons (for remands and short sentence offenders) (Rose, 1961, pp.247-8).
21. There is no doubt that many Labour supporters interpreted the advent of the Labour Party to power in 1945 in rather the same terms as many socialists before them had interpreted the success of the Bolsheviki in 1917.

In the frontispiece to Criminal Justice and Social Reconstruction, Mannheim repeats a quotation from the Beveridge Report: "a revolutionary moment in the world's history is a time for revolutions, not for patching".

22. When it came to applying the Detention Centre to particular offender types to "individualising" Detention Centre treatment, the sentencing Magistrates themselves experienced a similar set of problems. The Criminal Justice Act of 1948 has specified that one of the criteria for sentencing to a Detention Centre should be that of a first time offence.

But the Centres were used, in practice, to accommodate mainly youths with quite considerable institutional experience. For a discussion of the discrepancies between the official theory and the actual practices of the Detention Centres, see S. Cohen, 1969.

23. The first formulation of the notion of "youth", and specifically moral panics over youth, being "a powerful but concealed metaphor for social change" was that of Anthony Smith (1975, p.242), but it has since been taken and extended in the work of the Birmingham Centre for Contemporary Cultural Studies 'Mugging Group' (discussed in Chapter 3).
24. The insistence on due process in the courtrooms as the defining feature of 'criminality' has an intriguing consequence in the practical policy talk of Conservatives about crime - for the defaults of the powerful are suppressed (they are not real crime, by definition). In practice, the Conservative insistence on due process is selective: the right of prisoners to due process and proper defence, when accused of disciplinary offences in prison, has not been publicly supported by Conservatives - for to do so would be to blur the clear distinction between the conforming citizen and the criminal, and to threaten a fundamental tenet of Conservative philosophy.
25. The community control exercised over Civil Defence, and other volunteer wardens and police during the war may have helped strengthen the antagonisms that have often been observed in England towards the idea of a national (or indeed a powerful) police force. There was considerable hostility towards the amalgamation of the small police forces that was legislated in the Police Act of 1946; and Labour and Tory members of Parliament united to press, successfully, for an amendment to the Act such that no county or county borough ^{force} could be combined with an authority larger than itself (Hart, 1951, pp.63-4). The struggle over the need for a representative and responsive police force in an increasingly centralised State, continued in the arguments around the need for an independent complaints procedure in 1976. But the Royal Commission of 1962 had already created a major wedge in any such accountability by arguing for the development of special squads to deal with major national "crimes" and disruption. (See our discussion of the Police in c.5.)
26. The description of the 'haphazard' state of the police is that of J.M. Hart in The British Police; and Hart is also the source for the report of the ideological problems confronted by the Force immediately after the war (Hart, 1951).
27. There were apparently differences of view amongst Labour supporters over the role of the Police during the period of the General Strike and the Fascist marches; but a special bitterness for the volunteer 'special constables' of the Strike period. It was surprising to many party members and lawyers, however, that absolutely no attempt was made (for example, in the major relevant legislative act, the Criminal Justice Act of 1948) to control the police's power to appoint special constables, or to reform the control exercised by the police over powers of arrest, evidence and identification; or over the procedure for making complaints against the police. The relationship of the police and the Government was fragile: and the determination of the Government to behave as a national Government dissuaded them from any attempt to interfere in the "internal affairs" of the Force. Professor Terence Morris, personal

communication, February 1977). Crucially, no attempt was made to have Chief Constables accountable in their day-to-day activities to the local authority watch committees. This accountability had been lost to the central Government in the 1930's, in much the same period that the Labour Party began to form the majority party on many local councils. (Bunyan, 1976, p.72).

28. The parallels between the subject-matter involved in the Lynskey Tribunal and that of the investigations into the affair of John Poulson, during 1974-6 are obvious. Indeed, where Edward Heath in 1973 designated Poulson's activities as evidence of 'the unacceptable face capitalism', Judge Lynskey remarked in 1948 that the 'whole question' facing his tribunal was to decide what could be counted as 'legitimate business' (see Gross, 1963, pp.284-6). The difference between the two cases is that the allegations of Sidney Stanley resulted in a full-scale investigation by Tribunal, with a spirited, and well-publicised, defence of the Government, by Hartley Shawcross, who opened a cross-examination of Stanley. Three connected reasons can be advanced for the Government's concern to 'clear the air'. The Stanley allegations were used, by some Conservatives and by some sections of the mass media, as evidence of a corruption that they argued was an inevitable result of creating a Government State apparatus for economic planning and initiative. (The view of Rogow is that opportunities for illegal gain, along with many other problems being experienced economically at the time, arose out of the inadequacies of the Government planning machinery, and, in particular, the Government's attempt to use methods developed in wartime for the regeneration of a peacetime economy.) A second reason for the Government's activity in the Tribunal, however, was its determination to continue what it saw as a project of moral reconstruction (a task that would be rendered less legitimate if Stanley's allegations were to go unanswered). Thirdly, the economic climate of 1948 was one that continued to require "equality of sacrifice" - as evidence in the continuing campaigns against spivs, drones, racketeers and others, and, most crucially, in the imposition by Sir Stafford Cripps of a wage freeze, and the continuation of shortages and rationing. The Poulson allegations occurred in a very different conjuncture. But it is clear from the findings of the House of Commons Disciplinary Committee in 1977 that a full and open Tribunal of Lynskey proportions could have been embarrassing to both major political parties to a fairly senior level. The Labour Party could have suffered to some extent, in so far as that party continues to claim that it is engaged in the moral re-ordering of society, as well as in the management of the relations of Capital and the State.
29. Conspiratorial interpretations of the Lynskey Tribunal are helped by the fact that the Attorney-General chose to open the Tribunal's cross-examination personally. This was the first occasion in the history of Tribunals on which Government Ministers had exercised this power. They are also supported by the fact that Stanley was deported (and thereby effectively silenced on the details of his accusations).
30. The direct pressure on the Government (in the form of newspaper advertisements) was then, as later, mainly around the question of nationalisation (especially of the steel industry). There was little

or no opposition from the large corporations, or big business, to the measures taken to create the 'Welfare State'. The utility of public and free education, socialised medicine, and welfare generally in creating social peace, and in cutting some of the costs of private industry (as well as in creating large, guaranteed State markets for certain kinds of products) had been well understood by the managers and long-term planners of large scale industry and capital. (cf. Rogow 1955, Barratt Brown 1971).

31. From 3,157,000 vehicles of all descriptions in 1939 to 4,113,000 in 1949. (Martin and Wilson, 1968, p.61).

Chapter Two

Crime and Affluence

This chapter has two main purposes. We want to continue the narrative initiated in Chapter One in order to examine the effects wrought by the post-war Keynesian boom of the 1950's on the character of popular and official criminology. In particular, we shall want to examine the character of the "consensus" that was apparently created between Conservatives and Labour on the desirability of welfare and treatment as the official State response to crime.

But later we shall want to depart from our narrative in order to pay particular attention to the issue which came to dominate official and popular criminology, particularly during 1953 to 1957: the issue of capital punishment. The detailed attention we will be giving to this debate is made necessary in part by the importance of these debates at the time (there was indeed an essentially political public debate conducted in the mass media and elsewhere on this question throughout the middle 1950's), but it is also justified by the more long-term significance of the (partial) abolition of capital punishment in 1957. The importance of this abolition lay in the confirmation it appeared to give to the claims of social democrats - and liberals - that the advance of reformist measures and the achievements of consensual, liberal forms of social order was "inevitable".¹ In North America and Britain alike, abolition had a metaphorical importance in signalling the arrival on what was mistakenly thought to be a permanent basis - of a "modern" social order underpinned by an essentially civilised or caring State. So our discussion of homicide and capital punishment in the 1950's is intended to describe the parameters of the new political consensus as well as being an "empirical" analysis of the campaign for abolition itself.

2.1. The Reality of Affluence

The 1950's were lived as an "age of affluence". That is to say that the expanding mass media, which we will examine later, Conservative and Labour politicians alike, and many other important "definers" of events agreed on perceiving substantial increases in standard of living in all sections of society. These increases were attributed by Conservatives to the vitality of private industry, and by Labour to the planning of the mixed economy by the State, but crucially, there was an ideological consensus around the idea of Britain becoming an increasingly affluent and also more equal and democratic a society.

There was considerable support for this view in most of the economic indicators during the 1950's: the wealth produced by the economy does appear to have increased considerably during the period of the 1951-64 Conservative Governments; industrial production was 40 per cent higher in 1964 than in 1951, full employment was uninterrupted throughout, average earnings increased by some 110 per cent (30 per cent relative to inflation), and the consumption of cars, consumer durables of all kinds, and overseas holidays all increased to remarkable extents - by some 20 per cent for the population as a whole (Pinto-Duschinsky, 1970, pp.55-6).² A social and economic revolution appeared to be in progress, ending the period of austerity and ushering in an epoch of consumerism. "People's capitalism" did indeed, as one of the Conservative Party's ideologues of the time, Lord Woolton, and others, had argued, appear to "work". A "sense of classlessness" was spoken of in both Conservative and Labour accounts - caught for posterity in Harold Macmillan's proclamation after the 1959 General Election that "the class war is over and we have won it", and also being the subject of painful debates within the Labour Party on the future of Clause Four, and the commitment of the Party to act as the agent of "workers by hand or by brain".³

The sense of classlessness arose not only out of the increase in personal spending power occasioned by the boom, but also out of the rapid re-housing programmes of the period, with the populations of the slums and the bombed-out inner city being transferred into New Towns or into sprawling council estates, with an attempt being made thereby to introduce what was euphemistically called a social mix into areas of British cities.⁴ A primary political issue between the two major parties during the 1950's, was, indeed, the speed with which the war-weary British population, recovering from austerity and asking for its expectations of a better life to be fulfilled, could be re-housed; and the Conservatives' widely unexpected Election victory of 1951 may well have resulted from their pledge to build some 300,000 houses a year (as against Labour's commitment to continue building 'at the present rate' - of 200,000 per year). Certainly the victories of 1955 and 1959 resulted from what many inside the Conservative Party regarded then and now, as an unhealthy degree of State direction and expenditure in support of popular housing. The re-housing programme had the effect, along with the impact of the earlier Education reforms of 1944 (which were resulting in many working-class children escaping from their background, and moving onto "college" or even to University), of obscuring fundamental structures of class society from view. In reality, the very slight trend, established during the 1938-1949 period, towards a greater equalisation of income in British society, was slowing down between 1949 and 1954, and thereafter the trend virtually stopped, with the richest 6 per cent consistently receiving some 20 to 20½ per cent of all "personal allocated income" throughout the period between 1954 and 1967 (Westergaard and Resler, 1975, p.40). On the housing front, the Conservatives' insistence, throughout the 1950's, on the payment of market prices to private landowners, as land became more scarce, resulted in local authorities having to pay "full market value" for building land by 1959, and by the middle of the 1960's, the building of council houses, partly

as a result of the cost of land (and interest payments), accounted for less than 40 per cent of all new housing (Westergaard and Resler, 1975, pp.135-6). The educational reforms of the 1940's "benefitted all classes ... the educational qualifications normally required at any point of the occupational scale (having) simply been raised" (Westergaard 1965, p.89), so that for the majority no real opportunity existed for upward social mobility via education. The "withering-away of class" which was so central a theme in the dominant ideology of the 1950's was, indeed, in Westergaard's words, a "contemporary myth".

But the myth was nonetheless popularly accepted, and the general increases in living standards were thought to have involved a substantial reduction in the inequalities of pre-war Britain in respect of income distribution, housing allocation and educational opportunity. Ideological work by Conservative ideologues and by journalists in the popular press attributed the arrival of the new "classlessness" to the advance of "people's capitalism" (which was characterised by a guided mixed economy, fundamentally motored by the power of private industry, fuelled by consumer demand and individual initiative).

On the left, the advance of the Conservative Party, coupled with the ideological offensive celebrating the achievements of the people's capitalism, evoked two connected responses. On the one hand, the Labour Party's electoral defeats of 1951, 1955 and 1959 were greeted with what Mervyn Jones called at the time "a disgusted turning away ... a painful sense of being cheated". (Jones, 1959, p.1). The Labour Party leadership was seen as having "sold out" on the commitment of 1945 to a thoroughgoing programme of socialist reconstruction. The hesitation and loss of direction that occurred in 1948 was the moment at which the Labour leadership had been corrupted by power; and from that moment on they were no longer really representative of the authentic Labour Party membership in the country. The late 1950's witnessed the growth

of a variety of movements and organisations, like Victory for Socialism, which had as their major concern either the winning of the party leadership to "socialist policies" or the staging of some form of coup to unseat the existing, unrepresentative leadership.

But other commentators on the left began to worry and speculate as to the character of the social changes that were apparently increasing the electoral support for the Conservatives and thereby unpacking the level of support for the Labour Party which had remained remarkably resilient until 1951.⁵ Increasingly, the advance of affluence began to be understood by commentators on the left as the advance of a particular form of affluence (going to individual consumers rather than to the enrichment of communities); and the effects of this "affluence" were increasingly seen to contradict and to undermine the vision of social reconstruction that had been so popularly articulated during 1945. Amongst political scientists like Mark Abrams and amongst popular sociologists like Ferdynand Zweig there was talk of the embourgeoisement of the affluent workers, increasingly committed to the achievement of middle class status through amassing ever increasing numbers of "consumer durables" (from refrigerators to televisions etc.), and of the increasing tendency for workers of this kind to vote Conservative. (Abrams and Rose 1960; Zweig, 1961). Insofar as workers in the well-paid car industries of the Midlands, for instance, engaged in strike action, this did not reveal a commitment to class struggle so much as an "instrumentally collective" approach to the achievement of high wages with which to reap the benefits of affluence. (Lockwood, 1960). The fear of commentators on the social-democratic left was, indeed, that the workers had become "bourgeois".

2.2. Images of Affluence

The realities of post-war affluence were increasingly understood in the 1950's by the way in which these realities were constructed in and by the

rapidly expanding mass media. A massive expansion occurred in both the circulation of daily newspapers and in television ownership throughout the 1940's and 1950's. The daily press of Britain increased its total recorded circulation from 9,903,427 in 1937 to 15,449,410 copies per day in the immediate post war years; and the Sunday press increased from 15,700,000 in 1937 to 29,300,000 in 1947 (Williams, 1961). The 20,000 television sets of 1947 increased to 2,700,000 in 1952; and expanded exponentially from then on (reaching 13 million in 1964). By the winter of 1957-8 surveys showed that just under half the British population watched television for four hours an evening (Hopkins, 1963). The radio sound audience declined from 9 million in 1954 to 3 million by 1957.

The consequences of the rapid expansion of the written and visual media were profound. During the war, social and political questions had been the subject of considerable discussion and adjudication within local communities (on street corners, in pubs or, occasionally, in bomb shelters), and popular politics was referenced in this way by a degree of personal experience or argumentation. Newspapers as such were infrequent during the war, and short on information, due to wartime censorship and also due to paper shortages; and the population had to rely on the radio or cinemas (and the celebrated Pathe News) for information beyond that obtainable via local gossip, the grapevine, and personal experience. Authoritative confirmation of rumour, or "news", was often a matter for personal enquiry or investigation.

The advance of television and the popular daily press probably did not "kill off conversation", as popular folklore continues to insist, but it certainly reorganised the form of popular conversation, especially by introducing television programmes and news stories as the source of the information informing such conversations. Events and social processes came to be presented, selectively, to mass audiences (of press and television) by small numbers of professional journalists and other media professionals, who used an increasingly

elaborate and private professional ideology to determine the newsworthiness and/or the entertainment value of news stories and television programmes. Again, it is not that this ideology represented a complete break with earlier forms of journalism (for example, with the yellow press of the Victorian period): it is rather that such journalism became a more prominent and inescapable feature of everyday life, and also that the advent of a visual medium like television gave the ideologies informing journalistic and television practices a sensory power they might not otherwise have possessed.

It is certainly not our intention in what follows to overestimate the effectivity of "the media", in assuming that the media's "messages" are necessarily more important and persuasive than any other source of cultural experience. We certainly believe that popular use of newspapers, in particular, was then and is now more sceptical and even cynical than many students of the media's "effects" would have us believe. There are in fact no studies of the ways people made use of the popular press or of television in the 1950's and 1960's for political or social ends, and any attempt to analyse the "decoding" of the media by their audiences would therefore be conjectural. We also want to be historically sensitive to the existence of radio and cinema as mass media in the earlier twentieth century, and the lengthy nineteenth and twentieth century history of newspaper journalism. But we think it would be naive to ignore the fact that

"in twentieth-century advanced capitalism, the media have established a decisive and fundamental leadership in the cultural sphere. Simply in terms of economic, technical, social and cultural resources, the mass media command a qualitatively greater slice than all the older, more traditional cultural channels which survive".
(Hall, 1977, p.340)

Moreover, we cannot improve on Stuart Hall's formulation of the precise manner in which the mass media have "progressively colonized the cultural and ideological sphere" :

"As social groups and classes live, if not in their productive then in their 'social' relations, increasingly fragmented and sectionally differentiated lives, the mass media are more and more responsible (a) for providing the basis on which groups and class construct an 'image' of the lives, meanings, practices and value of other groups and classes; (b) for providing the images, representations and ideas around which the social totality, composed of all these separate and fragmented pieces, can be coherently grasped 'as a whole'." (Hall, Ibid.)

The work done during the 1950's by the media in constructing a social imagery portraying the lives of other groups and also an image of the "social totality" was of paramount importance in presenting the facts of increased economic affluence in a particular, selective and imaginary fashion. The consequence of this work was, indeed, the legitimation of the "age of affluence" as an accurate description of events, and the associated legitimation of the fundamental trajectory of Butskellite economic and social policies.

One of the most obvious features of newspaper and television content in the 1950's (especially, but not only, in fictional programming) was the overwhelming preoccupation with the family. Situation comedies like Life with the Lyons and I Married Joan and feature stories in the popular press tellingly created humour and entertainment out of the serious question of 1950's family life, in particular trying to offer out an account of the role of the wife and mother in the age of affluence. Increasingly, the image emerged (in television entertainment as much as in advertisements) of a wife/mother properly located within the family, but with an increased opportunity for leisure and for active involvement in the life of the family, due to the advances occurring in labour-saving technology.⁶

The focus on the family as the important arena of social life increasingly displaced the "community" which had been at the centre of social life in wartime and post-war images of social reconstruction. The public character of ordinary life in the wartime community, celebrated in the Picture Post and in Pathe News, was replaced by an emphasis on an increasingly privatised existence within the family.⁷ Unwittingly, indeed, media professionals produced an image of the new

life of post-war Britain which legitimated and enabled the reproduction of the consumer culture required by the new industries of the post-war period.⁸

But this focus on the family as an important element in the maintenance of a stable social order was complimented by journalistic and editorial celebration of the opening out of new opportunities for social mobility and success, especially for the working class. Commercial television carried a "give away" quiz show every day of the week, and two on Saturdays; and the transformation of old music-hall artists like Arthur Askey and Ted Ray into star television comedians, and simple working class girls like Norma Sykes (Sabrina) into sex symbols encouraged the increasingly numerous television audiences to believe in the possibility of their own escape from routine working class existence, given luck, into fame and fortune. Newspapers like the News of the World began to establish massive circulation during this period by their investigations of the attractions and perils of upward social mobility. The development of commercial television after 1955 is also thought to have helped to break the domination of ruling-class language, idiom and accent (as exemplified in "BBC English") over "proper" political and social debate.⁹

The increasing social mobility was later to find its most memorable "literary" moment in the publication of John Braine's satirical novel on Room at the Top. So the developing newspaper and television media tended to make sense of the real changes that were occurring in people's living standards and lived social conditions and relationships through certain specific images. These images (of the wife/mother, the family, consumerism and social mobility), taken together, constituted a theory of how social reconstruction would and should now proceed which was very close to the theory of a "People's Capitalism" (a popular "property-owning democracy") now being propounded within the Conservative Party. It was a professional journalistic ideology, in other words, which had been constructed and formulated not so much by reference to any proven empirical reality as by reference to ideological work undertaken by the

new Conservative Party leadership and by authoritative spokesmen for industry and commerce, and by other individuals and social groups who were accorded the authority to comment on the character of the social "revolution" that was being wrought by "affluence". Like journalistic ideologies of earlier periods, post-war television and newspaper worked to reproduce an imagery of the character of social order which gave authority and legitimacy to the classes which were dominant in the broader society. That is also, of course, to say that the new media presented new opportunities for groups which were in dominance in the broader society to speak, via journalists, editors, advertising agencies and special interest programming, to mass audiences, in order to either sell goods or to market ideas.

Just as the imagery in the media worked to construct a theory of social order, so also it worked to suggest theories of social disorder. One of the most popular of all the television shows of the period, however, was Dixon of Dock Green (a programme in which the fascination of criminal law-breaking was consistently understood but on the basis of the avuncular father-figure, P.C. Dixon, reminding the audience, at the end of each episode, how crime does not pay). Young delinquents were consistently portrayed as being misled by their own upbringing or by falling into "bad company"; and even adult criminals were seen as being the product of faulty socialisation or as being guilty in a human and understandable way of succumbing to temptation. Crime and delinquency were portrayed as the activities of individual malefactors who were obviously inadequate or disturbed in some way, and who therefore were unable to come to terms with the obligations that went along with the benefits of living in a modern, reconstructed social democracy. The implicit contrast was always with the crime situation depicted in television series from the United States, like Highway Patrol, where dangerous and disturbed individuals from the under-class were depicted as threatening the very fabric of social order and being dealt with by a firebrigade type of policing. The image of the unarmed British "bobby"

(relying on popular consent to his authority) was underwritten, in Dixon of Dock Green, by favourable accounts of the work of probation officers, social workers and the medical and psychiatric services, as a demonstration of the effectivity of consensual and rehabilitative character of the British State's response to lawbreaking.

In television series like Dixon, and later Fabian of the Yard, as well as in daily and weekly newspaper stories about crime and disorder, for example in the News Chronicle and the News of the World, "characters" had to be both credible and also entertaining. They had to relate to popular experience whilst also being part of a "script". These twin necessities worked in such a way as to produce a series of stereotypical images of the criminal and of the police, which were "stereotypical" in the particular sense of being drawn from a popular genre continually reworked by media for consumption by a mass audience, for the purposes of entertainment. It was not therefore that the images were "typical", in some demonstrable way, of the "real world" of crime. It is rather they were drawn from a repertoire of criminal types and of types of policemen (etc., etc.) already constructed in ideology, and only then applied to newly scripted crime fiction and/or news stories about real criminal events. These stereotypes (for example, of avuncular policemen, inadequate women offenders and adult criminals "in bad company") were a powerful source of reference for popular criminology, in people's everyday conversations, precisely because they were drawn in part from earlier popular experience: they connected with that experience, although they rarely expressed its essence.

As we shall see in Chapter Three, the stereotypes were by no means all so benign as those which were marshalled in Dixon. In the aftermath of a murder of a Cypriot in Camden Town in 1955, the imagery of youth in the media was increasingly transformed. The Teddy Boy was increasingly depicted as

representing some more fundamental departure from "conformity" than earlier youthful troublemakers. Increasingly, working class youth who adopted Edwardian styles of dress were depicted as "outsiders" (in need of firm measures of social control rather than merely "treatment"). The labelling of youth as "outsiders" appears to have arisen from the attempt to explain the otherwise inexplicable youthful excitement that accompanied the emergence of Teddy Boy styles in 1953-1955, as well as the "violence" that occurred (in the form of vandalism on cinema seats) in the aftermath of the showing of Rock around the Clock and other rock 'n roll movies during 1956. (Rock and Cohen, 1970, p.310). Increasingly, the argument involved in the use of the stereotype was that the Teddy Boy was an identifiable "psychological type", who was "addicted" to violence and who was clearly influenced "pathologically" by the influence of (American) music and dance fashions. He had therefore to be given the stereotypical attributes of an anti-social, dangerous "outsider", immune to the gentle influence of welfare and treatment. These attributes were drawn, as required, from already available legal discourses (governing the sentencing of dangerous offenders) or from psychological theories (identifying the source of pathology in individual personalities).

So the work done within the newspaper and television media in the 1950's undoubtedly established an exhaustive "gallery of folk devils"¹⁰ which was said to contain most of the sources of danger to social order in the newly affluent society. The gallery of devils was also clearly classified and categorised in order to identify the social harm which could be expected from each deviant type, especially around the distinction between the types in need of containment rather than rehabilitation. There is no doubt that this popular criminological source of reference was put to use in later periods, especially in respect of troublesome youth, in constructing largely spurious accounts of new youth subcultural styles. The accounts of the Mods and Rockers owed as much to the earlier exploration of the theme of affluence by the media as they did to

any real investigative exploration of the new found importance of bikes in working class culture in 1962. The work done during this period provided the conditions of existence of the labels that were used in later instances of "societal reaction" to crime and delinquency. They also undoubtedly contributed to public "knowledge" of crime and delinquency (and therefore to popular criminology) in such a way as to encourage the acceptance by official criminology that there were pathological youth (as well as merely disturbed youth) in the body of the welfare state.

To highlight the importance of the mass media in this way is not, however, to identify media professionals' insensitive or arbitrary use of stereotypes as the source of the ideological messages that were carried by these stereotypes. We have already suggested that television programmes and news stories worked to produce accounts of social order, under the new conditions of affluence, which reproduced the existing patterns of power and influence in the broader society. That is to say that television and newspaper content was then a product not only of the professional ideologies governing the proper practice of journalism or the constituents of "newsworthiness", but also of ideological exchanges occurring between the social democratic left and the Conservative Party. Television and newspaper journalism in the 1950's and indeed in the 1960's work to define and to reproduce the boundaries of a political consensus, elaborated by authoritative sources in Parliament, in industry and commerce, and in the local and national state. In Stuart Hall's formulation :

"In the interplay of opinions, freely given and exchanged, to which the idea of consensus always makes its ritual bow, some voices and opinions exhibit greater weight, resonance, defining and limiting power - for the pure consensus of classical liberal-democratic theory has long since given way to the reality of a more shaped and structured consensus, constructed in the unequal exchange between the unorganized masses and the great organizing centres of power and opinion - the consensus of the 'big battalions', so to speak (I)n its own way and time, room must (also) be found for other voices, for 'minority' opinions, for 'contrary' views, so that a shape, to which all reasonable men can begin to attach

themselves, emerges The production of consensus, the construction of legitimacy - not so much the finished article itself, but the whole process of argument, exchange, debate, consultation and speculation by which it emerges - is (a) key aspect of the media's ideological effect."

(Hall, 1977, p.342)

It is to the continued production of this "consensus" and "legitimacy" in the Conservative Governments' social and penal policies that we now turn.

2.3. The Conservative Governments of 1951 to 1964 :

Penal and Social Policy

The social-democratic origin of many of the contemporary assumptions about crime and deviance in the early 1950's did not deter the managers of Conservative penal policy. The Conservative Party had come to accept the importance of social-democratic initiatives in general, and indeed the Welfare State itself, as means of ensuring social peace (and, residually, as a useful market for many of the products of private industry). Many of the specific policies in process of development or initiation in the Home Office from the last years of the Labour Government were taken over and extended. Encouragement was given to the Police Force in its concern to move towards a more preventative, social work role (in the establishment, in 1951, of the Juvenile Liaison Scheme, initially in Liverpool), and interest was shown, in Conservative pamphlets and public discussion, in the series of research studies into delinquency and related social problems, produced by the Nuffield Foundation after 1952, and in the abolitionist tone of the Royal Commission on Capital Punishment, originally commissioned by Chuter Ede, Home Secretary of the Labour Government, in 1949, but reporting in 1953. In 1957, as we shall see later, after two years of public debate over capital punishment, a free vote was allowed in the House of Commons. Some few months later, a bill that contained some of Sydney Silverman's proposals to abolish capital punishment was given its third reading; and the State relinquished voluntarily its right to take a life for a life,

except in certain specified circumstances. In the same year, R.A. Butler moved from the Chancellorship of the Exchequer to the Home Office, and announced that he regarded this appointment as an opportunity for infusing the Home Office with a "spirit of reform and zeal for progress". (quoted in Gamble, 1974, p.83).

The fact that the criminal statistics in 1955 showed the beginnings of an upturn in recorded crime excited the attention of many rank-and-file Conservatives; but it did not fundamentally alter the Tories' governmental commitment to welfare and treatment. In 1959, two years after becoming Home secretary, R.A. Butler produced the important White Paper, Penal Practice in a Changing Society, in which the dominant emphasis was on reform, on expert intervention by trained personnel, and on the encouragement of criminological research, and experimental treatment measures (in particular, through the auspices of an expanded professional Probation Service). This report has indeed been seen as the manifesto for professional specialists in the area of crime-control and treatment, and helped pave the way for the belief that the 1960's would be the decade of the probation officer, in terms of the emphasis and the resources given to different occupational groups in crime control work, whilst also arguing for an expansion in the use of open prisons. (cf. Jordan, 1971). Three reports from the Home Office's Advisory Council on the Treatment of Offenders - on Alternatives to Short-Term Imprisonment (1957), After Care and the Supervision of Discharged Prisoners (1958) and The Treatment of Young Offenders (1959) - were received, and these, along with the Report of the Morison Committee into the Probation and After-Care Service, produced in 1962, became the basis, with the 1959 White Paper, for legislation, in the Criminal Justice Act of 1961 and in Children and Young Persons Act of 1963. The Children's Departments within local authority areas were encouraged to take on a role in preventative work with families, in all cases where it was felt that such intervention might prevent a court appearance, including the granting

of 'assistance-in-kind' (cash) to needy families; and the Probation Service was asked to take on the responsibility of initiating similar programmes for young offenders, and for areas where there were large numbers of offenders at risk. In the Criminal Justice Act, provision had been made for the compulsory after-care by probation officers of young offenders released from Detention Centres, and a further Advisory Council Report on The Organisation of After Care, appearing in 1963, recommended that approved school boys should receive the same kind of after-care from the Probation Service on release. The emphasis on prevention and on intensive specialist treatment in this legislation, and in all the accompanying reports, is an indication of the fundamental commitment of the reforming Conservatives of the late 1950's.

A later Conservative commentary on R.A. Butler's period as Home Secretary observed that his White Paper "recognised, perhaps for the first time, that penal policy in the modern State demanded long-range planning and the choice of priorities, and this must be the responsibility of government." (CPC, 1966, p.10). To the research work of the Home Office Research Unit, established in 1956, was to be added the work of an Institute of Criminology, which opened two years later at the University of Cambridge. Law reform was made the responsibility of the Criminal Law Revision Committee, established by Butler in 1959, with the task of revising, codifying and consolidating the often contradictory and anachronistic aspects of English criminal legislation and precedent. The establishment of such a committee had been demanded, in fact, over many years, by lawyer members of the Fabian Society, and by the Haldane Society, as a means of modernising the existing law, rendering it more relevant and responsive to (what was seen as) a reformed, changing and complex society, and also consistent with the findings of social research. (cf. also Gardiner and Martin, 1963). In 1960, Butler established the first Royal Commission on the Police for over 30 years, and gave it a wide brief to examine issues like the most appropriate extent of amalgamation of forces, the power of Chief

Constables, local and national accountability, and training and recruitment. In all of these initiatives, the assumption of a consensus on crime as a matter requiring treatment, and as self-evident in its meaning and definition, was underpinned by a faith in the ability of experts, guided by scientific research, to win the "War against Crime".¹¹ Where dispute did arise in the official debate about crime in the 1950's, it tended to be over the extent to which reform should occur (e.g. in the central government's control over the police, or in a directed reform of law), or over the reasons for difficulty being experienced in carrying out research in certain settings (in prisons and residential establishments, especially, and in the autonomous local constabularies), or in getting research findings activated.¹²

The ideological themes in Conservative penal policy were very much a continuation of the focus established during the post-war Labour Government. Though influential in many more respects than in the immediate post-war years, the police, magistracy and prison officers still found their collective or individual initiatives either appropriated or deflected by the Home Office, and by the Tory leadership itself. As early as 1952, for example, two lengthy reports were published, under a Home Office imprint, containing the recommendations of a Committee to Review Punishments in Prisons, Borstal Institutions and Remand Homes (Vols. I and II, Cmnd.8256, Vols.III and IV, Cmnd.8429) (the Franklin Committee). According to one authority on this period of penal policy, the origins of this Committee, though obscure, were that "it was probably set up as a consequence of pressure by those opposed to reformative measures at the time of the 1948 Act" (Rose, 1961, p.254). The Reports recommended that juveniles who "persistently offended against discipline" should always be sent to Borstal, Approved Schools, or to Prison, and recommended the tightening up of Borstal discipline. Shortly after the publication of these Reports, a special institution for "troublemakers" in

in Borstal was indeed set up in Hull, and also special blocks were built in some Borstals where boys could be sent as a disciplinary measure. But from 1953-4 onwards, as Butler's influence was established in the Home Office, the use of such measures declined. The dominant emphasis in Borstal was decidedly on experimentation in rehabilitative method, with Dr. Norman Fenton at Pocklington Borstal, near Goole, in Yorkshire, pioneering the introduction of group counselling, and with an increase in the use of probation officers and social workers in the after-care of young offenders discharged from institutions. (Hood, 1965, c.5). In the same period, some twenty approved schools (with accommodation for 990 children) were actually closed "as surplus to requirements" and "a further 120 places were extinguished by reducing the maximum accommodation figure in two other schools". Approved school staff were made redundant in this period. (Ford, 1957, p.89). The influence of the hard-line law-enforcers was in the meantime reduced, or muted, even in the Prison Service, with group counselling being introduced at Dartmoor, and with the official approval of the Prison Department of the Home Office for a continuing move in the direction of individualisation of treatment for adult prisoners being underlined by the appointment of prison welfare officers (trained social workers working in prison) in 1955.

Objection after objection was, of course, raised in the annual conferences of the Conservative Party to the reforming measures of the Government and to the general emphasis on crime as a matter for treatment. Particular attention was given to the partial abolition of capital punishment in 1957, and the continuation of the ban on corporal punishment, dating from 1948. Crime and punishment were the major issues at the Tories' annual conferences in 1958, 1960 and 1961, and in 1961, the pressure from the Tory rank-and-file was intense enough to force the Government to select a motion calling for the return of capital and corporal punishment as the motion for debate. R.A. Butler's reply to the debate is perhaps the fullest and most sophisticated example of

consensual ideology at work on the question of crime (in its 1940's and 1950's formulation). Mr. Butler presented the Home Office initiatives in introducing treatment into prisons and juvenile institutions, and the attempts to encourage research as a means of informing preventative and correctional work and policing, as being, above all, a more effective means of controlling crime than the coercive and repressive alternatives suggested by rank-and-file critics in the Tory Party. Consensual measures were to be preferred, not for their benefit on individuals as such, or even because they were morally preferable to outright repression, but rather because they were ultimately more effective as a way of protecting existing persons and property under existing social arrangements. Moreover, in case a programme which placed an emphasis on expertise and specialisation might smack of the State controls and bureaucracy of the Labour Party, Mr. Butler assured the conference that "by expert opinion ... (he did) not mean my civil servants, but those devoted people who work in the field of youth, experienced probation officers, and people of that type". (Quoted in Sparrow, 1965, p.170). Most importantly, he urged the conference to avoid a situation in which Conservatives would be presented as the cartoonists would depict them if they passed the motion ("as armed with the lash and the knout"). Rather the conference should agree to see the crime problem "as a national problem upon which a lead must be given by the Government ... for the issue is in fact far greater than could be solved by any one remedy. All this involves a mobilisation of our whole society". (Ibid.).

In speeches and polemics of this kind, the support of the Conservative leadership for treatment, like the support it gave to welfare State intervention as a whole, appeared as a direct extension or appropriation of the social-democratic concerns of the post-war treatment establishment and their political allies. But the call for crime to be seen as a national problem

(and for welfare as a national responsibility of the State) effectively detached the diagnosis of crime, delinquency and welfare problems generally from the social-democratic politics in which it had previously been framed. The "war against crime" was a "mobilisation of (the) whole society" in defence of a new national interest: the defence of the people's capitalism, which other ideologies were hard at work in describing as being of universal benefit. The war against crime was no longer to be conducted, in other words, in the interests of defending a reconstructed social democracy from the disruptive influences of youth and the parasitical activities of economic offenders.

A slightly different form of displacement of the social-democratic argument was advanced, a little later, by Radzinowicz and by some of his collaborators at the newly-established Institute of Criminology. In this version, the struggle against crime was seen as part of "the climate of social responsibility" whereby technical criminological experts were at work on behalf of the nation, well beyond the limits of political ideologies and the party whip. (Radzinowicz, 1964). The weaknesses of social-democratic analysis of crime (in particular, its absolute inability to conceive of crime or delinquency as an index of the continuing effects of life under industrial capitalism as such, and the kinds of life that was still required of the worker by the capitalist) left the way clear for an essentially liberal, pragmatic ideological appropriation which retained a practical emphasis on "treatment" as a response to crime; but detached this from the broader commitment to social reconstruction, to which Mannheim, Grunhut, Laski and other social-democratic writers had alluded and which had formed the ideological context for Labour's election to power in 1945. It re-located the use of treatment and associated reform measures in a consensual national project of "social responsibility" - by which criminologists and others were asked to work in defence of the existing economic and social formation.

The Conservatives' attempt to forge a national consensus in which the "whole society" was "mobilised" against crime was as metaphysical in the end as Radzinowicz's plea for a "climate of social responsibility". Neither conception added anything practically to existing social democratic policy in the crime field: they merely offered out two new accounts of what the professionals in the penal system and in social work were already doing (i.e. acting as agents of the whole society, personifying social responsibility). Crucially, however, the account which was offered in these versions did serve to disconnect liberal professionals from any residual notion of social reconstruction of the early 1940's variety. Professional intervention into problem families, for instance, was increasingly seen as a permanent feature of all "complex", "modern", "mass", societies, and no longer a temporary intervention made necessary by the disturbances of the wartime period. Social work as a whole was increasingly spoken of as a "profession" that would have a permanence and functions in modern society equivalent to that of the police and the legal profession (where in early social democratic accounts the social worker was clearly seen as a State agent whose skills were required in order to fit troubled and deprived people for the project of social reconstruction, and therefore a State agent whose functions ought to "wither away" subsequent to the full achievement of a reconstructed social democracy).

The favourite "social worker" for the reform Conservative was probably the Probation Officer, formally a servant of the court and secure in his (or her) clear definition of task: the authoritative supervision of young people and of adults released from prison and the prevention of recidivism. Social work was seen as a stern and paternalistic occupation, practised by those with requisite Christianity and patience, on behalf of the conforming adult (bourgeois) population.

The space which was opened out by Conservative reformism during this period

was a faithful reflection of the imagery of social order and deviance portrayed in the mass media accounts of the time (and especially the weekly work in Dixon of Dock Green). The fundamental task of the State was to provide resources for treating and rehabilitating individuals of deprived backgrounds and environments. Paternalistic police liaison officers and probation officers would make contact with troubled youth and provide a benevolent form of correction. Welfare officers and social workers in prison and in borstal would talk through the personal and social problems of other adult and youthful offenders. But, in the background, the legal apparatus and coercive institutions of the mental hospitals and prison system would continue to receive the support of the State, in order that the minority of more committedly anti-social or more pathological of offenders could be segregated off from the mass of inadequate and basically petty offenders. The order of the people's capitalism would be preserved by a penal strategy which emphasised the gentle correction of the majority of deviants from the new order, and the firm segregation and punishment of the minority of rebels against the form of reconstructed social democracy.

This conception of the "war against crime" won real support only amongst certain kinds of social worker, notably in the probation service. It was not successful in mobilising thousands of patriotic young crusaders against crime, and neither did it become anything more than occupational ideology (a part of the job) for many other social workers, youth workers and teachers. It was therefore an extremely precarious form of ideology, in making the "war against crime" dependent for its (professional) legitimacy on the continuing neutrality of professionals in the broader political debates about the moral character and economic viability of the "People's Capitalism". We will see in Chapter Three that the legitimacy of this people's capitalism was put under increasing moral challenge in the early 1960's by the visible

appearance of corruption and other acts of deviance within the ruling class party itself and also by the very first hints that the Keynesian post-war boom was running out of time. The assumptions which were to have bound liberal professionals and the mass of the population alike to the defence of the Conservatives' new order were beginning to be challenged by events. The election of Harold Wilson's government in 1964 and the "Mods and Rockers" events at Hastings, Brighton, Margate in 1962-5 were about to signal an end to the optimistic form of consensus liberalism that had characterised the penal and social policies of the 1950's Conservative Governments.

2.4. An Essay on the Politics of Capital Punishment

"Considering punishment as the result of the criminal's own will is only a metaphysical expression of the old jus talionis. What a state of society is it which knows no better instrument for its own defence than a hangman?"
(Karl Marx, New York Daily Tribune, 18 February 1853)

Before leaving the liberalism of the 1950's for other "terrains", however, we need to discuss its most fundamental achievement, the partial abolition of capital punishment in 1957. What follows is actually a separate essay on homicide and the politics of capitalist punishment. We will undoubtedly repeat some of the arguments already advanced in this thesis. But at the same time, hopefully, we will deepen some of these arguments and also open out other perspectives. We want to begin by considering the conventional accounts of the campaign leading up to the 1957 Homicide Act.

4(a) The Conventional Accounts of Abolition

Both of the major histories of the campaign (Christoph, 1962; Tuttle, 1961), are concerned to stress the bipartisan, "consensual" and "humanitarian" nature of the goal of abolition.¹³ It is certainly true that one important feature of

the campaign was the extent to which parliamentary political allegiances (and the routinely held party-political views of ordinary voters) were apparently contradicted in votes and speeches that took place on particular items of abolitionist legislation. Liberal Conservatives voted and agitated with Labour members for abolition during the debates around the 1948 Criminal Justice Act, and around the "Silverman Bill" of 1956; and also quite significant numbers of Labour M.P's went into the "No" lobbies with extreme right wing Tories to oppose abolition. One of the main speakers against abolition in 1948 was Moss Turner-Samuels, Labour M.P. for Gloucester, and also a barrister, and in 1956 one of the most hysterical retentionists was D.G. Logan, Labour M.P. for Liverpool (Central); whilst the major speakers in support of Sydney Silverman in 1956 included H. Montgomery Hyde, Ulster Unionist M.P. for Belfast North, also a barrister; and Sir Beverley Baxter, Conservative M.P. for Southgate, previously a newspaper editor (who admitted in debate to a sense of guilt at having played on the public's interest in murder in his earlier work in journalism).

However, although the "crusade" against capital punishment was eventually won with the help of Conservative (and Liberal) members of parliament, the prime support for the abolition movement came from the Labour side; and was given vigour by the general radicalisation of the war-time period. Both Christoph and Tuttle note that there was increase in abolitionist activity in the immediate aftermath of the war and around the 1945 election. "Great expectations" were widely held that the first Criminal Justice Bill of the new Labour Government would include an abolition clause.

" ... had not Labour appointed the 1929 Select Committee (on Capital Punishment) and provided the majority that recommended an experimental suspension of capital punishment? Had not the Party's annual conference in 1934 passed an abolition motion, and the bulk of Labour M.P's including a future Home Secretary and nine other future Ministers, supported a private member's motion in 1938 urging the Government to add an abolition clause to the Criminal Justice Bill of that year? The portents seemed

highly favourable, and the impression prevailed in abolitionist circles that success was finally in sight."
(Christoph, 1962, p.35)

Tuttle observed, however, that when the Government was quizzed (in the Commons) by M.P's who wanted to ascertain the attitude of the new Government to capital punishment, the "questions were ... usually evaded". (Tuttle, 1961, p.55).

When eventually the Government was compelled to express an opinion, through the Home Secretary of the period, J. Chuter Ede, it was that the "time for suspension" had not come. It was also clear that the Government intended no measures to hasten the time.

For this pusillanimity the abolitionist social democrats themselves were partly to blame. The reformist campaign of the late 1940's was conducted within a very narrow and traditional political circle, with no attempt to broaden the base for a demand for abolition into the ranks of the Labour movement, or to take advantage of the general democratic forces that had been unleashed during the war. Tuttle observed that :

" ... most of (the attempts to educate public opinion) resembled those in use in the 1930's. Pamphlets were again popular, but no new ones were printed by the National Council (for the Abolition of the Death Penalty) the first year after the Second World War, partly because of the lack of new information, partly because a stock of pamphlets by Roy Calvert and John Paton were still available, and particularly because increased printing costs were still an obstacle to an organisation that was usually short of funds ... (but) both the NCADP and the Howard League for Penal Reform increased their propagandistic activities from 1946 to 1948, publishing and distributing several new and revised pamphlets on abolition ... (This) bore fruit in a voluminous correspondence in The Times."
(Tuttle, 1961, pp.56-57)

So there was no attempt in the 1940's or 1950's to construct a popular penal politics of the left,¹⁴ and abolitionists relied on existing forms of pressure group activity and hoped in vain for enlightened leadership on the part of the Labour Government, initially, and then from the reforming Conservative administrations after 1955.

Both Christoph and Tuttle agree that any intentions that the Labour Government may have had to introduce an abolition clause in its Criminal Justice Bill were probably affected by "a series of rather unusual and shocking (murder) crimes" which occurred in the autumn of 1947 and the spring of 1948. Two were referenced by Christoph, who thought the heightened attention given these in certain newspapers was "factual", in the sense that whilst "the press can select, neglect, highlight or embellish and play upon certain emotions ... it cannot very well control the types of murder that occur". (Christoph 1962, p.45).

"In one case, repeatedly brought up by opponents of abolition in both Houses, a ship's steward assaulted and murdered a young actress and pushed her body through a porthole into shark-infested water ... Just a month before the vote in the Commons, a police constable was murdered by a youth in London, and in the week following the front pages of the Evening Standard, the Evening News, the Daily Graphic, and the Sunday Pictorial, featured little else ... 'Kill the Killer' thundered the Daily Express, while the News of the World and the Sunday Dispatch saw in the murder new evidence of an unparalleled wave of gangsterism sweeping the island." (Ibid.)

The ideological pressure of the popular media contributed further to a weakening of resolve on the part of Home Secretary Chuter Ede and his political support in the Home Office.

This combination of unwillingness to take a political lead on the question of the law and crime, coupled with a fearful sensitivity towards the ideological power of the popular media, has been characteristic of Labour leaderships generally in this field, who have tended to feel that crime cannot ever be "an issue for the left".¹⁵ It was a combination that was challenged, repeatedly, by Sydney Silverman, M.P., and others, throughout the early 1950's, initially with a proposal to amend the Criminal Justice Bill in 1948 to include provision for the experimental suspension of capital punishment for five years. The debate over this amendment (for a full day on 15 April 1948) resulted in a vote for abolition, by 245 votes to 222, a result which was apparently greeted with "jubilation" in the House of Commons, a jubilation which was explained

by Richard Crossman, the new Parliamentary correspondent of the New Statesman, as resulting from the fact that :

"for once the machine had been defeated by conscience; and a long-standing Party pledge had been fulfilled despite the dictates of expediency ... The violence of the jubilation revealed a frustration of a Party which longs to be able to choose between right and wrong and is constrained time after time to make do with the lesser evil."
(New Statesman (35) 24 April 1948) 16

This particular result was rejected, as expected, by the hereditary and overwhelmingly Conservative House of Lords on 2 June (by 181 votes to 28); and the popular press trumpeted their view that the Lords were "more realistically aware of the people's views than are their elected representatives". (London Evening News, 3 June 1948). In the absence of any serious attempt to popularise and politicise the Labour Party's crime policies, even feudal Lords appeared, indeed, to have a more effective relationship to "the people".

The defeat of the Silverman amendment in the Lords signalled the beginnings of a period of seven years of parliamentary trench-warfare oriented towards the partial abolition of capital punishment. A political "space" was opened to the right of the pure "abolitionists", but well to the left of fundamentalist retentionists, within which reforming, Butlerite Tories and abolitionist social democrats worked together, in search of a "formula" which would ease progress towards abolition, without recourse either to radical programmes of popular politicisation or to abolition of the second chamber. A characteristic feature of these compromise measures was their continuing concern with the retention of capital punishment for the murder of State employees (police, prison officers etc.) in the course of their duties, and also a rhetorical concern with the preservation of the deterrent effects of "law". We shall return to these themes later.

The compromise clause proposed by the Labour Leadership in 1948 (for inclusion in the Criminal Justice Bill) was one in which life imprisonment was

proposed as an alternative to capital punishment in all cases, except those in which the murder had been committed in the course of other crimes. These included murders committed during the act of resisting arrest or escaping from custody, during detention in prison (where the person murdered was a prison officer); murders involving the "systematic administration" of poison, or murders committed by a person who had murdered before. There was, in other words, an attempt to distinguish between, or to classify, types or degrees of murder. Previous attempts at such classification had all been shown to contain considerable flaws, and this was no exception.¹⁷ The source of the Labour Government's compromise draft is unclear, and the rationale for the distinctions that were made is also unclear: Christoph notes that the Government produced the draft less than one week after the vote in the House of Lords, and he suggests that the discussion of the draft in the meeting of the Parliamentary Labour Party was peremptory and instrumental, and dominated by the Home Secretary, the Chancellor of the Exchequer, and the Leader of the House (Chuter Ede, Stafford Cripps and Herbert Morrison). This compromise abolition clause was also defeated in the Lords; and with no time left in *the Parliamentary session*, the Government was forced to bring the Criminal Justice Bill to the Commons without any reference to abolition. Chuter Ede pleaded for the House's acceptance of this, and promised that the Government would continue to explore the question in the hope of raising it again "as a separate issue". A "tired" House of Commons voted in favour of the House of Lords deletion of the compromise clause by 215 to 34. The Government was defeated in 1951, and no signs of any further initiative occurred until 1953 (in the meantime, as Arthur Koestler continued to remind the readership of the Observer, executions continued - to the tune of 85 people hung in British jails between 1949 and 1953).

The abolitionist campaign was reactivated by two particularly contentious

executions that were carried out in that year. On 27 January, Derek Bentley, aged 19, was executed in Wandsworth Prison for his part in the death of a policeman after a break-in at a London warehouse. His 18 year old companion, Christopher Craig, who had fired the shot, in the meantime began a sentence for life imprisonment, as he was below the legal age for hanging. Bentley was the victim of the doctrine of "constructive malice" in law (later to be abolished, in the 1957 Act) whereby "a party to a common purpose must assume common responsibility for anything that occurs in the course of pursuing that purpose". (Christoph, 1962, p.98). Bentley had previously been rejected by the Armed Forces as a 'Grade 4 Mentally Deficient', and the jury in his case, whilst finding Bentley guilty of the charge of capital murder recommended mercy for him, with the apparent approval of the Presiding Judge. The Home Secretary, Sir David Maxwell Fyfe, however, refused to grant a reprieve, and Bentley was duly executed. Many commentators at the time thought it likely that Bentley would have been reprieved, had his victim not been a policeman: there is indeed a suggestion that Bentley would have been reprieved under the Labour Government prior to 1948, when the police were of more ambiguous status in popular, social democratic politics.

The Bentley-Craig case was quickly followed by the bringing to trial of J.R.H. Christie for the murders of six women (including his own wife) whose bodies had been discovered buried in the house and garden of 10 Rillington Place, in Notting Hill. The reasons for the public unease excited by this development are now well known: on 9 March 1950, Timothy Evans (who occupied the upstairs apartment in Christie's house during the immediate post-war period) had been executed for the murder of his child (to which he had "confessed" during a voluntary visit to the police station). He was alleged also to have confessed to the murder of his wife. At his trial, Evans, himself a "subnormal", withdrew his confession, and accused Christie of the murder. Evans' evidence was inconsistent (though so was that of the police), and he was found guilty,

refused a reprieve by Chuter Ede, and executed. The confession of Christie in 1953 after the unearthing of six bodies led to the first trial in Britain for "mass murder" for many years, and Christie, found by the jury to be guilty and responsible, was sentenced to death and hung on July 15.

The anxieties surrounding these cases were fuelled by the publication in September 1953 of the Report of the Royal Commission into Capital Punishment, under the Chairmanship of Ernest Gower, a civil servant of some considerable experience on government commissions under both Labour and Conservative Governments. The Report has since been described "as one of the great social documents of our age". (Morris and Blom-Cooper, 1964, p.v), and it certainly recommended sweeping changes in the law of murder in order to extend the possibility of a legal defence on grounds of reduced responsibility (a recommendation that was probably made more understandable, popularly, by the circumstances surrounding the findings in the case of Bentley and Evans); the abolition of the doctrine of constructive malice; and also the Report recommended that the jury in murder cases should be given the power to take "extenuating circumstances" into account in such a way as to recommend the substitution of a life imprisonment sentence for capital punishment. The Report received mixed reactions in the mass media, which seem to have found it too technical to be "newsworthy", but it did help to sustain the political campaign against capital punishment that had been reactivated by the executions of 1953. The House of Lords debated the Report in December 1953, and the House of Commons gave it a full reading in February 1955. An amendment (the first of many during 1955-7) was put by Sydney Silverman, calling for the suspension of capital punishment, but was rejected by 245 votes to 214.

The rejection of this vote was followed by the 1955 General Election in May, which resulted in the entry into parliament of several more young M.P.'s

influenced by the "progressive conservatism" of R.A. Butler and Iain MacLeod. It was also followed by the trial during May and June of Mrs. Ruth Ellis, a divorcee and mother of two children, for murdering her lover outside a Hampstead pub. Like the trials of 1953, the Ellis case was quite complex, but unlike the earlier cases, it had several of the requirements of "good copy" - "an attractive blond murderess, sexual motives, a woman on trial for her life" (Christoph, 1963, p.105). The defence rested its case on the difficult legal argument that Mrs. Ellis had acted "without malice and under extreme 'provocation'". She had been pregnant but three days before the murder she had been struck by her lover in the abdomen and had miscarried as a result. Despite these defence efforts, the Judge claimed that the evidence was insufficient for a reduction of the charge to manslaughter, and despite extensive appeals from a very wide variety of organisations and individuals, the Home Secretary, Major Lloyd George, refused a reprieve, and Ruth Ellis was hung in Holloway Prison on July 13, with some 1,000 people praying and carrying out a vigil outside the gates.

The events of 1955 culminated in the establishment of the National Campaign for the Abolition of Capital Punishment, formed out of the initiatives of the radical publisher, Victor Gollancz, Arthur Koestler (who was to write a gruesome book of his own on the actual procedures for hanging and their unreliability and inhumanity) and Canon Collins, of St. Paul's Cathedral. This was set up with the intention of mounting a short, passionate and successful crusade against capital punishment. The Campaign's Executive Committee was made up of Gollancz, Koestler, Canon Collins, Gerald Gardiner (a Labour Party barrister, and Treasurer of the Howard League) and one M.P. from each of the parties, and had the intention of obtaining support from a large number of "prominent and respected Britons". Public meetings were held, local committees established, and 16,000 "active supporters" signed up, and pledged

to activity outside prisons, and vigils in public places, in the event of any further executions. In the event, no executions were to occur before the next major development - the passage of the Homicide Act of 1957; and the bulk of the National Campaign's activities were concerned with giving support to the abolitionist efforts of individual M.P's in the House of Commons, leading up to that Act.

In the event, the Homicide Act was passed, according to the subsequent assessments, as a result of reform-minded Conservatives voting for a partial abolition of capital punishment, whilst being specifically against total abolition. The arguments for partial abolition had a general and a specific character. In general terms, they derived from the Royal Commission of 1953 which, whilst concluding that it was not possible to establish "degrees of murder" (in order to distinguish between cases which should be punishable by death, and those which should not) had also asserted that the outstanding defect of the law of murder in Britain was that it provided only one single punishment for an offence in which individual defendants characteristically possessed widely varying degrees of culpability. (Royal Commission on Capital Punishment, 1953, p.25ff).

A specific version of this argument was expressed in the demand for the introduction of the doctrine of "diminished responsibility" that was contained in a pamphlet published by the Inns of Court Conservative and Unionist Society, published in January 1956. Reporting on the deliberations of a committee chaired by a former Attorney-General, Sir Lionel Heald, under the title Murder : some suggestions for the reform of the law relating to murder in England, this pamphlet

"advanced the view that no effective decision on the question of capital punishment was possible until the law of murder itself was reformed, and proceeded to analyse certain 'anomalies and anachronisms' in the law with a view to their reform. It urged the Government to retain capital punishment,

but to accept many of the Royal Commission's recommendations on the subjects of constructive malice, provocation, and diminished responsibility, reserving the right to permit certain exceptions to the Commission's sweeping proposals".
(Christoph, 1962, p.129) ¹⁸

The Heald Report excited little comment at the time of publication. Mass media and popular attention was more directed towards the fate of the private member's Bill successfully brought by Sydney Silverman in 1956, reactivating his earlier proposal for complete abolition for an experimental period of five years. This passed its Third Reading in the Commons by the almost unprecedented majority of 238 votes to 95, but it was also realised that it would be rejected in the Lords (as it was - in July), and once again the constitutional issue of the relationship of that (unelected) Chamber to the elected House of Commons would be starkly posed.

For all that it was largely ignored at the time, the Heald Report did contain a draft of the first part of the Bill which the Government eventually introduced as a solution to the impasse in the Lords. The pragmatic provision was mainly that the courts would be given massive discretion in deciding on whether a person accused of murder could be deemed to be fully responsible or whether there was evidence of Heald's concept of diminished responsibility¹⁹ and that, where he or she could not be seen as responsible, the courts should show their mercy. Arthur Koestler was amongst the contemporary commentators to note the traditionally pragmatic "conservative" stratagem of using the courts for the exercise of mercy as well as the imposition of terror. (Koestler, 1956). The new doctrine of diminished responsibility was spelt out in the first part of a Bill (defining "non-capital" murders) which also specifically retained capital punishment for

- "(a) any murder done in the course of furtherance of theft:
- (b) any murder by shooting or by causing an explosion:
- (c) any murder done in the course or for the purpose of resisting or avoiding or preventing a legal arrest, or of effecting or assisting an escape or rescue from legal custody:

- (d) any murder of a police officer acting in the execution of his duty or of a person assisting a police officer so acting:
 - (e) in the case of a person who was a prisoner at the time when he did or was a party to the murder, any murder of a prison officer acting in the execution of his duty or of a person assisting a prison officer so acting."
- (Homicide Act 1957 section 5,6)

The "legislative strategy" was enormously successful. Reforming conservatives in the Commons, in particular, proclaimed that the new Bill was "considerably more than half a loaf". Although Sydney Silverman was quick to point out that the Bill was incoherent, because the two parts were not "organically connected"²⁰ and although he, Anthony Greenwood, Leslie Hale, Alice Bacon, Reginald Paget and other Labour M.P's laid down amendment after amendment in the attempt to prevent the retention of any concept of capital murder, they realised they had been outmanoeuvred.

By the time of the Committee stage, however, what Christoph called "the defeat of the abolitionists" had "turned into a rout" (Christoph, 1962, p.161) and on February 6, 1957, the Bill was passed its Third Reading by 217 votes to 131. In March 1957, the Bill was debated, rather rapidly, in the House of Lords, and despite last-ditch criticism from Viscount Templewood and others, the Bill was passed without a division of the House.

This "defeat of the abolitionists" was nonetheless, simultaneously, the crucial breach in the State's use of capital punishment. The vast majority of murders committed actually fell into the non-capital category (because they occurred in family or friendship situations under provocation or in other mitigating circumstances): in 1969, a Home Office Study put the figure at 84 per cent (1691 cases) of all the 2025 murders and manslaughters in England and Wales between 1957 and 1968 (Gibson and Klein, 1969, Table 9). So the restriction on the use of capital punishment legislated in 1957 was quite considerable. What was more, the actual passage of the Act reduced the necessity

of further ideological work. Only eight years later, in November 1965, subsequent to the election of a Labour Government in 1964, the Royal Assent was given to the Murder (Abolition of Capital Punishment) Act (again a private member's Bill brought by Sydney Silverman) in which capital punishment was abolished for an experimental period of five years. In the debate on the second reading of the Bill on 21 December 1964, Sydney Silverman was able to argue with only token resistance that (the House) was not being invited

"to debate all the pros and cons of the preservation or abolition of the death penalty for murder. That battle - a long, grim, sometimes dreary, sometimes exciting battle - was won in 1957 in the Homicide Act the only question remaining for Parliament to decide - is whether we shall abolish or retain not the abolition of the death penalty for murder, but the exceptions to that abolition which were made in the Homicide Act 1957, and since there is scarcely anybody who has a good word to say for these exceptions, the answer to the question which is presently before Parliament ought not to be difficult".

(Hansard Vol.704 (1964-5) col.871)

The second reading of the Bill was approved by 355 votes to 170, and the amendments made by the Lords by general acclamation. Four years later (in December 1969) (by the device of "affirmative resolution in both Houses of Parliament"), the 1965 Act was made permanent.

2.4(b) The Inevitability of Liberal Reform

We have indicated that the two standard accounts of the campaign against capital punishment explain the campaign's success primarily in terms of the indestructible advance of "liberalism" and, in particular its advance into the ranks of the parliamentary Conservative Party. The passage of the Homicide Act in 1957 was through a heavily Conservative Parliament: the Conservative Party had won 345 seats in the 1955 General Election and had a majority of 60 over all other parties. 48 Conservative M.P's had voted for the

experimental period of abolition after the Third Reading of Sydney Silverman's Bill in July 1956, and an even larger number voted for the compromise Bill which was passed as the 1957 Act.

The overall implications of Christoph and Tuttle's accounts is that pressure group activity of the kind engaged in by the abolitionists can be successful in persuading Parliament of the social benefits and/or moral correctness of specific forms of social change. Specifically, they can be successful in changing the minds and parliamentary votes even of Parliaments with a large Conservative majority. By extension, accounts of this kind suggest that further liberalisation is the more or less inevitable future of parliamentary democracy: campaigns against the use of prison with juveniles, against detention centres and against the uncontrolled use of disciplinary punishments in prison, are examples of areas in which liberal progress of this kind have been subsequently discussed. The belief in inevitable liberalisation is almost general in the post-war writing of criminologists. All that is required for progress to occur is for radical efforts and initiative to be realistic and pragmatic, and to do most work in the consensual space to the right of committed social democracy and to the left of traditional Conservatism.

There are two closely connected problems with this kind of account. Firstly, the inevitable advance of "liberalism" in "parliamentary democracies" generally does appear to have stopped, and in some instances to have reversed - and this situation does not appear to have resulted from any departure from pragmatism or realism on the part of Labour Party social-democrats or their equivalents in other countries. In the United State, there has recently been a significant return in some States to the use of capital punishment, encouraged initially by the ruling of the Supreme Court in July 1976 that capital punishment is "not a punishment which may never be applied".

Gary Gilmore became the first person to be executed for almost ten years in the U.S. when he was shot by a firing squad in Utah penitentiary on 17 January 1977, and in March 1979 John Spink, who had been under sentence of death for six years, became the first convicted murderer to be executed "involuntarily" in the United States since 1967, when he went to the electric chair in Starke, Florida. In Canada in 1978, when the Liberal Government, in power since 1968, was in danger of losing the upcoming General Election, members of the Cabinet proposed inserting the reintroduction of capital punishment in the Party Manifesto as a potential new source of Liberal votes.²² The current return of the Liberal Party to Government in that country in no way guarantees the impossibility of the use of "law and order" as a partisan form of politics there. (cf. Taylor, 1980). In Britain, campaigns by the Scottish Conservative Party, the Police Federation and the judiciary were successful in 1979 in forcing the first parliamentary vote on capital punishment for a decade, albeit the vote (on 19 July) was (surprisingly) lost by the clear margin of 119 votes (362 to 243).

We shall discuss the rise of the radical Right and its work on criminology and "law and order" in Chapter 6. For the moment, we want to show how the existing accounts of the abolition of capital punishment, like liberal accounts of penal reform in general, are flawed by an inadequate theory of Conservative politics in general (in other words, they have no conception of Conservatism as a class ideology) and by a failure to theorise the character of the reformist Conservatism of the 1950's as a particular, necessary, strategic compromise on the part of the ruling class party.

The second problem with the conventional accounts of abolition is their liberal assumption that abolition of capital punishment is a rational reformist target and that any opposition to abolition must derive from irrational or else irretrievably reactionary sources. So supporters of capital

punishment are referred to as "backwoodsmen" or as anachronistic traditionalists, whom time has passed by and who are no longer significant in modern "enlightened" times. Alternatively, supporters of capital punishment are given the credit of believing that the threat of such punishment actually deters potential murderers, and demonstrations are then provided to show that the empirical support for theories of deterrence is either contradictory or non-existent. (cf. inter alia, Beyleveld, Bottoms, and Wiles, 1979).²¹

What these rationalistic commentators ignore, however, is the fact that all such "rational" enlightened theories are judged by the mass of people according to their own lived experience (and not, for example, in relation to particular liberal notions as to ideal relations of punishment and offence). The experiences of living in British class society have very different ideological effects and meanings at each level of that structure; and, as we will try to show later, the experience of the working-class in that structure is one that may encourage support, for "rational" reasons, for some form of capital punishment. There has indeed been a "respectable" tradition of support for capital punishment throughout the twentieth century in some sections of the Fabian Society. These positions are not shown to be "wrong" merely by being labelled irrational (by reference to some sets of statistics) or unenlightened (by reference to an abstract penal philosophy or idealist jurisprudence).

Both of the major assumptions in the standard accounts of abolition (of inevitable and continuing liberalisation and of abolition as an intrinsically desirable or rational principle) have been put into question, we would argue, by the recent resurrection of forms of right-wing Conservative politics, to the right of the reformists of the 1950's, and by the success of New Right politicians in winning support within working-class populations, often through the use of "law and order" politics. It is apparent that liberals and socialists alike need a better understanding of the character of both reformist and real Conservatism as particular versions of ruling class politics.

4(c) Reformist Conservatism and Capital Punishment

Tory acceptance of "welfarism" and of Keynesian interventions into the economy itself during the 1950's was always qualified and conditional. The expansion of welfare expenditure - which was necessary politically in order to enter onto social democratic ground electorally - was always carefully controlled, and the increase in public expenditure of the 1940's was slowed. Measures of denationalisation of road haulage and of some steel enterprises were undertaken, and no major interventions by the State into the economy were allowed (even though some Conservatives felt that a more corporatist direction was required in order to ensure that proper capital investment occurred to provide a secure industrial base for the future). The "Butskellism" of Macmillan's Governments lay essentially in its continuing provision of the health, education and welfare services created during the 1945-51 Government, and in support given to State professionals in these services as part of the process of creating a "caring" benevolent society. Butskellism differed from its Labour partner in the 1950's consensus in that it did not nurture even a limited notion of the reconstruction of the unequal relations which had made the creation of the Welfare State an absolute necessity. Butskellism, or reformist Conservatism, was therefore an ideology of "mitigation". That is, it spoke to the mitigation of the worst effects of inequality of life chances in class society through the provision of State benevolence.

In the penal policy field, Butskellism worked from exactly the same logic to mitigate the most inhuman and unjust aspects of traditional penal discipline, and it did so, specifically, by constructing mitigating or exceptional circumstances in which the traditional rigours of deterrent and retributive forms of punishment should not apply.

The passage of the Homicide Bill was a perfect exemplary instance of this form of Conservative politics "at work". Part One of the Bill, deriving from the Heald Report, was in its very essence a plea for mitigation of capital punishment, a recognition of the "abnormal" circumstances into which people could fall as a result of personal or family pressures. People who fell foul of such pressures were not necessarily people who could or would not "normally" behave "responsibly": they were victims of circumstances. Provided that this was recognised, and provided also that the restriction of capital punishment was not extended to the detriment of the State itself (in removing the "defences" of State officials) no fundamental danger to existing class relations was involved in partial abolition. The two parts of the Bill may have been thought of as logically or "organically unconnected" by Sydney Silverman but they were excellently suited to the conjunctural problem of the moment, of finding a pragmatic means to abolition without undermining the Authority of State. Or, putting it another way, it was accepted that the defence of persons and of property under a reformed "people's capitalism" depended on the effectiveness of State interventions in providing the conditions in which "affluence" was a possibility for all, and in providing a general deterrent to predatoriness, and not on the use of terrible and anachronistic ritual punishment. The "end point of social control" could be shifted from the gallows to the prison cell without any real or ideological problems for the reproduction of popular support for capitalist economy. The Homicide Act was indeed a perfect example of what we might call "mixed economy penology".

To recognise that mitigation is the core element of reform Conservatism and that it is limited and conditional is also to recognise that the abolition of capital punishment and measures of penal reform are contingent on the general situation confronting the ruling class and its political party. We should remember that the British ruling class was much less hasty in its acceptance

of abolition than other ruling classes. Where abolition was only initiated in Britain in 1957, it had already been legislated in full in Portugal in 1867, in Holland in 1870, in Norway in 1905, in Sweden in 1921, in Switzerland in 1942, in Italy in 1948, and in Germany in 1949. Most Latin American countries had abolished capital punishment in the early years of the twentieth century, and apart from Britain, only Canada and some American and Australian States were using capital punishment in the 1950's. (Rolph, 1961, pp.109-110). The difficulties involved in governing an old class society like Britain are such as to make any move in the reduction in the severity of traditional forms of social control much more tentative, and also much more tenuous and unstable, than in societies that are not so fundamentally divided by class.

The particular achievements of the reformists at the head of the Tory Party was that they rescued the ruling-class party from the electoral oblivion it had confronted in 1945 and re-established the Tory Party as a party of "the people". Disraeli's conception of Conservatism as the political articulation of universal social interests (set against the sectional politics of Liberals and, later, the Labour Party) was reactivated through the support given to continuing provision of health, education and welfare by the State, and by the ideological work done equating Conservative Government with general economic affluence and egalitarianism. Reformist Conservatism rested its defence of class inequality on the attempt to deny the continuing significance of such inequalities in a general climate of economic plenty. It was an economic appeal which gradually also demanded the reform of political and legal institutions (like capital punishment) which self-evidently had originated in earlier more unequal and repressive moments in the history of British class relations. Abolition became a political necessity, especially, in the aftermath of the executions of Derek Bentley, Timothy Evans and Ruth Ellis, in circumstances that demanded clemency on the part of any genuinely humanitarian

governing party. So the partial abolition of capital punishment in 1957 arose because of the necessary strategic conversion of the Tory Party leadership to policies of government by consent rather than by terror.

4(d) Real Conservatism and Capital Punishment

Support for such consensual reformism was far from unanimous in the Conservative Party in 1957; and the abolition of capital punishment to all homicides in 1965 was overwhelmingly opposed by Conservative Party Annual Conference delegates.²² There have been several attempts since 1965 by the Police Federation, the Prison Officers Association and by sections of the Magistracy and judiciary to force the reintroduction of capital punishment onto the parliamentary agenda. These initiatives intensified throughout the 1970's.

In 1971, seven of the fifty motions on "Freedom under the Law" submitted to the Conservative Party conference at Brighton called specifically for the reintroduction of capital punishment, whilst another ten called for "stricter penalties". Throughout 1971 and 1972, after the murder in Blackpool of Detective Sergeant Richardson by Frederick John Sewell after a jewel robbery, and the murder of Detective Constable Ian Coward in Reading by two parolees, the campaign for the restoration of capital punishment escalated considerably. By 1976, the Conservative annual conference was dealing with 26 motions calling for restoration, and a total of 71 motions on what was now less ambiguously categorised as "law and order". In April 1978, the Scottish Conservative Party published a report, Crime and its Remedies, produced by an Advisory Committee on Crime set up by the Shadow Secretary of State for Scotland, Mr. Teddy Taylor, which included the recommendation that :

"Capital Punishment:

... Parliament is gravely out of step with public opinion on this issue. If Capital Punishment is not restored then strong alternatives must be instituted". (p.7) 23

In 1978, at the Tories' national conference in Blackpool, the majority of speakers were calling for restoration, and a motion calling for a free vote in the House of Commons was overwhelmingly passed. This commitment was repeated by Margaret Thatcher in several speeches during the 1979 General Election, and also demanded by the Police Federation in an open letter on "Law and Order" that was published in the national press. As we have seen, that vote was held, on 19 July 1979, but the proposal for the reintroduction of capital punishment was defeated.

The campaign for reintroduction (and the subsequent free vote) occurred in the context of general "shifts to the Right" in many Western societies, occasioned by the successful marketing of coercive penal and social policies, by Right wing political parties, as a "solution" to the upcoming recession. Capital punishment was surfacing throughout "the west" as a short-hand, abrupt response to popular anxieties and widespread fears of disorder - existential fears which had a real basis in the declining economic situation and social environment. In the U.S., the issue was raised by individual populist politicians in all parties,²⁴ and in Canada it was almost raised in 1979 as the official policy of a Liberal Government standing for re-election. But in Britain the issue surfaced, as we believe it must, almost exclusively through the organised political party of the ruling class. Moreover, it was an issue, unlike no other, that threatened to display in an open fashion the distance that separates reform conservatism as a class politics from real conservatism, as Margaret Thatcher voted for reintroduction whilst her Home Secretary, William Whitelaw, opened the debate for the abolitionists.

We will discuss the overall significance of the law and order issue in the rhetoric of Thatcherism at the beginning of Chapter Five, and we will be concerned there to stress the ideological function of "law and order" in displacing attention from other more fundamental features of the crisis in western capitalist societies. But there is a danger in seeing

Conservative crime policy as ideological only in this "mystificatory" sense (i.e. as a deceit, masking the reality of the crisis and its origins).

In particular, we believe that accounts of this kind run the risk of underestimating the utopian core of Conservatism. Many "real" traditional Conservatives do believe, fundamentally, in the possibility of institutionalising inequality - not only as an efficient and workable system of production, but also as a moral way of life, built around the mutual respect of the propertied and the propertyless. Hierarchy is predicated, in this perspective, upon the right of those born to rule to do so. Especially in England, even the nouveaux-riches have to defer to such a hierarchy, for the moral qualities of such individuals are thought in "real" conservatism to be unavoidably inferior, and to be likely, in time, to bring about some fall from Grace. These "kinds of people" are also likely, therefore, it is thought, to be more tolerant and permissive on questions of civil disobedience and crime than the ruling class proper.

In other words, it is only in reform Conservatism that there is real tolerance for crime, or, putting the point more sociologically, it is only amongst Butskellite Conservatives that there is any recognition of crime (and/or other social frictions) as a normal (understandable) product of the stresses and strains of a complex advanced, and changing, division of labour. Amongst real, utopian Conservatives, crime is never normal. In real Conservatism, crime is a-moral behaviour, resulting from insufficient (rather than inappropriate) social control; and as such it can be combatted through the continual justification of conforming behaviour as morality, and through the attempt to deter nonconforming behaviour by terror. The function of capital punishment in deterring "murder" is, in this perspective, ideological rather than empirical: that is, the question of whether capital punishment can actually be shown to deter, in a display of statistics, is substantially irrelevant. What really

counts is the existence of capital punishment as the "end point" of a system of discipline. That such a discipline appears to be "in place" and ready for use, and that it is underwritten by the terrible image of the gallows, may be its most important feature. This view may take the form of arguments about deterrence, as it did in the speech made by Major Sir David Maxwell Fyfe, M.P.²³ in the Parliamentary debate on the Criminal Justice Bill of 1948, but the form of the argument is less important than its substantive reference to the maintenance of social discipline.

"with regard (to the question whether or not it is a deterrent), I feel that one has to try to apply one's knowledge of human nature to the human nature that is affected by this matter. Again, the only reason I give the House my own experience is that I was brought up professionally in Liverpool police court and North Country assizes. For the first five or ten working years of my life, I came into contact at short intervals with the criminal population of Lancashire. I got a chance - I may be wrong, and I admit at once the possibility of error - of trying to form my view of these people, and especially - because they were the vast majority of the cases - of house breakers, pavilion breakers, and burglars

I believe, as strongly as I can hold a belief, that with the ordinary run of these fellows, the thing that keeps them from giving an old lady a crack over the head, or prevents them from using violence when it is difficult to get away, is the fear that if they go too far then "the 8 o'clock walk may await them."
(Hansard (449) 14 April 1948 cols.1080-1081)

But the discipline problem, for real conservatives, is not portrayed simply as the problem of controlling "the ordinary run" of the criminal population or the working class in general. It is a matter of keeping human nature itself under control (via the maintenance of appropriate moral traditions and respect for the Authority of Law). The authors of Policing the Crisis put this well :

"The conservative explanation of crime lays fundamental stress on the primitiveness of crime, and the state of mind leading up to it. It is predicted on the eternal struggle between Good and Evil. Human nature is fundamentally nasty, brutish and vile. But the seed of Good is planted in us all. It requires, of course, eternal vigilance on the part both of society and of conscience ... The criminal, however, has chosen not to fight the good fight. He has embraced Evil. This puts him outside the human community, makes him something "less than human",

something pre-human, uncivilised. That is his choice, but the wages of choosing Evil are heavy. The criminal represents a threat to us all, both to our physical safety, our moral duty and our social code. We must be protected against him. And a clear warning must be delivered to all others who for the sake of gain, impulse or base motive are tempted to follow him in this path, to unrighteousness. There is a sort of calculus - both divine and utilitarian - by which the greater the crime, the more severe the punishment."
(Hall et al, 1978, p.168)

But the theological importance of capital punishment is also underpinned, for real Conservatives, by the secular importance of capital punishment in symbolising the essential continuity of traditions of Government in England. In making this connection, real Conservatives rarely avoid making reference to the donning of the black cap by the sentencing judge, the "8 o'clock walk"²⁵, the final request and other symbolic rituals that have preceded the use of the rope in English jails. These rituals date from the eighteenth century, and in particular from the public trials and executions which were instituted (at the time of a massive expansion in the number of capital offences) in order to try and check the growth of offences by the masses against the property of the gentry. E.P. Thompson's lengthy analysis of the notorious Black Act of 1723 (Thompson, 1975) shows how the gallows were used (in the absence of a regular police force) as a means of protecting the King's deer against poaching, and Douglas Hay has shown how hanging was prescribed by other eighteenth century Acts for the stealing of shipwrecked goods, linen, and tools; for "food riots" and for "enclosure riots" (collective attempts of the unpropertied to protest against the movement of profitable grain by millers, and against the expropriation of the "common" by the landed gentry). Given the dramatic growth of banks in which to deposit the profits of mercantile, industrial and agricultural enterprises, capital punishment was also prescribed for forgeries and frauds of all kind. In the aftermath of a "Glorious Revolution which established the freedom not of men, but of men of property", the number of capital statutes increased from about 50 to over 200, in the years between 1688 and 1820. Hay concludes that capital punishment was an instrument "for

enforcing the division of property by terror". (Hay, 1975, pp.18, 21). But the key fact to note, in understanding the social functions of capital punishment in the defence of the rule and property of the gentry, is that the actual number of executions carried out was not so great as the extension in legal provision might have suggested. There was no significant increase in executions after 1750 (when both the size of the population and the general level of trade were rapidly on the increase). "Roughly half of those condemned to death during the eighteenth century did not go to the gallows, but were transported or imprisoned" (Ibid, p.43). This might be thought to have resulted for some conflict of interest between gentry and judiciary, but Hay's research reveals that "the men who controlled Parliament were precisely those who usually brought their influence to bear in requesting pardons for condemned convicts from the judges and the King". (Ibid, p.23). There were at least three functions attaching to the widespread use of the power of pardon and the Royal prerogative of mercy.

Firstly, it allowed for the "claim of class". The pardon allowed the bench to recognise poverty, when necessary, as an excuse, even though the law itself did not ... " (and also) it allowed the courts to distinguish "a good many respectable villains" from the many "errant son(s) of the rich who tried (their) hand at highway robbery to pay gambling debts". To have these young gentry hung "would have made too great a carnage in the better circles". (Ibid, pp.44, 45). And the pardon could be used in response to pleas made within the "links of patronage and obligation" which were the very stuff of English social structure in the eighteenth century.

The pardon also had an important role to play in what Hay calls the "ideology of mercy". Since the pardon, and especially the Royal pardon, was usually the result of bargaining processes that were hidden from the masses, the prerogative of mercy could "be presented as ... altogether mysterious, ...

sacred, ... and absolute". They were "acts of grace rather than favours to interests", obtained, in the great majority of cases, by gentlemen on behalf of labourers". Crucially,

"it was an important self-justification of the ruling class that once the poor had been chastised sufficiently to protect property, it was the duty of the gentleman to protect 'his' people".
(Ibid, p.47)

Finally, it was the "peculiar genius" of the (eighteenth century) extension of pardons and mercy that it allowed "the principal instrument of legal terror" - the gallows - to be put "directly in the hands of those who hold power" (Ibid, p.48) - the gentry and the aristocracy, who were, after all, the magistrates and the jury in each English locality in the eighteenth century. No large army and no police force were required if the criminal law worked to allow pleas for mercy as well as always threatening death. "Benevolence ... was not a simple positive act: it contained within it the ever present threat of malice ... When patronage failed, force could be invoked, but when coercion inflamed men's minds, at a crucial moment mercy could calm them." (Ibid, p.62).

So benevolence and coercion coexisted in the prerogative of mercy controlled and exercised directly by the ruling class itself. The norms of deference to class privilege that have been widely observed in the British working class may not have their origins exactly here (in the possibility of escape from the gallows) so much as they lie in the legacy of feudalism itself. But it is clear from literature that work done in the eighteenth century in creating alliances between the gentry and artisans was vitally important in producing an obedience and deference in the early industrial working class.

The advance of industrial capital in the nineteenth century and the resulting transformation of the class structure of England brought about a fundamental change in the nature of the rule of the ruling class, as well as in

the nature of the ruling class itself. The "freeing" of men from their feudal subjugation to the landed aristocracy, in order that they could sell their labour to emergent industrial capitalists, necessitated a transformation of the way in which men were understood philosophically and legally. They had to be seen as free men, men who could strike a contract (to work) in exchange for a reward they could respect and use (a wage). The pre-industrial images of men possessed by Evil (by the devil or by demons) and of women (who were witches) were challenged and replaced by an articulate philosophy in which mature men and some women could exercise free will without the threat of demonic possession. These mature men and women were even "entitled" to the "right" to be appropriately punished for their misdeeds. Philosophical justifications were advanced for the right of free men to be hung, as much for their right to the fruits of their labour. The gallows and the labour market alike were signals of men's freedoms rather than their subjugation.

Pure classicism also required that there should be some form of capital punishment, in order that the State could attempt to deter men and women from murder, when it might otherwise be rational as a solution to an individual's economic or other problems. In this respect, capital punishment was the institutional weapon of the State, defending all citizens from the potential predatory activity of others. But classicism also required that punishments should never be disproportionate to the original offence; and, in consequence, many of the capital statutes (e.g. over sheep-stealing) which had been created in the eighteenth century in order to "enforce the division of property by terror" fell into disuse, by virtue of being extraordinarily cruel and unjust according to utilitarian judgements. Later in the nineteenth-century, the advances of medical and social science were to identify particular segments of the population (like the young, the old and the mentally ill) who could not be accorded the full ability to form freely-willed decisions. But the modifications and challenges made to eighteenth-century Conservatism by classical penal philosophy, by neo-

classical revisionism and the positivism of certain academic experts has had very little impact on either the law itself or on popular and commonsensical criminology. In part because it was not effectively challenged by the social reconstruction of the 1940's, a strong tradition of deference to the ruling-class and to the traditional instruments of its rule remains within the English working class, which could well act as a support to any ruling class attempt to construct social order via the reimposition of traditional hierarchy and coercive systems of laws.

In the 1950's, this particular form of ruling class politics was no longer thought to be a possible option for the Conservative Party. The utopian vision of real Conservatives (of a tightly controlled hierarchical society dominated by a moral consensus around the values of the traditional gentry) was thought to have been destroyed by the unremitting advance of social democracy. The partial abolition of capital punishment was therefore an expression of the Conservative Party's loss of faith in the possibility of a moral Utopia.

Some observers anticipated that the return of the Conservative Party to Government under the leadership of Margaret Thatcher in May 1979 might have involved a return to a moral conservatism of this kind we have described, and these same observers speculated on the possible reintroduction of capital punishment, especially given the personal support which Margaret Thatcher promised in the promised free vote in Parliament. On the last point, observers were quite extraordinarily wrong, as the vote against the reintroduction of capital punishment was actually more conclusive than all previous parliamentary votes. There have certainly been some signs of themes of "remoralisation" in official Tory justice policy, especially in relation to youth, but the rhetorics have not hinted at the reintroduction of the traditional relations of the classes. Instead, the rhetorics have taken the form of an "authoritarian populism" identifying (and conflating) a series of folk devils (from muggers and vandals to secondary pickets

and "welfare scroungers") as predators on "the people". The ideology of authoritarian populism is not articulated as an attempt to institute some earlier historical social formation, especially of the pre-industrial period: it is used as a support for a reconstruction of British society into a "social market economy", constructed around small business rather than large industrial enterprises. It is an ideology which does not require the reintroduction of terror at the core of the penal apparatus, albeit it may at some time need to generate popular support for severe measures of imprisonment and containment for strikers and other enemies of the Thatcherite programme. So "Thatcherism" itself does not need the reintroduction of capital punishment. It is when Thatcherism fails that the Conservative Party could turn to its more traditional moral appeals to hierarchy, underpinned by the use of the instruments of terror.

1.1.1) Social Democracy and Homicide

We have already "puzzled" over the absence of an abolitionist clause in the Criminal Justice Act of 1948. In general terms, we attributed this particular failure on Labour's part to the restricted character of the strategies adopted by the abolitionist pressure group, to the campaigns waged against abolition in the popular press and also, finally, to the overall loss of direction within the Labour Government in that year.

There is no doubt, however, that other anxieties were involved within the organised party of "social-democracy". In particular, there was, in the 1940's, a widespread fear that "the violence" to which men had been trained in the war was spilling over into "the peace". According to the official statistics, indeed, crimes of violence against the person were increasing throughout the later 1940's - initially against the trend of the statistics as a whole.²⁶ So where the post-war anxiety did not focus on youthful behaviour or on economic offences, it focussed on violence and murder. Our argument is that this anxiety had a specific

meaning for Labour Party social democrats.

It was ^{/an} anxiety caught by George Orwell, as early as 1946, in an article on "The Decline of the English Murder", published in Tribune. In this piece, Orwell contrasted the characteristics of nine famous murder cases in which he called "our great period of murder" (1850-1925) - all of which were essentially domestic - with some of the murders given headline treatment in the immediate post-war period. In the earlier, pre-World War II period, Orwell observes, there was a common pattern :

" ... one can construct what would be, from the News of the World readers' point of view, the perfect murder. The murderer should be a little man of the professional class - a dentist or a solicitor, say - living an intensely respectable life somewhere in the suburbs, and preferably in a semi-detached house, which will allow the neighbours to hear suspicious sounds through the wall. He should be either chairman of the local Conservative Party branch, or a leading Nonconformist and strong Temperance advocate. He should go astray through cherishing a guilty passion for his secretary or the wife of a rival professional man, and should only bring himself to the point of murder after long and terrible wrestles with his conscience. Having decided on murder, he should plan it all with the utmost cunning, and only slip up over some tiny unforeseeable detail. The means chosen, should, of course, be poison. In the last analysis, he should commit murder because this seems to him less disgraceful and less damaging to his career, than being detected in adultery."
(Orwell, 1965, p.11)

The murders "in the newspapers" in the middle to late 1940's appeared however to be of a different character. By no means all the murders reported and discussed were of the traditional domestic type (with a significant number of murders being associated with dance-halls) and in some only a brief acquaintanceship between the eventual victim and the murderer, with no evidence as to the feelings existing between them. In the Cleft Chin Murder, discussed by Orwell, the killer was an American, and his victim an English waitress attracted to him (according to accounts) by her viewing of American gangster films, and by visions of becoming a "gang moll". This was certainly a new kind of murder for England, and Orwell speculates that :

" ... the girl's case has a certain amount of psychological interest ... this murder probably captured the headlines because it provides distractions amid the doodle bugs and the anxieties of the Battle of France "

but then rather nostalgically concludes that

"it is difficult to believe that this case will be so long remembered as the old domestic poisoning dramas, product of a stable society where the all pervading hypocrisy did at least ensure that crimes as serious as murder should have strong emotions behind them."
(Orwell, 1965, p.13)

Caught in the conclusion of Orwell's piece, in particular, is an anxious anticipation which was later to become more common in social-democratic circles. It seemed that the legislative attack on inequality mounted by the Labour Government in the immediate post-war period was not producing a simple and immediate benefit in social order. In some areas of life, indeed, there appeared to be an increase in social tension, as well as the emergence of behaviours unfamiliar during the "stable" (though class ridden, and unequal) society of the pre-war period. These developments were unwelcome in the particular sense of being inexplicable within the social democratic frame of reference. The murders spoken of by Orwell were "un-English" in that they were occasioned, it was thought, by the influence of American culture in Britain and in that there were no detectable relation between the murder and the jealousies and enmities of class. The sense grew up of the presence of a violence which was not understandable in straightforwardly social democratic terms. Most of the citizens of social democracy were still to be understood as products of their environment, but some came to be seen as abnormal, different, and psychopathic. Almost by definition, murders committed in public territories (like the dance hall or in the street), outside of the familiar contexts of family and class relations, were seen as the actions of psychopathic individuals. In this way, Labour writers could, of course, clear "social reconstruction" of any suggestion that it was the cause of the violence that was being increasingly reported to the police. But recognition of the presence of

psychopath had other consequences. The argument was pursued most mercilessly of all by George Bernard Shaw in a famous letter to The Times (5 December 1947) in which he argued that :

"Dangerous insanity, instead of exempting from liquidation, should be one of the strongest grounds for it."

This was no new position for George Bernard Shaw, no grudging conclusion arrived at as a consequence of the unexpected continuation of reported violent crime after the war. Shaw's arguments had been arrived at earlier (in the early 1920's) in a series of essays he had written on crime, imprisonment, insanity and capital punishment. In one of these pieces, written during 1920-1, written under the title "Crude Criminology", Shaw's fundamentally Victorian and Darwinian view of the human race is made quite explicit :

"Everyone who has any extensive experience of domesticated animals, human or other, knows that there are negatively bad specimens who have no consciences, and positively bad ones who are incurably ferocious. The negative ones are often very agreeable and even charming companions, but they beg, borrow, steal, defraud, and seduce almost by reflex action: they cannot resist the most trifling temptation. They are indulged and spared to the extreme limit of endurance; but in the end they have to be deprived of their liberty in some way. The positive ones enjoy no such tolerance. Unless they are physically restrained they break people's bones, knock out their eyes, rupture their organs, or kill them."

(G.B. Shaw, 1932, p.189)

Shaw's conclusions were faithful to the underlying Darwinianism of nineteenth century Fabianism as argued originally by Sidney Webb. Writing in 1891, Webb had argued that competition between communities rather than between individuals within communities had now become "the main field of natural selection". (Webb, 1896, quoted in Stedman Jones 1971, p.352). "In such a situation it was vital that the community should fortify the strong rather than succour the weak" (Stedman Jones, op. cit.). The weak populations in question in the nineteenth century were the "casual poor". The Fabians formed a common front with the imperialists like Lord Roseberry in the 1890's in advocating a national

policy to raise the level of fitness of the British race, in order to eliminate this population of the "casual poor", unfit for the competitive struggle with the other imperialist nations. Both H.G. Wells and Shaw were later to extend the line of argument further and to argue for "sterilisation of the failures". (Stedman Jones, 1971, p.353). In this respect, capital punishment, for Shaw, was simply another eugenic device, a welcome additional weapon in the elimination of the inadequate.

Shaw's insistence on the presence in any human population of "negative bad specimens" and "positively bad ones" was substantially the explanation of murder and violence arrived at by Labour Party social democrats in favour of the retention of capital punishment during the 1940's and even later, during the debates on abolition. There was an increasing tendency amongst Labour politicians and social democratically-minded academics, like the psychiatrist J.D.W. Pearce, to explain the increases in crime and delinquency after 1949 as being the result of the unexplained appearance of a number of psychopathic individuals in the general population. The "retentionist" social democratic became in this sense an adherent of genetic and psychiatric explanations of homicide and violence. Even the liberal abolitionist literature, of course, was at pains to stress the abnormality of murder and almost invariably discussed murder as "the crime of crimes" which by definition was unrelated to other crime or to ordinary existence. So in both retentionist and abolitionist accounts of homicide, murder was unconnected with the quality of the social relations constructed or allowed by social democratic reconstruction. It was a matter of individual psychopathy alone, and individuals who were found to have committed homicides should either be eliminated or alternatively subjected to long term incapacitation.

The specifically Fabian influence in Labour Party thinking may have had an influence, then, in counselling the Labour leadership against a wholesale

commitment to "abolition" and to penal reform generally. It may have been confirmed also by the particular form of populism that exists in the Labour Party tradition. The Labour Party is by origin a party of the mass, and it still attracts the votes of the mass of working people in this country. For all that the party is now run at local and national level by the middle class (Hindess 1971) it still retains a close contact with popular fears and anxieties, aspirations and beliefs, and, however reactionary or irrational such beliefs may sometimes be, they are sometimes still voiced by Labour M.P's speaking for "ordinary people". This was certainly the claim made, for example, by D.G. Logan, M.P. opposing abolition in the capital punishment debates of 1956. Other Labour spokesmen over the years have found ways of reflecting, or accommodating to, this popular conservatism of the class,²⁷ in the recognition that their own careers within the Party depended on doing so, and perhaps in recognition also of the need for the Party to have a continuing base in the class, in order that the class could later be mobilised in the interests of the Nation (and in support of Labour Governments).

One aspect of this populism is an apparently contradictory perspective on violence. Many commentators on working class community have shown how fighting by adolescents in the street is a normal part of socialisation, and how it is linked, in areas like the East End of London to longstanding boxing traditions (encouraged and sustained by local youth clubs). (Downes 1966, Robins and Cohen 1978). Certain forms of violence are also thought legitimate in confrontations with the police (Common 1938, Jackson, 1968), and in some areas, even the violent tactics of local "hardmen" involved in organised crime have received a degree of community support within the class (Pearson, 1973, c.1).²⁸

But studies of working class communities have also shown that there is widespread fear of other forms of violence in the class, and in particular, to the penetration of property vandalism and interpersonal violence on the "home territories" of the class (housing estates and inner city areas). Much of this

violence was routinely attributed in the 1950's and 1960's either to "criminal families" or to "weirdoes" ("headcases").²⁹ By the same logic, we would argue, working class populations in prison have always assigned some of their number to the "psycho" category (as being likely to provide trouble for unpredictable reasons) (Morris and Morris, 1963, c.XI), whilst working class boys in Borstals or other institutions have always identified some of their companions as "nutters" (Taylor, 1971; Walter, 1978).³⁰ Labels of this kind are obviously evolved and applied in the attempt to identify and segregate individuals who are thought likely to disturb the orderliness of working class existence (in "the community" or in institutions), an existence which is also constantly threatened with the disorder of economic boom and slump. So there are very different reactions in working class community to police interventions into traditional activities of ordinary working class kids, on the one hand, and vis-a-vis nutters, on the other. Much of the "violence" of the post-war period, whether directly experienced by the class (e.g. in the form of soccer hooliganism) or reported through the mass media, has been understood in the class of the latter variety. Speaking to a House of Commons Committee on the reform of the Children and Young Persons legislation in 1975, Arthur Lewis, M.P., caught the common sentiment of dislocation well when he declared :

"I was born and bred working class, and lived working class. I know that in my day we had truancy, yes, limited; we never had pupils pulling out knives and threatening teachers; and bricks thrown at young women teachers; this never went on. I come from the toughest area and they never took advantage, even the crooks and the thugs, of the old women, the disabled and the sick, as they do now."

(H.C.534-ii, 1976, p.252)

Jeremy Seabrook, amongst others, has spoken of this sentiment as a "bewilderment" at the actual effect of "social reconstruction" on working class community (Seabrook, 1978, passim), and it was this bewilderment, we would argue, that was glimpsed by George Orwell in writing of the decline of the English murder.

To speak of popular support for capital punishment, in this context, as arising out of an alleged deterrent function is really to miss the point. Capital punishment for homicide (and also prison sentences for the violent) are more akin to "metaphors" for the need for the restoration of lost qualities of civil order and interpersonal trust in the economic disorder of working class life. They are State measures which receive support for their potential ability to segregate disturbed and disturbing individuals out of the community. Literally they are valued for their ability to "incapacitate" the violent, troublesome, and dangerous individuals in working class community. Inasmuch as penal reformers and abolitionists of the liberal centre or the left have tended to speak of questions of penal punishment in abstractly moralistic terms, they have failed to grasp the class significance of the field. Right wing Labour politicians, who have "colluded" in this populism, have actually had a better sense of this class significance, but they have at the same time colluded in economic and social policies which reproduce the desperate social relationships within which such populism "makes sense". The breaking of this link between populism and capitalist economics must be a central part of the programme of any future, popular socialist movement.

2.4(f) Homicide, Non-natural Death and Ideology

Widespread popular support for capital punishment for murder has been reported in nearly all societies, however, and not just in modern class societies. So we want here to take a further excursion away from our chronological account of criminology to examine the character of this most popular of all criminological demands of the people in some more detail. Any realistic alternative to "social democratic criminology" will clearly have to confront the question of homicide and its punishment, no matter how much it may want first to clarify some of the ideological confusions in the area. For homicide, as we have said, has almost universally been seen as the "crime of crimes" - as the

most serious of all possible forms of offence against other human beings. This obviously has to do with its finality. Morris and Blom-Cooper have observed :

" ... The irrevocability of death is a psychological problem with which man has wrestled since the beginning of time ... (and thus) around the notion of death a whole series of institutional beliefs and practices have arisen creating a sense of social balance in which the realisation of mortality is incorporated into the fabric of human experience; only thus is death made tolerable."
(Morris and Blom-Cooper, 1964, p.271)

The inevitable fact of death, in other words, has always been an existential problem for individuals living in all cultures, and a variety of rituals and practices has grown up to minimise the finality of death (like the family plot in cemeteries in contemporary Europe and North America, symbolising family continuity and stability). But we must add that individuals also die "early" and "non-naturally" from accidents, violence, or illness, in all known cultures. In pre-industrial societies, the causes of such death have ranged, and still do range, from feuds between kinship groups to plagues, famines and starvation. In industrial society, "non-natural" death is more likely to result from wars (which have been much more devastating of human life than their pre-industrial equivalents), from accidents resulting from the use of modern forms of transport (especially from the car), and from various illnesses and diseases that are associated with forms of living under "modern industrial society", most of which have actually been increasing, in England and Wales at least, throughout the post-war period.

One of the most rapidly increasing causes of death in England and Wales in the post-war period is cancer, increasing at about one per cent a year for all types of cancer. The greatest contribution to this increase is from cancer of the lung :

"over the past 25 years there has been a more than three-fold increase in the male and a slightly less than three-fold increase in the female death rate. The increase in the total

male cancer rate appears to be almost entirely due to the 'explosion' of lung cancer, which now accounts for about 40 per cent of cancer deaths It can hardly be doubted that the increase in lung cancer mortality reflects a true increase in disease incidence associated with cigarette smoking ... "

(Office of Population Censuses and Surveys, 1978a, pp.19-20)

Another major cause of death which was increasing relative to the total number of deaths was circulatory disease, accounting in 1973 for about 10 per cent of all deaths of people aged 30 and just under 30 per cent of all deaths of people aged 70. "Heart diseases", or "coronary thrombosis" and the other diseases in this category of death increased by an average of 6,015 people per year between 1951-3 and 1971-3 (Office of Population Censuses and Surveys, 1978a, figures 1.5 and 2.1). Some slight reduction in these rates of increase amongst males has been detected in some recent investigations, but, as with the cancer rates, the decreases among males have been offset by increases in mortality due to these two causes among women.

Both of these causes of death are conventionally put down to the "stress of modern life". Smoking is seen as an understandable form of drug-taking, aiding the pursuit of work and productivity; whilst stress is seen as an inevitable feature of the "pace" of modern existence. This essentially liberal explanation of the "habits" which result in thousands of non-natural deaths fails, however, to speak of the social relations within which stress and productive pressures are embedded, and indeed demand (which, ultimately, are not the social relations necessitated by industrial production, but the social relations in which industrial production are made competitive). In this respect, liberal accounts have tended in the past to normalise practices like heavy smoking and also the stressful, competitive individual, by making it seem as if they are inevitable. Recent moves in some industrial countries to curb smoking, and to encourage awareness of health and fitness, have been accompanied by a political concern to reduce the amounts of time lost at work through illnesses, but to the dismay of

the medical profession, these initiatives have been decidedly unsuccessful in their impact on traditional working class populations, who appear to have continued smoking, and to lead "stressful existences" at work and at home. The liberal account is forgetful of the possibility that different classes in the population may make sense of their use of cigarettes, and the necessities of their life in very different ways. Members of the "liberal middle class" (like doctors themselves), realising as they have the connection between smoking and cancer, and respiratory disease, may "choose to quit" and realising the relationship between "life-styles" and heart disease, they may start to "jog" and also to change their life style. Members of the "traditional" working class on the other hand, working in heavy industry for example on piece-work, or in shifts, may find such a transformation impossible, and, more likely, they may not even see the possibility for themselves of personal independence of environment. (Smoking and stress may simply be thought of as "part of life").

Accidents of the kind that occur in industry are probably not thought of in quite the same fashion (there is evidence of considerable anger amongst working people at the standards of safety in the modern factory, and other workplaces). In 1969, only 3.79 per cent of the 250,000 factories in Britain had safety committees, and 80 per cent had no safety service of any kind (Kinnersly 1973, pp.13-14). Moreover, the routine (unaccidental) pursuit of working class occupations in Britain produces death from T.B. some three times more often for miners, and four times more often for kitchen workers, than for the average member of the British population; and in nearly the same proportions for bronchitis. Amongst the least risky occupations in this respect are those of management (except for personnel management), M.P's, judges, solicitors and (most of all) clergymen. (Kinnersly 1973, p.9).

Accidents in the home, and accidents caused by traffic accidents, are not the subject of much public critical comment (they are not thought of as avoidable or

as preventable, even though many of the accidents may result from architectural or engineering failures, or simply from features of the living space that is provided in housing or from features of road design or provision in modern industrial societies that are not inevitable, and could be changed by political and economic initiatives). Whatever the form and context, "accidents", even when they involve sudden death, seem to invoke a set of normalising assumptions, whereby blame and fault are substantially dismissed and meaning given to the event ("It could have happened to anyone", or, more theologically, "It must have been God's Will").

So a variety of devices have been generated culturally with which people can make sense of and even risk the most prevalent forms of "non-natural" death. Early death becomes a hazard, or a chance, to which we are all more or less susceptible: there is a balance of possibilities which if it is ever thought of, is simply "there". It is obviously crucial in understanding this to remind ourselves of the vital division between the public and private spheres of life in capitalist societies. A first principle of nineteenth century classical philosophy and of much of the related legal precedents is the need to protect the private individual (the "possessive individual") from unwarranted interference of the State. So, by a lengthy process of argument, classical philosophers and modern commonsense come to concur in seeing fatalities resulting from car accidents, from industrial injury and from self-induced health risks as substantially private matters (an individual's choice), unaffected by the moral condition of the public domain. Unlike homicide, these other causes of death are thought to be 'obviously' the result of individual risk-taking.

This is not to say that this sense of there being a balance of possibilities eliminates the insecurity from existence. Indeed, we would want to argue that the existential insecurities of man, vis-a-vis death, are substantially tied in with the other crucial insecurities of an existential order (especially those to do with sexuality, to which we shall turn in Chapter Four), but also

the insecurities of a secular kind (in particular, the fear of war which has dominated the minds of men throughout the twentieth century, and which has been magnified to the point of being "unthinkable" by the advent of the nuclear bomb). We would also want to "think" the relationship between the insecurities connected with death to the insecurities connected with the propensity of modern (capitalist) political economy to crises of boom and slump, with devastating effects on people's sense of stability and continuity, and on their living standards, and the other insecurities of political and social experience (especially in societies which are organised around competition between individuals). We would certainly reject the notion that these insecurities have been abolished by social-democratic interventions in the economy and into the organisation of civil society in the post-war period: and we would reject the contemporary conservative mythology that problems of a competitively individualistic, late capitalist society (with declining rates of profit, high inflation and high unemployment) can be resolved by attempting to reconstruct the moral hierarchies of earlier historical periods.

It is probably true however that there is a level at which the connections between anxieties over mortality and other forms of insecurity are "bracketed" in most people's minds, and a "practical" balance achieved. The point about murder, though, is that it

"disturbs (this) balance. It accelerates the inevitable in a way which profoundly unsettles the delicate equilibrium which social institutional devices have achieved, and arouses in individuals the most deep-seated unconscious fears and anxieties".
(Morris & Blom-Cooper, 1964, p.271)

The attempts made by Labour Party populists or by Conservatives to retain capital punishment in the 1950's were often phrased in terms of the deterrent functions of the punishment; and some of the campaigns conducted for the restoration of capital punishment by the police have involved attempts by the police or by their lawyers to have convicted murderers assert in court that they would have been deterred from their offence if capital punishment had existed (cf. Taylor, 1979a). But the use of the notion of *deterrence* here is metaphorical.

capital punishment, in this view, is actually part of an institutional fabric that has been created in order to minimise the possibility of the unexpected, although obviously possible, non-natural death. It also "makes sense" of murder in a way in which the long-term imprisonment of the offender does not, because it demands a sacrifice from the offender that is equal to that of his or her victim; at least, it gives a sense of justice to an otherwise unequal and devastating event. "Retribution" "makes sense" existentially in that no one person is allowed to gain any time in which to live, over someone who has unexpectedly and unnaturally lost "their" time to live.

Whilst there is a sense in which this "logic" is independent of any particular political and economic "conjuncture", we would argue that capital punishment can become a symbolic category into which the particular and various insecurities of existence are channelled, and that this occurs more readily at some times than others. Studies of public support for capital punishment in the USA, for instance, revealed that support declined from 68 per cent of the population polled in 1953 to 42 per cent in 1966. Five years later, in the aftermath of the "long hot summers", the Vietnam Peace Movement, and the "student revolt" as well as the emergence of a public concern with "street crime", support for capital punishment in the USA was increasing again, to 49 per cent of the population polled. (Gallup Opinion Index, Dec. 1971, Report number 78). In Britain, in 1979 (despite a consistently low homicide rate), 53 per cent of people questioned by National Opinion Polls favoured the re-introduction of capital punishment for "all types of murder", and 84 per cent of people questioned favour its re-introduction for murder by terrorists. (British Public Opinion 1(2) (Spring 1980)).

The insecurity to which capital punishment is seen as some answer is a broad-based insecurity of an existential, political, and economic kind. It is not dependent, as our discussion of homicide in England and Wales in Appendix One

makes clear, on any unambiguous increase in the rate of homicide: support for capital punishment has become in these circumstances relatively independent of a specific fear of being the victim of a homicide. The anxieties that are touched by the capital punishment lobby may indeed be fuelled by a generalised sense that exists amongst some of the citizens of late capitalist society of being unprotected by the state from a variety of new dangers and threats. Capital punishment may be a symbol of continuity, therefore, with what some citizens would see as more "straightforward", or more well-protected, times. And as we have already suggested, this feeling is likely to be at its most intense in the class which has experienced the greatest amount of cultural and social dislocation in the post-war period, the working class.

As we have said, these anxieties are irrational, as a measure of likelihood of being a homicide victim (especially when the statistics relating to other forms of non-natural death are recited). But the other forms of non-natural death have been "normalised": motor accidents, cancer and heart disease are thought of as arbitrary hazards, unconnected with the moral order of society (where homicide is so connected).

No political philosophy can eliminate the existential fact of death: and it may be the case that the "best" philosophies are those that confront its inevitability in an open manner, rather than suppressing or forgetting the fact of death. But in the West especially, liberal social and political philosophies accommodate only to popular fear of death by forgetting it and they also accommodate to the social systems which produce unnatural death unnecessarily. Western capitalist societies do increasingly produce the stress and life-styles which have been associated with a vast scale of diseases and early deaths, and they annually produce thousands of deaths at speed on motorways and in crowded, competitive and harassing urban centres. Moreover, it is precisely in those western societies in which competitive life-styles and profit consciousness have

been least modified by State interventions to restrict the anarchy of the market that there is most interpersonal violence and homicide. What other explanation is there for the most unexplained, but also most wellknown, fact about America, as against other western societies, namely its disproportionate and continuing homicide rate? In 1971, the number of officially known murders at roughly 90 per 1 million population in the United States, was more than ten times the number in the United Kingdom, where there were 459 official victims of murder (9.4 per million inhabitants) in the same year (Gibson, 1975). Students are American homicide are unanimous in seeing homicide as overwhelmingly committed by male blacks (Wolfgang, 1961), in the most deprived areas of American cities. It is a crime committed by, and usually, against the race that has been the core constituent of the underclass in American society since the days of slavery, and whose full participation within the wider society has never actually been generated by Keynesian welfare measures or by a broad acceptance of multi-racial democracy.³¹ Quite the contrary, it is an underclass that has had to live for years with levels of unemployment and relative deprivation that would not have been tolerated by the organised working class movement in Britain. So (as also in Hong Kong and many Latin American societies) it is a crime committed in the course of street thefts, in the search for mind-bending drugs or actually under the influence of alcohol or drugs: it is a crime of desperation, produced by desperate and demoralising conditions in which the most "developed" of modern capitalist societies asks its underclass to live. It is a crime of free market societies.

This is another way of re-establishing the fact of homicide being a social rather than a psychopathological phenomenon; and of homicide being a normal response to pathological circumstance. But "homicide" and "violence" are topics which are now discussed by social democrats primarily the other way round: they are topics constructed by the a-typical murder and by extreme instances of violence, particularly by the mentally ill or the "dangerous offender".

Acceptance of the ideological work of the judiciary and police, and sections of the mass media, undertaken around the cases of Myra Hindley and Ian Brady, Reginald Christie, Graham Young, and Donald Neilson (the "Black Panther")³² as if they were characteristic of British homicide³³ has resulted in the homicide question being defined as a technical field for the forensic expert (for detection) and the judiciary (for long-term sentencing). There is a need for a "socialist forensics" in which homicide and violence are firmly re-located in the contradictions of family existence and of "leisure" in the continuing relations of inequality, in which these fundamental crimes against other human beings routinely and regularly occur. There is also self-evidently a need for the kind of a socialist transformation of the economic base of society to attack the social divisions to which capital punishment may appear as a "rational" defensive response. And, finally, although it is obviously much more elusive, there is a need for a socialist ethic which places the highest respect on the importance of human life (for all humankind), but which does not pretend, like bourgeois ethics, that death can be avoided.

CHAPTER TWO

Footnotes :

1. We have in mind Thorstein Sellin's insistence, in an article of 1965 that the eventual abolition of capital punishment was "inevitable". (Sellin, 1965): a statement of faith we scrutinise later in this chapter.
2. One of the significant silences in both social-democratic ideology and in professional journalism during the 1950's was the speed at which other national economies (like those of West Germany, Japan, and North America) were outpacing the post-war recovery in Britain (despite their relatively anti-social democratic political posture). A generalised international boom was occurring in those capitalist societies which were most responsive to the recharging of the American economy.
3. See, in particular, the debates in the first journal of the British New Left, Universities and Left Review, stemming from a piece entitled "A Sense of Classlessness" by Stuart Hall (ULR 5, 1959), with replies from Ralph Samuel and E.P. Thompson (ULR 6, Spring 1959).
4. The introduction of council house estates into previously suburban and middle-class areas (in a characteristically social democratic attempt to smooth the contours of class) left the origins of class (in the production process) untouched, and thereby did nothing in themselves to challenge the fundamental differences in the class structure occupied by residents of areas of "social mix".
5. Despite the obvious fact that the Labour Government had by 1948 decided to "consolidate" its achievements, and despite the loss of impetus of the movement towards Social Reconstruction, the Labour Party still had an enormous popular base at the end of the 1950's. Even when it lost the 1951 Election, it managed to achieve its highest poll ever (of 13,948,605 votes, or 48.8 per cent of the votes cast). So the decline in popular support during the 1950's was very rapid, and clearly an artifact of the economic boom and the way it was managed and presented by the Conservatives.
6. Cf. our discussion of women and the family at the beginning of Chapter Four.
7. For a penetrating discussion of the role of Picture Post (of 1938-1957) in the construction of "social democracy" during the war and immediately afterwards, see Hall 1972.

Hall observes how the prime objective of the photographic reportage in the Picture Post was

"to present people to themselves in wholly recognizable terms: terms which acknowledged their commonness, their variety, their individuality, their representativeness, which find them 'intensely interesting'. People here do not require to be surprised off-guard, caught in candid poses, imitate themselves for the camera, perform or pull faces The Picture Post camera finds them interesting enough in the detail of their routine everyday life."

(Hall, 1972, p.83)

The routine everyday life celebrated by the Picture Post was indeed the routine patriotic-populism and cheerfulness of the war effort: the "war-radicalism" which prioritised the importance of the "community" "working together" rather than the individual or the family looking only to its own interests.

8. The creation of the Independent Television Authority, which began broadcasting on 22 September 1955, was of major importance here. An American study of the campaign which led up to the creation of "independent" television notes that

"... the introduction of commercial television needs to be viewed in conjunction with other policies of the practical Conservatives who were inspired by Lord Woolton to crusade against the Labour Government's declared intent to make operative a social ethic. His programme was conceived and ideally designed to associate 'Tory democracy' with the consumption aspirations of the majority. Many of its advocates were perceptive enough to understand that the subtle and long-term impact of commercial television would reinforce the political results of the vast expansion of hire purchase, government subsidized loans for home ownership, the drive to get low-income groups to purchase shares of corporate stocks, and the pervasive growth of advertising inspired by motivational research. They had observed and benefitted from American experience in selling "people's capitalism" in a welfare state."
(Wilson, 1961, p.13)

9. Some accounts of commercial television take this point further and argue that the advent of "popular" forms of television had an unambiguously liberalising and civilising effect :

"Thanks in part to the illustrative possibilities of the medium, in part to the strength of the BBC tradition, leavened now by the more informal and 'democratic' approach of the ITN, television was able to establish new standards in the popular exposition of serious subjects. In particular, it rescued such 'difficult' and hitherto barred subjects as abortion law, prostitution and homosexuality from the plane of Sunday newspaper sensationalism, and gave them humane, informed, and serious treatment this was a development of the greatest significance in the growth of an educated democracy."
(Hopkins, 1963, pp.408-9)

Accounts of this kind confuse the increasing willingness and ability of television to speak about previously difficult or deviant subjects, with the possibility of deviant groups (homosexuals, prostitutes, or individuals in search of abortion) being allowed their own voice, in substantially uncoded a fashion. They ignore the way in which serious television almost always "packages" its treatment of deviants (by balancing a deviant with a critic, for example). But accounts of this kind tend also to ignore the ways in which deviant topics are treated in the situation-comedies and variety shows which dominate "prime-time" television in the early evenings. It is by no means clear that the treatment of homosexuality and women's issues generally have been the subject of "humane, informed and serious treatment" in this kind of television at any time during the last 25 years.

10. The notion of a "gallery of folk devils" derives from Stan Cohen (1972). Cohen sees the folk devils as "visible reminders of what we should not be" (Ibid, p.10); whose existence is usually affirmed during "moral panics" over

behavioursthat have been seen as troublesome to one of society's self-appointed moral guardians. As Cohen observes, most of the folk devils that have been identified in this way in post-war Britain have been youthful.

11. The introduction of a military metaphor into the criminal justice field appears to stem from the 1950's, and indeed from the late 1950's after only three years of rising crime rates. Given the relatively crime-free situation in Britain in the 1950's, and the more pressing importance of other issues (technological change, continuing poverty, health and education inequalities and many others), the rapidly increasing emphasis on crime in the late 1950's as an object for a militaristic campaign has struck even moderate commentators as "rather unrealistic" and unjustified (cf. Sparks 1971).
12. The support given in political speeches and White Papers to the funding of research did not extend, as political support sometimes did in the same period in North America, to a carte blanche to enter all sections of the 'control culture' for the purposes of doing research. The attempt of the Morris's to carry out a rounded, and thoroughly respectable, sociological enquiry into the 'social system' of Pentonville Prison encountered considerable opposition from the prison officers, and it is an open secret that the Home Office only allowed the publication of Pentonville (Morris and Morris, 1963) after the authors had agreed to omit a chapter to which the Prison Officers Association had objected. The centralised control of the Home Office over access to the whole social control apparatus, and in particular the insistence that researchers should have to sign the Official Secrets Act, acted as a deterrent on much research in this period, with the result that some more social-democratically and treatment-oriented members of the prison service and the police attempted to carry out research of their own, and to be trained to carry out more sophisticated projects. The topical emphasis was on the importance, in crime control and treatment work, of the "dual role" of researcher-practitioner. (R.L. Morrison, 1962).
13. The major difference between the studies is that Christoph is rather more concerned than Tuttle to emphasise the opportunism involved in consensus politics: Tuttle seems to see the consensus, in characteristically liberal style, as the realisation of the worthy objectives of humanitarians and liberals. Christoph concluded his study, however, with the observation that "the passage of the Homicide Act was more the culmination of a search for political consensus than the finest flowering of enlightened criminology" (Christoph 1962, p.164).
14. The absence of any such popular penal politics, and the reliance on pressure group work and the realisation of "enlightenment", was to have parlous effects in other areas, including the "reform" of prostitution law, also in 1957. For our discussion of "Wolfenden reformism", see c.4.
15. Norman Buchan, M.P., personal communication, November 1979.
16. Quoted in Christoph, op.cit. p.50. Pertinently for our argument Christoph concludes that "the vote took place only a short time after the Nenni telegram incident, in which the Labour Party had disciplined or threatened to discipline 36 left-wing M.P.s for their intervention in the Italian general election". (p.72).

17. Lord Simon wrote a letter to The Times, setting out a number of hypothetical cases in which the operation of the compromise clause would prove illogical. He pointed out that under the terms of the new clause, the murder of Duncan by Macbeth would have been a strictly second class affair.
18. The ancient doctrine of "constructive malice" required only that the court established an "intent to kill" on the part of a defendant for that person to be accused of a murder; all other unjustifiable homicides should be treated as manslaughter. This intent to kill would be arrived at in terms of the Law asking what the "reasonable man" might have intended in a certain circumstance (that resulted in a homicide). The major objections to this are the objections that have been made to the concept of the "reasonable man" in Law. Morris and Blom-Cooper write :

"Half a century of Freud and the work of social and clinical psychologists over the last 25 years have cast serious doubts on the reality of the man who travels daily on the Clapham omnibus ... Beneath the surface of the 'reasonable man' may lurk a whole range of repressed feelings which in a moment of stress may be released with terrifying results."

(Morris and Blom-Cooper, 1964, p.315).

19. The concept of diminished responsibility in the Heald Report was intended to extend the definition of insanity that had been allowed in British Courts under the so-called M'Naghton Rules. Daniel M'Naghton (who was alleged later to be an "extreme delusional paranoic") was tried for the murder of the Prime Minister's Secretary in 1843. The rule arrived at in this trial was that :-

"To establish a defence on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the accused was labouring under such defect of reason from a disease of mind as to not know the nature and quality of the act he was doing, or if he did know it ... he did not know what he was doing wrong."

The main criticisms made of the rules since, have concerned their failure to deal with mental disorders which result in disturbances of an "impulsive" and "transitory" nature, and (associated with this) the extreme difficulty of mounting an effective legal defence under the rules. Concepts of diminished responsibility are less demanding to "prove", as they are not defined by such strict rules. They also allowed recognition in the courtroom of offenders of difficult degrees of culpability and in this way they enshrined the new principle recommended by the Royal Commission of 1953.

20. The two parts of the Bill identified firstly an operative principle (for identifying the presence or otherwise of mental responsibility) and then a set of homicide situations (or more accurately of victims) as if these could be organically related as criteria for distinguishing the capital from the non-capital murder.
21. We have ourselves examined the meagre empirical claims of the retentionists separately in Appendix One (in order not to disturb our major concern with the patterns of ideology).
22. We should also add, for the record, that in June 1969 Duncan Sandys, M.P., attempted unsuccessfully to head off the affirmative resolution of both Houses to make abolition of capital punishment permanent, by bringing

in a Bill proposing that the extension of abolition should only be voted on in a separate and new piece of legislation.

23. This recommendation was arrived at after the Committee had been supplied with "carefully checked figures in relation to murder as opposed to any other kind of killing and there can be no question that murder is on the increase." (Scottish Conservative Party, 1978, p.12). The figures which are for murder, attempted murder, culpable homicide (i.e. manslaughter) and rape in Scotland over the period 1957-1976. Also a detailed summary was provided on the 83 murders and culpable homicides in Scotland in 1977 by the Chief Law Reporter for The Scotsman. The status of the figures for 1957 to 1976 is not discussed in any way in the Report, and the "murders" for 1977 turn out to include all homicides including those in which the defendant was found not guilty and also those "murders" in which the police charge of murder was reduced to manslaughter by the jury. At least 27 of the cases described are self-evidently quarrels within a family or among kinship groups and another 10 between close acquaintances. The thin information provided on the other cases does not allow any further detailed criticism of the pamphlet; but the information certainly does not allow for the 83 homicides to be dealt with as if they were "murders". Very few of the cases described appear to be pre-meditated murders of the kind which are described in the mass media's characterisations of homicide, and which underly the anxiety on the basis of which capital punishment is proposed as a deterrent.
24. The functions of capital punishment in the U.S. are rather similar to the functions of the gallows in eighteenth century England: to control the underclass by terror. In the U.S. in the twentieth century, that underclass is black, and it has been shown, in the most politically impeccable of research projects, that capital punishment is virtually never carried out except against poor, usually black defendants. (Wolfgang and Riedel, 1973). It was on these grounds (i.e. that it was discriminatory), rather than on its inherent obscenity, that capital punishment was declared unconstitutional by the Supreme Court in 1973, and it was this rather absurd reasoning which has since been undermined (the vast majority of the U.S. Prison population is poor and black). Friedenbergr puts the point succinctly: "If the poor and black are to be protected from the public executioner, it must be through a just recognition that his function is obscene and his services abhorrent to the dignity of the state, however much they may be cherished by a majority of its fearful and resentful citizens" (Friedenbergr 1976, pp.10-11). Currently, it seems that almost any argument for capital punishment can be put in the U.S., provided that it does not cut through the metaphor to speak directly of the attempt to terrorise "the black underclass into submission": the latest "respectable" argument being the economic cost-benefit analysis in support of capital punishment being forwarded, vigorously, by Lehtinen (1977).
25. On the several occasions on which he was accessed by television to comment on the law and order issue during the General Election of 1979, Sir Melford Stevenson, the recently retired High Court judge, was clearly at pains to reactivate the kind of imagery in use in the 1948 speech by David Maxwell Fyfe. Among other asides, Melford Stevenson alluded that the fear of the "eight o'clock walk" would in his view, be effective in deterring individuals from going on political demonstrations and other "revolting occasions". (ITN, News at One, 24 April 1979).

26. After 1949, the crime rate (measuring the total of all indictable offences known to the police) began to rise again (from 459,869 to 524,506). Crimes of violence increased during this same period (1949-1951) from 7,206 to 9,716.
27. Examples of such populists that spring to mind are Ernest Bevin, George Brown, Ray Gunter, and (in his opposition to 1960's 'permissiveness', and in his advisory work for the Police Federation) James Callaghan.
28. We discuss the relation of organised crimes to the working class community in Chapter Six.
29. From the early 1970's onwards, the violence on housing estates and in inner city areas was probably also attributed in the class to "blacks", for reasons we discuss in Chapter Three.
30. Peter Marsh has also noted the presence and significance of the "nutter" amongst adolescent football supporters. In this case, the nutter wins reputation within a youth group precisely by engaging in the kind of unregulated and extreme violence that is rejected by the adult "respectable" working class. (Marsh 1976).
31. Cf. Garfinkel (1949).
32. Ian Brady and Myra Hindley were responsible for the so-called "Moors Murders" of 1965, in which a young girl and two young men were subjected to sadistic sexual practices and then murdered. Reginald Christie (as discussed earlier in this chapter) was found guilty in 1953 of the murder of six women at his house in Rillington Place, Notting Hill, and was hung on July 15th of that year.

Graham Young was an ex-patient at Broadmoor Hospital for the Criminally Insane who was found in 1972 to have committed two murders, two attempted murders and two offences of causing grievous bodily harm, all within nine months of his discharge. Although this was the first time that a person released from Broadmoor had committed homicide this rather controversial case led rapidly to the establishment of an Interdepartmental Committee on Mentally Abnormal Offenders (the Butler Committee). For an account of the proposals contained in the 1975 report of this committee, see Ewins (1976) and for a critical review see Bottoms 1977.

Donald Neilson, the so-called "Black Panther", was found guilty at Oxford Crown Court in July 1976, of the murder of 17 year old Lesley Whittle after kidnapping her and holding her hostage down a drainage shaft in Staffordshire. He was also accused of three other murders and three attempted murders, and he awaits trial on these charges.

Borrell and Cashinella in their lurid account of Crime in Britain Today (written from the vantage point of crime reporters for The Times and Daily Express) extend their own list of "violent criminals" in the post-war period to ten (including the Richardson brothers, the Hosein brothers, and the Krays whose 'violence' was committed as part of their involvement in the criminal underworld), (Borrell and Cashinella, 1975), (see our discussion in Chapter Five). A grisly collection indeed, but hardly typical of the average murderer in post-war Britain.

33. The typical homicide in Britain (and most western societies, excluding the USA) is the end-result of family struggles of a rather conventional kind, usually resulting from the use of a kitchen knife, or similar implement, in a fit of temper. Cf. Morris and Blom-Cooper 1964, and West, 1964.

CHAPTER THREE

The Disciplined Consensus and the Youth Question

The late 1950's and early 1960's have been widely discussed as a transitional period of major significance in British social life and politics. But the exact character of the transition, and the proper periodicisation of this transition, have often been put in the vaguest of terms. The formulation we find to be most useful is that in Policing the Crisis:¹

"The period between 1961 and 1964 is transitional: not between Prime Ministers but between two variants of the consensus management of the State. The self-regulating, spontaneous cohesion of British social and political life, underpinned by the consumer boom, was destroyed during this transition. In its place, Labour attempted - drawing on an alternative repertoire - to construct a 'social-democratic' variant, based on an appeal, not to individualism, but to the 'national interest', and to a prosperity which would have to be struggled for, defended at home and abroad, and for which belts - especially those of the working classes - would have to be tightened. This dominates the period, up to the Heath victory of 1970."
(Hall et al, 1978, p.235)

The key connection which Macmillan had never investigated and which only a Labour Government could initiate was that of corporatism.

"Corporatism" was almost in the nature of a necessity for the Labour Party in Government in the early 1960's since it was only via the creation of a corporatist alliance between capital, labour and the State that rising economic expectations that had been generated in the working class in the 1950's could be fulfilled, without having to countenance a fundamental attack on existing structures of power and inequality. No such economic and social strategy was seriously under consideration within the Labour Party under Harold Wilson. For Labour in the early 1960's

"The secret was to expand productivity: to make labour more productive - which in conditions of low investment, meant raising the rate of the exploitation of labour. The potential sharpening of conflicts of interests between the classes could ... be dampened down by subsuming everyone

into the 'higher' ideological unity of the national interest."

(Hall et al, op.cit., p.236)

And the way to realise the "ideological unity of the national interest"

was

"(to draw) all sides into an active partnership with the State: to make labour and capital equal 'interests', under the impartial chairmanship of the 'neutral' State; to commit each side to national economic targets; to persuade each to regulate the share which it took out of the common pool; and thus to establish a tripartite corporate bargain at the centre of the nation's economic life Each party had its constituency; each its duties - principally of discipline. Capital defended business, and would be rewarded with profits. Labour defended the working man and would be rewarded with a higher standard of living. The State represented 'the rest' - the nation - and stabilised the contract, enforcing it on the community."

(Ibid.)

In brief, Labour's strategy for defending and "improving" capitalism in the 1960's depended on :

"the construction of a disciplined form of consent, principally under the management of the corporate State."

(Ibid., p.237)

The disciplining of society was demanded, however, not only because of the economic opportunities which had been lost in the "free for all" of Tory economic policies of the 1950's. It was also widely thought to be necessary - in the aftermath of the Profumo scandal and a series of other revelations of "corruption" in high places - in order to introduce a new sense of (Puritanical) moral purpose to government as well as to business.² The demand for "discipline" was in fact generated and/or experienced at several different levels of the social formation for what were thought to be different reasons. In the field of welfare and penal policy, as we suggested at the end of our narrative section in Chapter Two, the benevolent but increasingly a-political liberalism that had been given official support by R.A. Butler and other reform Conservatives began to put under increasing challenge by events. Not the least important of these

events, we will argue here, was the increasingly troublesome character of youthful behaviour, especially after the emergence of "Rock 'n Roll" and then the Teddy Boys in 1955-6 and, again, after the Mods and Rockers during 1961-4. But there was also a general sense amongst professionals that the direction of post-war social reconstruction had been lost and that the alternative contemporary reality - of "affluence" - provided no guarantees that social order could be fully maintained merely by the exercise of benevolence. As a consequence, we would argue, a series of official investigations took place, at a fairly rapid speed and over a relatively short period of time overall, into nearly every aspect of the welfare and penal system. In 1961, the Streatfield Committee reported on sentencing in the magistrates courts (advocating greater consistency of sentencing and an increase in the amount of training of magistrates) and a rather unmemorable Criminal Justice Act was legislated. In 1962, the Morison Committee reported on the Probation Service and the first Royal Commission into the Police for years reported, concentrating its recommendations on the need for larger and more technologically sophisticated police forces. In 1963, the Home Office Prison Commission was abolished, and a series of investigations into the future of the prison system initiated by the Advisory Council on the Treatment of Offenders, beginning with a paper on The Organisation of Aftercare. In professional social work, in the meantime, further moves in the direction of amalgamation of different specialisms and also in the general direction of professionalisation took place in the creation of the Standing Conference of Organisations of Social Workers. (P. Hall, 1976, p.12). Social workers were also given extra powers, in the Children and Young Persons Act of 1963, to undertake preventative work with families.

None of these individual reports or initiatives, looked at by themselves, would give any clear indication of the significance of the transition in State social control in progress during this period. Taken individually, indeed, they are mostly very tedious examples of the technical concerns and private knowledge

that was characteristic of "penology" in the 1950's and early 1960's, or else unremarkable examples of these concerns being legislated. But taken together, they read much more "symptomatically". That is, they give a clear sense of the officials and bureaucrats who were in the position to influence the policy directions of each part of State apparatus of the penal and welfare "taking stock". They were assessing the scope and the coverage of their institutions and their personnel in the light of the new tasks they might confront, as "official society" - the State - came to make new demands on their institutions and staff, in the production of a more disciplined form of social consent.

The shift towards a tighter disciplining of civil society was elaborated "in ideology" in both its social-democratic and Conservative forms and indeed the ideological work done in reformulating the earlier versions of social-democracy and conservatism had its own effects during the 1960's, independently of the effects of the changed economic conditions (in the shift from a consumer-based boom to an economic strategy based on productivity). In particular, as we shall see, social democratic formulations of the question of crime prevention were transformed, from their reliance on the rhetoric and image of reconstruction of a class society to an involvement with the treatment and rehabilitation of individuals and families. Conservative formulations began - slowly - to jettison the compromise of Butskellite notions of social welfare and individual care, and to resurrect "Authority" as the proper, most effective source of discipline.

3.1 The Fabians and 'Treatment'

One of the most important attempts to revise the social democratic tradition in criminology, during the period of transition, was the argument put by Barbara Wootton, in Social Science and Social Pathology, originally published in 1959. The significance of this forthright attack on classical notions of freewill and responsibility lay, in part, on the fact that its author was

personally involved in Labour politics at Westminster, as well as being a magistrate and an increasingly prominent member of the official advisory bodies that were developing around Government Departments in the later 1950's.³

Social Science and Social Pathology was mainly concerned to argue that the continuing insistence of conservative thinkers on the existence of freewill (and therefore criminal responsibility) was inhuman and also ineffective in practice. The debates between conservatives and philosophical critics who wanted to argue for a modification of the freewill position could, and must be, "by-passed" in favour of allowing decisions that could ensure that "socially inadequate persons" should be given the help and treatment which their behaviour showed them to require.

"Primarily what would be involved (in abandoning concepts of responsibility) is a shift of emphasis in the treatment of offenders away from considerations of guilt and towards choice of whatever course of action appears most likely to effect a cure in any particular case."
(Wootton, 1959, p.251)

Wootton's argument developed out of a detailed examination of the logical failures in the existing legal rules for adjudicating criminal responsibility (especially the M'Naughton Rules, which still governed English law in cases other than those excepted by the Homicide Act of 1957), and was heavily influenced by the belief that the existing rules prevented the giving of treatment to many people who needed it (by placing them in prisons, in particular, on the grounds that they appeared, in law, to be responsible for their actions; when "in reality" they should have been sent into mental (or other rehabilitative and correctional) institutions). Though she is critical, at length, of the "scientific pretensions" and the "ethical blindness" of psychiatry in the past, Wootton argued that:

"there is no question as to (contemporary psychiatry's) humanising effect upon the treatment of socially refractory persons, and particularly of offenders against the law. For those who, like the author of these pages, abhor all

forms of violence and regard the use of force at best as a lamentable last resort, this humanizing influence is a good in itself, never to be discounted even if it should prove to be accompanied by awkward side effects."
(Wootton 1959, p.334)

The humanizing effect of contemporary psychiatry would also require Governmental policy to counter the long-term effects of environmental and economic deprivation (Lady Wootton was particularly concerned with the "new poor" of the 1950's, the unemployed, the single parents, and the sick, all of whose welfare benefits, and living standards, had fallen behind the general increase in affluence). But for Barbara Wootton, the barriers to full citizenship in existing society also included the disorders of personality to which psychiatry should be allowed to offer a cure.

The Wootton formulation was followed up in the orthodox criminological texts of the 1960's, most of which continued to be social-democratic in emphasis and wider political concern. Howard Jones in Crime and the Penal System reformulated Wootton a little on the question of rehabilitation by arguing that :

"There is no reason why (arguments insisting on punishment on a moral basis) should prevent the criminologist from continuing with his researches on a completely empirical basis. If moral restraints are important, they will be vindicated."
(Jones, 1965, 3rd edition, p.144)

Social democratic criminologists had become interested during the late 1950's in an increasing variety of individual, cultural and familial problems confronting such a social order. Thus, the earlier psychiatric investigations of the broken family were extended in the studies of J.B. Mays in Liverpool into the organisation of delinquent behaviour as a normal, subcultural, response in deprived and disorganised urban areas. (Mays, 1954). The geographical limits

of subcultures (as specifically neighbourhood forms) were then challenged by Jephcott and Carter, in a study of Nottingham, where subcultural formations were observed on certain streets, but not on others, within the same neighbourhood. (Jephcott and Carter, 1954). Street level traditions were as much of a problem as neighbourhood norms.

John Clarke has already shown how these studies were taken, by social democrats within the Fabian Society in particular, as evidence of the central role of the family in transmitting social values and behaviour, and how these social-democrats (Margaret Stewart, David Donnison, Douglas Jay, Peter Townsend and others) began to formulate a "sociological" rather than a "psychiatric" conception of the family - notably in response to the investigations carried out by the Ingleby Committee, from 1956 onwards, into both the operation of the juvenile court and the workings of the local authority children's departments. (Clarke, 1980). The "sociological" conception of the family that was advanced involved a recognition of the fact that, even after the reforms of the period of social reconstruction, there remained a "few families that get into serious difficulties" (Donnison and Stewart, 1958, p.7). They did so primarily because of "multiple problems" they experienced in relationships, rather than because of the material problems (of "need") that had been stressed in 1940's studies. It was from families with these characteristics that many of the delinquents of the welfare state were thought to emerge :

" ... many delinquents suffer from grave social handicaps. The parents of many of them are not equipped to cope sensibly with the pressures and problems of the modern world. Many are educationally backward ... parents with little insight, with few of the skills required for the care of children in the modern world and without the self-confidence and poise needed to seek advice and follow it."
(Margaret Stewart 1962, pp.18,25)

With a reassertion of their Darwinian perspective on the need for survival within a competitive "modern" society, the Fabians proposed the creation of a "Family Service" to supplement and/or replace the psychiatrically-inspired

endeavours of workers in the existing child care services. The Family Service was intended as a means of intervening in problem family situations in order to resolve the disabling features of the families' relationships. In so doing, the family service should also be allowed to work through problems connected with the children's delinquencies on what the Fabians in a 1962 pamphlet wanted to call "case committees". Parents (whose children "were for the most part co-operative") would sit on these committees with professionals, in more informal surroundings than were possible in the court, in order to deal with problems in the family relationships that might be expressed (amongst other things) in the "symptom" of delinquency. One of the benefits of such a removal from the courtroom would be the possibility of circumventing existing legal requirement of having to prove that children from problem families were guilty of an offence before intervening in order to meet "their needs"; but another would be the possibility of reducing the "stigma" which the Fabians thought attached to a juvenile court appearance (in respectable working class communities, in the school and the labour market). The family service would be able to intervene in ways in which a psychiatric caseworker (dealing with an individual) never could, and also in ways that would be impossible if the child was to be over-hastily, and prematurely, removed into a residential situation. As Margaret Stewart put it :

"Social workers with heavy case loads have little time to spare for parents once their children have been removed from home. Often when the children return, the material conditions and parental attitudes which contribute towards their delinquency or maladjustment are still present."

(Stewart, 1962, p.25)

Although the Fabians demand for a Family Service (composed of a new brand of social worker, given a set of statutory powers in the area of preventative interventions into problem families, and acting as a supplement to the existing juvenile court) has not been successful in its original conception, there is no question that the Fabians' ideological work in the area of

"deprived youth" was enormously influential during the 1960's. Interventions by local authority social workers into "multiple-problem families" with a view to "preventative" work on family relationships were given support in the Children and Young Persons Act of 1963 (which allowed the use of State money, in cases of need, for the purchase of clothing and foodstuffs).

The proposals for a family service did find a modified place in the introduction of social workers into the decision-making process in the juvenile court, especially in respect of the decision over the placement of children found to be in need of care or control via the non-criminal care proceedings, introduced by the Children and Young Persons Act of 1969. This was largely the result of the formulation of the Fabians' work as Labour Party policy by Lord Longford. Longford had in 1961 published a Christian version of Barbara Wootton's and the Fabians' arguments in his The Idea of Punishment,⁴ and he then proceeded to act as Chairman of the Labour Party's Study Group on "Home Policy", which resulted in the publication of Crime : a Challenge to Us All in 1964. This document acted as a framework for the ideological offensive for a reform of juvenile justice mounted throughout the 1960's by senior social workers inside the Civil Service and in positions of influence in relation to the Labour Party. The main emphasis in this "offensive" was on the need for a reduction in the use by courts of criminal procedures with juveniles and for their replacement by "care proceedings", in which parents of troublesome youngsters were to be encouraged, voluntarily, to agree to treatment of the youngster by local authority social workers. (cf. Bottoms, 1974).

Within academic social policy and criminology in the 1960's, then, texts began to adopt a "pragmatic", "multi-factoral" approach in which crime and delinquency, neighbourhood problems, and sometimes poverty itself were symptoms - primarily - of a variety of problems in the relationships of a family. Sometimes, "pragmatically", studies would show how these problems were sustained and

supported by other problems in the broader neighbourhood ("criminal" subcultures, lack of leisure facilities) (Morris, 1957) or in the local schools. (Power et al 1972). There remained an overall belief, however, in crime as an (ultimately - identifiable) pathology, (i.e. as a concrete behaviour pattern, produced by factors "in" families, and "in" school and leisure relationships), and the influence of the philosophical determinism of Wootton and others ensured that such "behaviour" was never seen to have any real significance as a form of willed behaviour. Everything happened at the level of appearance, and operated at the level of the inter-relationships of family, school and neighbourhood (which were and are, for social democrats, the essence of the social formation); nothing much happened at the point of work and even less happened in the minds and consciousness of the young people who were being processed between different "influences" of home, school, leisure and social control. "Social reproduction" - the reproduction of social relationships and the social formation as such - was seen to occur successfully because of the peculiar qualities of the family, and to be contradictory and unsuccessful almost exclusively because of the existence of troublesome, problem families (which were closely associated, as in the subcultural studies of Mays, Jephcott and Carter and others, with the continuing reproduction in particular urban areas of problem streets, problem housing estates and neighbourhood, and troublesome youth groups).

The sociologised conception of the family being advanced was, of course, neither new nor "genuinely" sociological. It was a displacement, into talk about different families' adaptation to "modern society", of the traditional Fabian division of society into the productive (the respectable working class) and the unproductive (the lumpenproletarian elements, unfit for the struggle for survival, even in a reconstructed society). The categorisations that developed were primarily administrative, in that they did not identify the characteristics of one group as against another in any definitive way, but rather

simply specified the action to be taken in cases where an individual had already been identified.

This "administrative rationalisation" (as Clarke calls it) was not, however, a cynical cover: it constituted an attempt at legitimising the development of a Fabian attack on the "deprivation" that persisted in the aftermath of social reconstruction. In other words, the creation of a Family Service was genuinely thought, within Fabian and broader social democratic circles, to be a viable means of moving beyond the "economistic" concerns of 1940's social democrats to the reform of problematic social relationships. Of course it was not the intention of the social democratic critique of "relationships" to speak of theories of estrangement or alienation. But it was the concern of social-democrats to endow "treatment" and intervention with a rationale over and above its utility to an individual. So as John Clarke correctly observes, Fabian ideological work for a Family Service was a decided modification ^{/of,} and even a challenge, to the more restricted vision of the alliance of psychology and "sociology" (environment and economics) implied in the work of John Bowlby and other psycho-therapeutic thinkers.

The social democratic attempt to endow treatment and therapy with a more "sociologised" conception of family relationships was to be a casualty of the struggles leading up to the passage of the Children and Young Persons Act in 1969. Tony Bottoms has shown how it was necessary for the proposal to replace juvenile courts by a family tribunal (which had been rewritten more or less directly from the Longford Report into the 1965 White Paper, The Child, The Family and The Young Offender) to be expunged (in the later White Paper, Children in Trouble, drawn up by senior civil servants in the Home Office Children's Departments (1967)), in order that the introduction of the new care proceedings could even begin to be accepted by sections of the treatment establishment, as well as by the magistracy and the police. (Bottoms, 1974). What is not made so clear is that Children in Trouble put an end not just to the possibility of

abolishing the impact of court appearances on juveniles, but also to the whole political purpose, (the context and objectives of "treatment") underlying the formulation of the Longford Committee.

The Longford Report of 1964 (like the similarly named Report into Pornography in 1972) was an essentially moral document; indeed it remains one of the clearest statements of Labour social democratic critique of British social order after the thirteen years of Conservative Government from 1951 to 1964. The major indictment made of Conservatism (which has both an historical and a contemporary ring to it) was that it had given ideological encouragement to a "get rich quick ethos of the affluent society - Tawney's "acquisitive society". This nurturing of acquisitiveness had led "to a weakening of the moral fibre".

In the place of this as "the overriding motive in life" continued the Study Group :

" ... Socialists substitute the ideal of mutual service and work towards a society in which everyone has a chance to play a full and responsible life."
(Longford, 1964, p.5). (my emphasis)

This quotation (apart from stringing together, in one highly condensed sentence, nearly all the key "connotative" terms of social-democratic ideology) set the terms for a critique of social order of Britain in the early 1960's - in which a moral repugnance at the reformed capitalism of the period of affluence sat uneasily with the identification of continued existence of inequalities of opportunity and life chances. Delinquency was a symptom of moral and structural problems in social order, but according to the Longford Report, it was mainly working class children who suffered in both respects. If they pursued acquisitive goals (like their middle class counterparts), as Tory ideology urged all people to do, they tended to find their avenues to success blocked (because of their lack of education or manners), and also they were more likely to be policed, arrested and given the stigma of a courtroom appearance. They were more likely to "finish up" as delinquents than those

middle class children involved in acquisitive activity (who, if they pursued their goals legitimately, had a good chance of success, but who also, if they should "become delinquent" could get "treatment" or counselling at the expense of their middle-class parents), But also "acquisitiveness" could in this view be normal (within moderation) but if not moderated (as under the general conditions encouraged by the Conservative Government in the 1950's) it was abnormal and de-moralising in unpacking the moral tie between an individual and civil society and upsetting the balance between self-interest and the ideal of "serving the community". It was also the case (although Longford did not comment on this) that the working child who tried to acquire the skills and behaviours required for "acquisitive" self-advancement, but who failed, could often be heavily labelled (as a poor learner, educationally subnormal, or even as "maladjusted") and sent off to particular institutions (like the E.S.N. or maladjusted school for "treatment"). Middle class children in such a bind were merely "disturbed". The working class child who was disturbed by the double pressures of acquisitiveness and deprivation did not get help to solve his original problem (he is treated for backwardness in institutions). The disturbed middle class child tended, on the other hand, to receive professional psychiatric help "in the community".

So, as John Clarke observes, the logic of the Longford Report's proposals for action "begins as (a critique of) the unequal administration of the law (and is) redefined (through the redefinition of delinquency from criminal offence to symptom of neglect, defect or inadequacy) as the unequal distribution of facilities for care and treatment". (Clarke, 1980, p.85). Delinquency was a symptom of an individual de-moralisation, a detachment of the individual from the moral controls that are a pre-requisite to entry into full citizenship, to which must be added the larger problem of the material deprivation of the members of the "lower class" blocking off the chance of effective rehabilitation and increasing the possibility of recidivism and entry into a life of crime.

The conception of the problem family and individual advanced by the Fabians did not recommend a "permissive" response. Indeed, the major thrust of the Longford Report involved the removal of all legal obstacles facing social workers trying to intervene preventatively and "correctionally" into the private lives of problem families and individuals. The social worker was then to be given the legal power to act on behalf of the State in loco parentis, by implication providing the "proper" moral socialisation which the parents had obviously failed to engender. This moral socialisation would presumably be sufficiently sustained and powerful to combat the "get rich quick ethos" which the Longford Report had identified as the root cause of family and individual disorder.

3.2 The Political Character of Professional Liberalism

Support was also given to "treatment" as a response to individual disorder in the caring ideologies which were being elaborated during the 1950's and 1960's in the increasingly widespread and professionalised occupations of mental health, social work and special education. But the goals of treatment in these "occupational ideologies" tended to be disconnected from the aims which were emphasised by Fabians or by social democrats generally. So - for example - the diagnosis of "maladjustment" in children, and the removal of children so classified into special schools, was justified, by the Committee on Maladjusted Children in 1955, as being required by the fact that a child

"is developing in ways that have a bad effect on himself or his fellow, and cannot without help be remedied by his parents, teachers, and other adults in normal contact with him."
(The Underwood Report, 1955)

A later child psychiatry text observes that the term "maladjustment" was actually an

"administrative, educational term used to describe a group of children requiring a special type of educational provision."
(Barker, 1976, p.265)

In other words, the use of the term was (and is) ideological in as much as it simply asserted the existence of a psychiatric condition which was identified by the decision taken by professional experts to remove a child from a conventional into a special school.

A similar ideological move occurred some four years later in the development of an array of apparently neutral terms for the description of mental disorder in the Mental Health Act of 1959, each of which conditions (from psychosis to schizophrenia) was primarily defined by the administrative-legal decision which was taken in the particular individual case. The ideology of mental health at work here was one which allowed an essentially practical decision taken by three medical experts (to "section" a patient into a mental hospital indefinitely) to be justified by the fact of the decent and caring intentions of the experts and by the fact of the condition itself.

In the crime and delinquency field, also, professional liberals came to exercise an increasing influence throughout the 1950's and 1960's. The professionalism of the practitioner (for example, in approved schools) was said to be exhibited in the particular mixture of psychiatric and educational skills he brought to individual cases. In some cases, it was further underwritten by a claim to scientificity, where practitioners claimed to be working within experimental research programmes, evaluating the "impact" of particular types of treatment on particular types of offender. The liberalism of these projects and of the professional's own practices lay in the fact that the decisions taken in individual cases were always made in the interests of the client. They were attempts to fulfil the client's needs (of an emotional or social character). No other political or moral consideration was involved.

Clearly, however, the "caring" ideologies were expressions of the particular interest of the rapidly expanding caring professions. That is to say that these ideologies expressed explicitly the ideals and also implicitly the material interests of these professions: they identified the needs (maladjustment,

mal-socialisation and mental illness) to which these professions were a response, and they demonstrated the need for these professionals to be employed in numbers to deal with these problems. The "caring" ideologies were an expression of an enormous reconstruction in the occupational structure that was taking place in this period. Between 1959 and 1974, for example, the overall number of workers employed by local authorities (of whom very large numbers were workers in health, education and welfare) increased by 60 per cent, as compared to the increases of only 6 per cent in central government (civilian) employment and 3 per cent in the private sector labour force (Klein, 1976, table 13).

In speaking of caring ideologies, however, we should be clear that the ideas which were articulated were often only dubiously related to any proven interest of the client. Later critiques have shown how these ideologies have worked to prioritise certain (professional) claims to knowledge and to correctional expertise at the expense of others :

"The medical profession, for example, has successfully persuaded everyone that health services are the vital element in the maintenance of health, when clearly they are only element. Equally, doctors have successfully defined mental handicap as a problem for the medical profession with unfortunate consequences for services for this group.

In housing and town planning the definitions of the professionals rather than the definitions of those who live in houses asserted to be unfit have carried the day
.... "
(Wilding, 1981)

In practice, the only features of liberal professionalism which was generally agreed, in that period or later, were that such professionalism needed to be accorded greater power and influence in society, in part in order that the professional could proceed to have his or her beneficial impact on clients. This impact might result variously from the care worker's own skills in psychiatric insight or in the management of casework itself; from the care worker's own elevated moral purposes (for example, from his or her Christianity),

or, indeed, in some cases from his or her social democratic commitments. But the only definitive characteristics of professional liberalism as such were the quest for greater social power and its claim to be able to cater - expertly - to the emotional and social needs of the client.

The absence of any clear or agreed conception of a desirable social order in professional liberalism was mirrored in an essentially amoral and pragmatic literature on social policy. The "faith of the counsellors", as Paul Halmos called it, consisted primarily in the commitment of professional mental health workers and social workers to unpack the "intrapsychic" disabilities of clients: client problems (like anti-authoritarian behaviour, on the one hand, or manic depression, on the other) were "presenting symptoms" of personality disturbance rather than of wider social conditions. The intervention of professionals into client's lives was justified in terms of the support and correction the professional could allegedly bring to the disturbed psyche of young delinquents and isolated housewives alike. (Halmos 1965).

A similar a-moral and non-political posture was adopted on the question of crime and delinquency by criminologists during this period. For all the references to the classical writings of Durkheim on the normalcy of crime (and social pathology) in anomic, unequal or repressively structured societies, there were few calls from orthodox criminology in Britain in the 1950's for the abolition of inherited wealth. Even the narrower concerns of the social-democratic criminology of the 1940's with "economic offences" and the more overt examples of the criminality of the powerful were increasingly forgotten in the 1950's. To have suggested that sections of the self-confident and influential middle-class entrepreneurial groups were involved still in the behaviours of which they had been accused in the 1940's, would have been to question the consensus within which rehabilitative, correctional criminology had quite happily been situated. To have suggested, as a few political critics in the fifties actually did, that the fundamental trajectory even of a reformed British capitalism

was personally unhealthy and dangerous, as bohemian critics were to do, or increasingly exploitative (at the point of consumption as well as at the point of production) albeit in a more consensual and affluent a style (as per the New Left critique that was to develop from the late 1950's and onwards) would have been to have been misbelieved, in the context of generalised talk of affluence and prosperity. To have argued for multi-factoral investigations of the behaviours, personalities or cultural groupings of middle-class adults in powerful social positions would - in the context of the 1950's and early 1960's - have been purely facetious. Official and popular criminology was established by then, quite "naturally", as being to do with the behaviour of the recalcitrant sections of working-class populations, and particularly its youthful fractions (ungrateful members of the Welfare State). To "conform" was self-evidently to exhibit qualities of maturity and mental health, without the need for any consideration of the demands and obligations, or the actual psychic or material effects, of "conformity". Professional liberalism was (and is) a political perspective which privileges existing social and political relationships and pathologises all departures from them, whilst simultaneously claiming to be above (or neutral in) the political realm.

The increasing development of treatment work as a professional occupation, and in some accounts as a scientific expertise, gave further encouragement in this period to a particular kind of righteous crusading which had often before been characteristic among amateurs working with delinquent children and with adult criminals,⁵ but which was also to become a feature of the professional treatment workers in the Welfare State. Uncommitted outsiders who have visited treatment institutions often notice, and comment on, this particular aspect of treatment ideology, passing it off as a belief that is necessary in order to carry though the work. The truth is that many people are attracted into treatment work out of this felt sense of "mission", to "save the children", and that this motivation has now to be articulated within the more professionalised

description of what delinquency work is about, the treatment ideology itself. It is an enormous paradox that a firm existential sense of purpose should have come to characterise a practice that the more informed and honest treatment worker will admit is an inexact science, and at the time that it did - namely, in the context of the developing uncertainties of the 1950's. This was a period in which the dominant moral values were being increasingly challenged, not simply by the "rebellious youth of the Welfare State", but also by intellectuals, politicians outside the consensus (especially on the Left), and also by a developing "bohemian" culture organised around jazz, popular music and drama. It was the decade in which the presence of vast arsenals of nuclear weapons around the world, and the general atmosphere of Cold War politics, created a deep anxiety in many sections of the population; and gave rise, in particular, to bohemian revolt in the arts and in literature, and to a committed politics of the Left, culminating in the formation of the New Left, the first March to Aldermaston in 1961 and the political satire, of all places, on the BBC. But these were developments which seem to have ^{/had} little effect on the ideological and political parameters of liberal professional ideology, or on the practical activities of treatment workers.

The resilience, or perhaps the isolation, of treatment workers in the contexts of the developing uncertainties of the 1950's, is evident very clearly even in the autobiographical writings of social-democratic Lord Longford, who had begun his involvement with crime-talk in 1939, when he had been admitted as an official visitor to Oxford Prison. Reflecting on why he should have done this, and then continued to spend much of his life visiting prison and being engaged in penal reform, Longford recalls that he "never counted the rigours of a day spent on politics as an honest day's work", that, after his conversion to the Labour cause, he wanted to be "a genuine Labour man ... making contact with them (the working class) at the bottom" and that finally, as a result of conversations with a friend in the Jesuit order, his "conviction (had) strengthened

that there were whole lost tribes in the ranks of the working class, and that it was my special vocation to live among them". (Packenham, 1964, pp.114-6).

Paternalistic and Christian sentiments of this kind, and the commitment to prison visiting, as an appropriate form of personal practice, also found a place in the biographies of the earlier penal reformers, whether on the moderate Left (Elizabeth Fry) or indeed on the Right (Samuel Hoare, Home Secretary in the last Conservative Government before the war), and also are part of the private commitment of many of their contemporary successors.⁶ Amongst treatment workers at large, a similar sense of mission and purpose, heightened perhaps by the genuine financial and psychic sacrifices that are involved in doing treatment work amongst juvenile and adult offenders or the mentally ill, continues to segregate the treatment worker off (physically and morally) from the contradictory, and ambiguous, secular world. Many residential workers are quite literally segregated off from the mundane problems of life in the wider society, by having their material needs (for food and home) provided by residential institution, as well as by having their social and personal needs fulfilled by their colleagues. But they still feel able to pathologise their clients for the difficulties they have experienced in the mundane problems of life in "the outside world". It was, and is, essential for treatment ideology to show that the treatment workers' clients are in need of some kind of salvation. Treatment workers have varied, however, in the extent to which they have believed that they themselves were and are free from any similar requirement, and in the extent to which they see the world itself as being in need of control or correction. It is no accident, however, that many treatment workers have exhibited a preference for working in isolated, correctional institutions for youth, for in locations of this kind, treatment workers are themselves geographically distant from the contradictions, temptations and material conflicts of the city, of large industry and of urban neighbourhoods. Moreover, these institutions were often built - in the nineteenth or early twentieth century - to contain cells, within which a monastic contemplation could be encouraged in the client, for penitence; and a moral code enforced by treatment

staff (involving the discipline of self-denial, and the achievement of grace through work) that might be difficult to sustain in open, urban, and secular class society. With a base in isolated residential institutions, and a superstructure of scientific terminology and professional knowledge, the treatment worker was able to "live in ideology", in less troubled a style than other sections of non-commercial middle-class society.

3.3 Radical Liberalism and the Critique of Institutions

Where the more conservative of professional liberals expressed their altruism and care in Christian terms or in some similar form of evangelical practice in monastic settings, their radical critics within the liberal treatment profession (especially during the 1960's) began to mount a critique of institutions, whether for use with adult or youthful populations.

In respect of adult offenders, one of the main liberal initiatives of the 1960's was the attention given to developing "alternatives to imprisonment" (a project that was later to be called, and reformulated, as "decarceration"). After unsuccessful attempts had been made by penal reform organisations in 1951 and 1957 to win approval of the Home Office's Advisory Council of the Treatment of Offenders for the introduction of reforms in this area, success was achieved in the inclusion of provisions for suspended sentences, parole and new methods for enforcing the payment of fines in the 1967 Criminal Justice Act. As Richard Sparks noted in a review of the reforms of the period :

"It is clear that one motive for the introduction of this measure was to reduce the numbers committed to prison, and the prison population."
(Sparks, 1971, p.13)

The adult prison population had risen from 18,457 in 1957 to 26,909 in 1967, and, as we shall see later, this was thought by some to be threatening prison security and, by others, to be compromising the ability of prisons to carry out their officially rehabilitative purpose, of aiding prisoners on release

"to lead a good and useful life".

In the area of mental health, just the same radical liberal initiatives were occurring in the same period. The Royal Commission on Mental Illness and Mental Deficiency, reporting in 1957, pronounced on the development of "a reorientation of the mental health services towards community care and away from hospital care except where the special facilities of the hospital services are needed". In the Mental Health Act of 1959, some move towards this goal was made in the abolition of certification (a practice that tended to confine the certified person in a mental hospital for a considerable period, and also to carry considerable stigma) and the reclassification of most mental hospital patients as being of informal status. (K.Jones et al 1975, p.3). Work carried out by Professor Jack Tizard at the Maudsley Hospital in the 1950's and 1960's was highly influential in showing that significant proportions of the existing populations of mental hospitals suffered not from some ineradicable handicap but from "previous emotional deprivation and lack of one-to-one relationships", (Jones, ibid, p.5), problems which were not eased in the understaffed and over-crowded nineteenth century monoliths that were being used as residential mental hospitals. There was increasing recognition throughout the 1960's of the fact that "at least some of the problems of the mentally handicapped in hospital were of the hospital's making"⁷. One consequence of this changing liberal sensitivity to the effects of institutionalisation and of labelling on the careers of the individual mental patient was to be the White Paper of 1971, Better Services for the Mentally Handicapped, which constituted a major attack on the use of hospitals for the residential care of the mental patient, and announced a transformation in their function, such that they would have to deal with out-patients, day patients and in-patients in co-ordinated therapeutic programmes for all.

Two years before this White Paper, the Children and Young Persons Act (a crucially important Act which we will discuss at length in Chapter Five).

had, amongst many other provisions, included a commitment, in Section 7, to the eventual abolition of junior detention centres from the State's response to delinquency, and the architects of this Act also quite clearly envisaged that the future development of Intermediate Treatment would be effective, preventatively, in steering young people who were "at risk" away from institutionalization.

So a defining characteristic of the radical version of professional liberalism throughout the 1960's (distancing itself from the more conservative, evangelical version of the professional task that was "in place" in treatment occupations) was the commitment to finding alternatives to the institution, and the move towards "the community" as the appropriate site for doing treatment work. This elevation of "the community" was apparent in a variety of settings (for example, in the Probation Service, which turned towards "detached" work in the community as a major initiative in this period and in "community development" work by young planners, architects and others in the ill-fated CDP's of the late 1960's and early 1970's), but in the areas of delinquency and its treatment, the convolutions in the use of the term were most apparent in the renaming of old approved schools, remand homes and a great variety of other institutions (as well as the purpose-built institutions that joined them, in 1971) as "Community Homes", in the belief presumably that this designation would somehow re-situate these buildings into their neighbourhood and into the local networks of social and economic relations. Even institutions could become alternatives to institutions, in the perspective and terminology of the radical liberal.

The official criminological debates of the later 1960's were almost entirely conducted between radical and orthodox liberal professionals, who were by then in possession of enormous social power and influence. Years of consensus politics and of State investment in welfare and in economic management had very largely extinguished the critique of the welfare state mounted by

orthodox conservatives and also the critique of a capitalist economic order mounted by the Left. The narrow preoccupations of the ideologies of the "caring" professions with the "intrapsychic" problems experienced by their client (disabling them from the self-evident benefits of a conforming life), were a further guarantee of the neutrality of the liberal professions on the question of the moral or political purpose of social order in a consensus society.

It was this neutrality vis-a-vis politics, and the ongoing concern with disturbances in the psyche, which was to inform and to structure the reactions of liberal professionals to the youthful disturbances in the 1960's. The behaviours of working-class youth during the Mods and Rockers events of 1962-5 and at the time of the Skinheads (from 1968 onwards) were read on a par with the "student rebellions" amongst middle class youth in the early 1960's and during the events of 1968. Subsequent to the massive demonstrations in Grosvenor Square against the Labour Government's support for America's war in Vietnam, for example, a psychiatrist researching on soccer hooliganism offered his view that :

"the reasons for last week's hooliganism in Park Lane - in which some demonstrators smashed windows, including one in the Bunny Club - had more to do with the complex problems of crowd hysteria than deeply held political beliefs.

Dr. John Harrington, of the Uffculme Clinic, Birmingham ... says: 'There are many common factors between crowds of football fans and demonstrators ... There's a state of suggestibility in emotional crowds, akin to the first stage of hypnosis; people aren't hypnotised to the point of being automatons but their reasoning powers are diminished ...'.

('Did the Football Fury Syndrome Hit Park Lane?' Sunday Times 28 June, 1968)

One response to the growth of the student movement in Britain was the creation of student health services in universities and colleges, with a particular emphasis on the provision of psychiatric support for the "disturbed" (Maddison, 1972). In the meantime, liberal professionals working on child care began to speak of children arriving in institutions with many more "problems" and "disturbances" than had been apparent in previous generations: the Head of one

of the experimental Community Homes established in the late 1960's spoke of children in his home selling a newspaper (International Times, the journal of the counter-cultures) as "clinically crazy". Professional liberals willingly offered their skills in diagnosis to the task of identifying and correcting the newly emerging pathologies of youth in this period. They may not always have been enthusiastic or evangelical in this task (since professionalism did demand a certain detachment), but they usually were able, through the routine exercise of diagnostic expertise, to find evidence of the need for treatment and containment.

As the 1960's developed liberal and social-democratic conceptions of youth became increasingly difficult to distinguish. Indeed "Fabian" conceptions of delinquency as a family disturbance and liberal interrogations of delinquency as an expression of disturbances in the psyche were not in any case contradictory in principle. They could in principle be applied, and were indeed in practice applied, to single cases. So liberal professionalism helped to sustain what a recent right-wing critic, Patricia Morgan, has called "consensus psychology". (Morgan, 1978). Devoid of any explicit moral purpose (other than that of being professional), liberal professionals set about the correction of all deviations from the existing consensus but especially those deviations that had been seen as troublesome by influential social forces in local communities and in the national media. Morgan observes that such a project could not possibly in itself have been successful since it did not specify what form of behaviour would be moral and therefore legitimate to particular client populations. The project was merely one of encouraging conformity, by professional guidance and permissive client-centredness. It was an attempt to underwrite existing consensual form of society by the force of an apparently liberal toleration of the client, inextricably linked nonetheless to a commitment to the correction of the client's behaviour.

14 Conservatism and the Delinquent Generation

At the beginning of the 1960's, both liberalism and social democracy were being articulated ideologically as justifications for State intervention into civil society (into the family, on the one hand, and into the lives of "disturbed" individuals on the other). The posture of pre-emptive readiness of the State apparatus which we discussed earlier in the chapter had in this sense been explained and justified. A similar conclusion had been arrived at, but through different processes of reasoning, among Conservatives.

In Chapter One, we identified the widespread social democratic view that the crime problems of the 1940's were only temporary. Delinquency, especially, was expected to decline once a sense of order had been restored to social life, and, in particular, once families had been brought together permanently after full demobilisation from the war; but also, of course, once the expected economic recovery had gained momentum. These sentiments began to be questioned fairly early in the post-war period especially by individual conservatives, as the official rates of delinquency failed to decline to the predicted extent. An article in the official journal of the National Council of Associated Children's Homes is typical of this questioning, in exhibiting the secular views of conservatism alongside the Christian commitments of many of the treatment workers :

" ... in 1948 the figures for children convicted of breaking the law rose by twenty-six per cent over the previous year in respect of children under fourteen, and by twenty-three per cent for those between fourteen and seventeen ... No doubt the conduct of the young will be widely deplored, but will it be understood? Will it be recognised that the malady that some of our youngsters evidence is a malady for which we are all in some measure responsible? It is the malady of social aimlessness and our lack of a philosophy of life, let alone religion. Above all, it is the malady of insecurity. Those who do not know they are living in God's world cannot feel at home."

(Anon. In A.A. Jacka ed. (1958). Reprinting article of June 1949.)

In some of the post-war accounts, indeed, the "aimlessness" of youth and the "absence of a philosophy of life" were seen to result from the inadequate moral training received by many youths during the war-time period. Here, the deprivation of youth was not simply a matter of their having lacked affection within an intact family, or even their having missed out on geographical or community stability (through evacuation) or economic stability (as a result of the continuing inequalities of class). The deprivation was crucially the absence of proper notions of authority and social order and, indeed of the "meaning of life" itself. The psyche of the adolescent who had matured during the early post war years, and who had been in trouble with the law, was a psyche in which a commitment to delinquency was seen to have arisen because of the absence of any solid philosophical and moral deterrent to delinquent commitment. In many of the commentators' accounts, indeed, a generation of youth existed which had to a large extent been deprived of appropriate moral training. There was a delinquent generation. For this generation, indeed, the need was not so much for training in social or occupational skills, as it was a need for moral training (which may be attempted, as in Borstal or in some approved schools, through work - but always in order to inculcate the correct moral attitude).

In just the same period, large numbers of academic and political commentators in the U.S.A. were pointing to the problems facing that society as a result of the sudden and massive increase in the size of the youthful population (the famous "baby boom" of the post-war period). (Cf. inter alia Berger 1960, Goodman 1956, Keniston 1960). Widespread "conflict between the generations" (including "delinquency", especially in gangs) was said to be arising because the family, the school system and adult society generally, were presented with "a magnitude of socialisation tasks" with which they could not cope.

The notion of "a magnitude of socialisation tasks" belongs to a demographer, Ryder, quoted by James Q. Wilson (1975). It was used by Ryder to speak of the consequences of the increase in the numbers of the population aged 14 to 24 in America from 24 millions in 1950 to 40 millions in 1970 :

" ... in 1950 and still in 1960 the "invading army" (those aged fourteen to twenty-four) were outnumbered three to one by the size of the "defending" army (those aged twenty-five to sixty-four). By 1970 the ranks of the former had grown so fast that they were only outnumbered two to one by the latter, a state of affairs that had not existed since 1910."

(Wilson, 1975, p.14)

For Wilson and other conservative theorists, of course, "socialisation" is a one-directional process (from the adult generation to the youth); and it is largely dependent on the successful transmission of traditional values by established authority. It is a project that is threatened, in a paradoxical fashion, by any rapid growth in the youthful population, not only in increasing the pressure of "work" for existing socialisation agencies, but also in allowing the growth of rebelliousness towards existing values amongst those who were incompletely or ineffectively socialised into them. So the population changes feed into changes in moral values, which are in turn more significant, according to Wilson, than unemployment patterns or changes in judicial policies in determining the rate of crime (Ibid., p.232); and increases in crime are indications, for Wilson, of a decline in values which needs to be reversed by concerted conservative leadership (p.235).

No such straightforwardly demographic explanation of the pattern of delinquency and crime in Britain could be sustained, as the age structure of the British population has been remarkably unchanged since 1931. The baby bulge of the immediate post-war years, (which peaked in 1947 at 440,000 births, as against 295,000 in 1938) did result in the absolute numbers of the young (those under 15) reaching a higher figure in 1964 than in 1901, when Britain had its "youngest" population in this century, but "as a proportion of the larger population their position advanced only slowly". (Noble 1975, p.40). By 1971, the proportion of the British population aged 30 and under was only 45.7 per cent

of the overall population, and it was a slightly declining proportion of a population that was already beginning to age in a way that already disturbed the economic analysts (concerned for the size of the "productive population") and specialists in social welfare (anxious about the effects of such ageing on the cost of pensions and related benefits to the State).

But from 1955 and onwards throughout the 1960's and early 1970's the continuing rise in the official rates of juvenile delinquency, as well as the increasing significance of juvenile delinquency within the Criminal Statistics as a whole, provided evidence of the "magnitude of socialisation tasks" confronting the treatment worker in the child care and juvenile justice system. 28,244 males aged 14 to 17 were convicted of indictable offences in England and Wales in 1961 as against 13,517 in 1955; whilst the figures for 17 to 21 year olds rose from 11,269 in 1955 to 27,667 in 1961. Figure One, over the page, shows that the rate of increase after 1956 was far in excess of the rate of increase in the convictions recorded against the over-21 population.⁸ Talk of conflicts of values between the generations was given greater impetus by the mass media, with its increasing use of "youth" as a topic through which to discuss the rapid social changes occurring in the "age of affluence", especially in the coverage given the Teddy Boy "cult" of 1953-5 and the race riots of 1958 and 1959. Then in 1960, the Home Office Research Unit published a detailed statistical investigation, by Leslie Wilkins, entitled Delinquent Generations, which appeared to demonstrate that children born between 1935 and 1942 had indeed been more delinquent over the post-war period, to 1957, than those born in any other seven years. Some qualifications were made: the increase in the 1935-1942 cohort's delinquency could not account by itself for the increase in delinquency and crime after 1955, and, even more crucially for the explanation of the delinquent generation as a function of war-time experience, the finding that youths aged between 17 and 21 in 1955 (and thus beyond their "formative years" during the period of the war) had been even more delinquent. (Wilkins, 1960, passim).⁹

Figures like these provided support for Wilkins' assertion that there existed a generation whose lives had been affected, in a lasting way, by the effect of "evacuation, and by other disturbances" of the war time period (Wilkins, 1960, p.1). Along with other less quantitative commentaries, like that by T.R. Fyvel (1961), Wilkins' report helped to reopen some of the areas of discussion of child care, and the relation of family life to broader context of social and economic formations, that had originally been formulated in the 1940's, and the question of the character and effects of family breakdown, separation and loss, was once again placed on the agenda for social policy thinkers. But the Delinquent Generations report and other commentaries on the increasingly problematic behaviour of youth after 1955 also provided support for Conservatives who wanted to argue for delinquency resulting from some decline in proper moral socialisation during the war and also from the questioning of Authority that had characterised the early years of the post-war settlement.

Throughout this period Conservative positions were represented in social work agencies by residential workers, approved school headmasters and others, who wanted to insist on the role of social work in providing moral leadership for wayward youth, providing the matriarchal or patriarchal guidance that was thought to be absent in the child's biological family. But postures of this kind often became difficult in practice (as the riot at Carlton House Approved School in 1959 was to demonstrate), since one element in troublesome behaviour of youth in the 1950's was indeed the rejection of established hierarchies of class and generation. Social work practice in the 1960's was to follow the less overtly coercive practice of providing a "substitute family setting" with a primary emphasis on emotional and physical care and on "accepting" relationships for children and youth from problem families and/or for other children referred to the agency. Professional liberalism was institutionalised as a state apparatus which would cope with, "manage" and, hopefully rehabilitate children and youth who were casualties of faulty

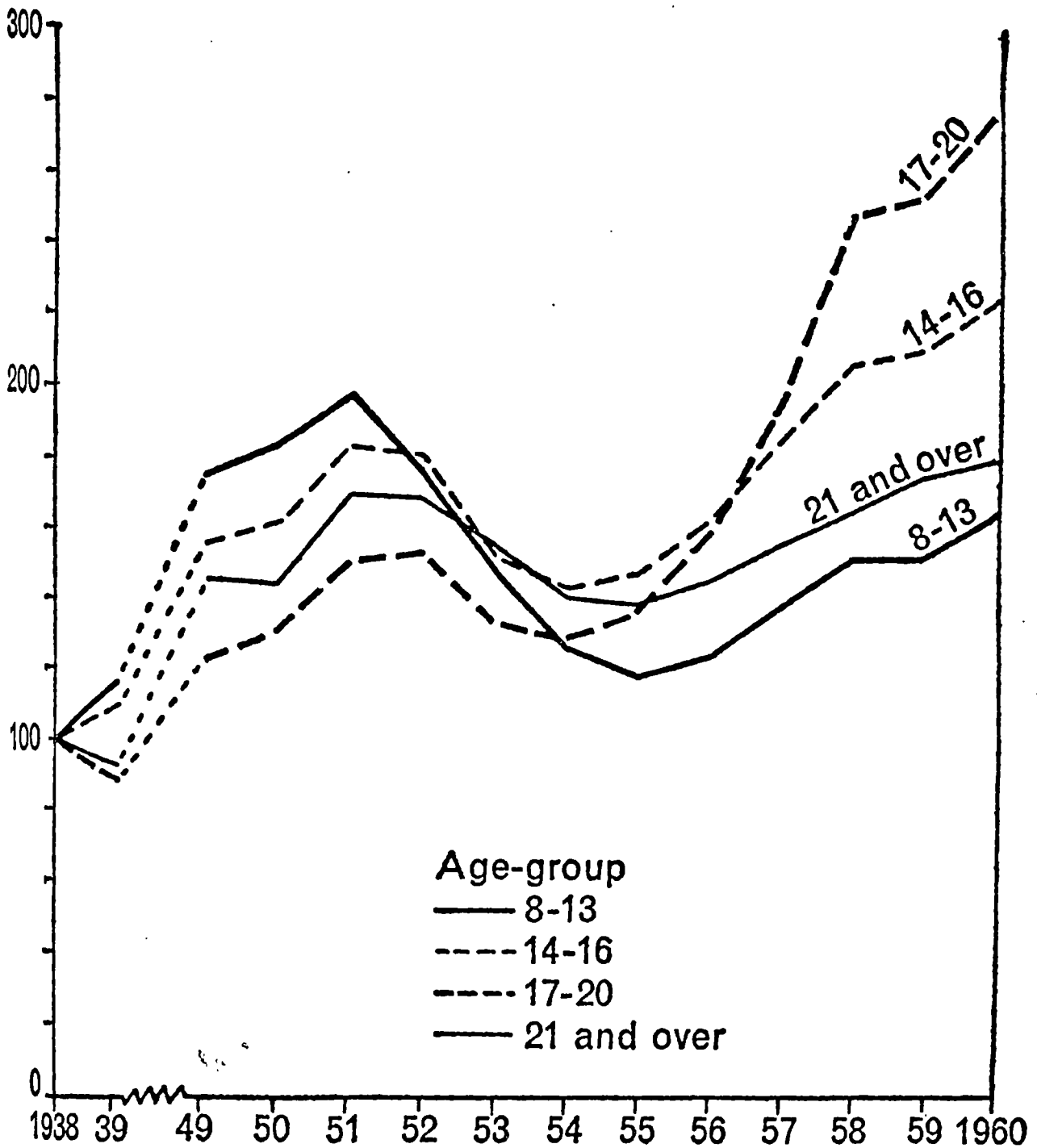


Fig. 1. Trend in volume of indictable offences 1938-60 (expressed in terms of population in each age group: 1938=100)

socialisation in each emergent generation. "Rehabilitation" was "in place" as the dominant mode of social control, at least throughout the 1950's and into the early 1960's.

The large Conservative election victory of 1959 marked the high point of consensus politics and also perhaps of consensual social and criminal policy. It was - for example - the year of R.A. Butler's White Paper, Crime in a Changing Society, the most succinct unambiguous statement of "rehabilitative optimism" in the post-war period. But the period between 1959 and 1964, as we have said earlier, was characterised by increasing dissensus, uncertainty, and a "taking stock". Just at the moment when rehabilitative initiatives were being taken in probation and after-care, in sentencing research and in experimental programmes in juvenile institutions, so also were the assumptions on which these optimistic programmes were based, being questioned. The official victory of rehabilitation (its adoption as State policy) was accompanied by the widespread feeling that rehabilitative policy was premised on circumstances which were now undergoing fundamental changes.

At a simple level, the changes were signalled to liberals in the fact that the statistical prediction and techniques which had been developed by Hermann Mannheim and Leslie Wilkins in the early 1950's, in order to anticipate the outcome of borstal training by reference to simple facts about a young offender's background (Mannheim and Wilkins, 1955) started to break down: the same social and personal factors were no longer so successful in predicting reconviction.¹⁰

Reconviction rates as a whole (in juvenile and in adult treatment programmes) - which began to be investigated by researchers interested in the interaction of types of treatment with "different types of offender" - began to escalate in the same period and even writers committed to the possibility of a correctionalist utopia began to observe the absence of differences in results

between different programmes. "Treatments" of different kinds, lengths and sophistication had no significant difference on the resulting behaviour of their clients, measured in terms of reconviction, and, in some instances, in terms of the attitude of the "client offenders". (Cf. Hood and Sparks, 1970, c.7). There was no clear explanation within official social democratic or liberal circles for such developments, since, as we have indicated, the increase in the level of intervention in the life of "disorganised communities" or "problem delinquents" should have resulted in a decrease in delinquent involvements, as clients came, through the aid they received, to realise the benefits of citizenship. So, although optimism about treatment was prolonged by various attempts to argue that existing techniques for measuring the effects of treatment were too unsophisticated, many social-democratic academic criminologists and liberal professionals increasingly came to accept, from the late 1960's, that justification for the control of youth in terms of rehabilitation and treatment was unfounded.

The paradox was that official conversations at the State level gave evidence of the ideological ascendancy of professional liberalism, whilst conversations elsewhere anticipated its demise. So the "demise of rehabilitation optimism" was already opening out a space for the Right to articulate and elaborate its anxieties and criticisms of an unqualified or unlimited embrace of treatment as a preferable system of social control.

One year after the publication of Delinquent Generations, the Conservative Political Centre published a pamphlet by David Price, M.P., as a "personal contribution", to the discussion of Crime and Punishment. (Price, 1961). In Price's comments, the activities of the delinquent generation are allowed to continue on into 1959 ("the last year for which I have figures"), and the delinquency and crime statistics for which they are seen to be responsible are seen as symptom and product of a general decline in moral standards. The explanation offered out by Price was in fact quite complex - as it has to be, in

order to fulfil the function of using delinquency as a metaphor carrying several different arguments. This metaphorical explanation operates, in other words, at several different levels; and we shall recite the explanation point by point in order to illustrate the metaphors by now at work in Conservative ideology.*

1. Parental authority has declined. Children have no respect for their parents.
2. Parents are shirking their responsibility for bringing up children as "decent" citizens.
3. Wives are spending too much time at work. "A mother's love is more important to a child's welfare than a television or a motor car".
4. Children are not being taught the differences between Right and Wrong. "I wonder how many children know the Ten Commandments".
5. The war broke up homes and divided families, and the housing conditions did not help.
6. There is overcrowding in schools.
7. Television is "clearly another contributing cause". "I refer to 'kitchen sink' dramas, to plays about violence and 'near to the knuckle' features about sex. A distinguished friend of mine has told me of three criminal cases in which he appeared where crimes were precise reproductions of crimes featured on television".
8. Easy money. "The overpayment of youths in factories makes some of them think that money or property are there for the picking. In this context, the general lack of respect for hard work on the one hand and excessive materialism on the other do not provide the best atmosphere in which to persuade a youth to earn his living rather than to steal it."

Price's argument is a treasury of traditional and contemporary conservative themes: an alleged decline in parental authority being linked to a decline in the authority of "society" (existing social arrangements), an attack on working women, an assertion of simple moral dichotomies, an emphasis on traditional schooling and the importance of individualism, a dislike of mass

* Except where there are quotation marks, this version is my own precis of Price's pamphlet.

culture and permissiveness, and a fear of the brute physical prowess of the lower class, all of this underpinned by the moral dangers involved in paying labour too highly. All of these factors were to appear and re-appear in different combinations (with omissions and additions) after the early 1960's, as the threat to Authority was seen to worsen, and to occur in different places in the body politic. So were the arguments developed by Price to account for the rise in crime amongst adults, which results from :

1. The urging on all sides to increase the standard of living, giving rise to "greed and covetousness".
2. The fact the "property has lost much of its respectability, and is half apologetic today, so that fiddling leads to pilfering and pilfering to theft".
3. The encouragement of these tendencies by heavy taxation "which prompts every artifice to avoid it".
4. The devices developed by many people during and after the war to circumvent rationing, shortages and controls have lowered their respect for the law and their moral standards.
5. There has been a period of rapid social and political change undermining authority. "There was too much hypocrisy in the old days, but the trend has gone too far. Unofficial strikes are the most obvious example."
6. The decline in respect for the law has been "abetted by antiquated regulations which no longer command the support of public opinion."
7. The "irksome, but inevitable, regulations ... surrounding the motorist undermines at least subconsciously many decent people's enthusiasm for upholding the law".
8. The "hard core of talented criminals" are now using modern scientific devices for their felonious purposes. The police are underequipped by comparison.

The organising assumption informing the ingenious criminology of David Price is the threat to Authority, variously resulting from inefficient or selfish parents, industrial and social change, affluence itself, reformist sentimentality, and the intrusion of State control into the lives of decent people themselves (motorists and businessmen). The primary source of this threat is made clear, earlier in the pamphlet, where Price is clear about "the fallen

nature of man. What theologians call original sin. Some men are wrong 'uns. They are bad through and through". The precipitating cause, however, was the impact of Welfare State reconstruction and affluence on the political and social controls that had previously kept the sinful in place, in unambitious traditional working class neighbourhoods or in the discipline of the production process itself. These controls had been weakened - in particular - by the security given the worker economically (he has income to spare) and socially (he has a safety net, in the Welfare State). Alarm was sounded at the possibility of a collapse in Authority, which could only be averted by an increase in the size of the Police Force, a multiplication in the numbers of Detention Centres, by a determination to protect the public from criminals, and by the introduction of reparation systems for those who are nevertheless victimised in crime. A developing attack on the treatment worker ("there is a danger in thinking of crime simply as a disease and punishment simply as a cure. This is heresy, because it denies freewill") collapses into patriotic sentiment ("A strong country can afford to redeem its criminals; a weak society cannot") coupled with the cost-benefit-mindedness of the modern manager ("redemption is good economics. A reformed prisoner goes out into the world and thereafter earns his own way").

The reintroduction of corporal punishment, due for debate in the Conservative Party's Annual Conference of that year, was nonetheless dismissed on two grounds. Firstly, by reference to the opposition expressed in the Report of the Advisory Council on the Treatment of Offenders of 1960 :

"In case you may think that the Council was composed of a lot of 'wets' and 'softies', let me tell you who some of the members of the council were. Their chairman was one of Her Majesty's Judges. They include a holder of the Victoria Cross, the Chief Officer of the City of London Police, a recorder and a Chairman of Quarter Sessions, a Metropolitan magistrate, some lay justice and two Members of Parliament. Its members included a criminologist, representatives of the Churches and of the

medical profession. Four of its members were women.
It was in fact a very broadly based Council."

Broadly based this may have been to David Price, but hardly representative even of the liberal-democratic consensus. This particular consultation was with the various representatives of Authority. The Law, the Military, the Police, the House of Commons, the Church, Doctors and an academic expert had considered, and rejected, the use of the cane as a means of coercing the recalcitrant sections of the servant population.

A second reason for Conservatives to oppose corporal punishment was that no other developed European country was using it in 1960. For England to reintroduce it would "place us in the same category as Abyssinia or Saudi Arabia". Reformist Conservatism was - and is - more sensitive to "international views" than earlier, more confident, "real" Conservatism.

We have examined Price's pamphlet in some depth because it represents a vigorous attempt to display an appropriate Conservative political diagnosis of crime and delinquency, with a full use of metaphor, allusion and powerful social imagery, as a critique of the dangers within the prevailing politics of consensus. Most of the themes in this pamphlet occurred and re-occurred with regularity in the later attacks upon "permissiveness" and upon the Welfare State, in the 1960's and, especially, in the 1970's. But here the reference (for the first time) was to the failure of the "delinquent generation" to internalise the appropriate moral codes of deference and recognition of Authority. Conservatism, too, like liberalism and social-democracy, had articulated its own justifications to support vigilant, pre-emptive and correctional interventions by the State into civil society in order to defend the consensus from exterior threat. The alliance of social worker and courts and police continued to receive support in such accounts (no fundamental attack on permissiveness or on the Welfare State was being mounted here), but an emphasis on the protection of established Authority and on the maintenance of social discipline was increasingly

visible and important. Consensus politics and social policies were supported for so long as they did not allow, or encourage, a challenge to the discipline and authority of existing class forms.

3.5 The Youth Problem as a Metaphor

The characterisation of youth as a social problem was not merely the result of "work" done by spokesmen for established political parties or by representatives of the liberal professions or the law enforcement apparatus. It was also achieved as a result of the work of the mass media, especially during the so-called period of affluence. With an effectivity born of its role as a form of information - provider and soothsayer for the adult working class, the popular newspaper constructed an elaborate mythology about the behaviour of youth, making sense of the resentments experienced by the older working class at the easy life being experienced by the idle offspring of their own generation. Anthony Smith and his co-authors examined this process in the Daily Express and the Daily Mirror in this period and concluded that :

"Youth was in both papers ... and perhaps in the whole press of the period, a powerful but concealed metaphor for social change: the compressed image of a society which had crucially changed, in terms of basic life-style and values - changed, in ways calculated to upset the official political framework, but in ways not yet calculable in traditional political terms."

(Smith et al, 1975)

In this section, we shall look briefly at this way of understanding the significance of and its relationship to the emerging patterns of social control of the "youth problem"; but we shall also want to pay attention to the institution with perhaps the greatest (though least closely examined) significance of all for the disciplining of working class youth - the labour market.

The analysis we presented in Chapter One of the anxiety over youth in the 1940's does of course suggest that these anxieties may have performed a "metaphorical" function in that period also, underlining both the benefits and

the dangers in the programme of social reconstruction being attempted by the Labour Government. The concern was, on the one hand, to celebrate the role of youth as members of a family (preparing for full adult citizenship in the new society) and, on the other, to point to the real social problems that could be caused by youth who had been improperly socialized in broken families and/or by falling into "bad company". This "bad company" could take the form of the conventional gangster or the illicit capitalist operating in the black market. So in the 1940's "youth" was a powerful "metaphor" which created a link in popular consciousness between the problems of individual young people, and the questions of "family", "community" and "social reconstruction".

Smith's interpretation of the preoccupation of the popular press with youth during the 1960's as a metaphor for an adult generation's own concerns could also have been applied without too much alteration to popular reaction to youth in the 1840's and in the 1890's. In both these periods, the question of troublesome youth and indeed of juvenile delinquency was of massive public concern (in popular newspapers and literature, and in the activities of the new police and the courts). (Gillis, 1974, cc.2,3). But the preoccupation with youth could clearly be "read" then as an ideological displacement of other more difficult problems (in the 1840's, widespread unemployment and starvation, especially in the industrialising cities; and in the 1890's, the rapid social changes resulting from the new wealth brought into Britain from the empire). So the emergence of "moral panics" over youth is not exclusively of the 1960's: it has happened in other historical periods.

It is clear, however, that there are periods in which the anxieties are more heavily worked than others, and moments when the anxieties over social change result in more intense official and unofficial reactions against problematic youth than others. Stan Cohen put this eloquently in his now classic study of the "social reaction" against the Mods and Rockers :

"The Mods and Rockers symbolized something far more important than what they actually did. They touched the delicate and ambivalent nerves through which post-war social change in Britain was experienced.

No-one wanted depressions or austerity, but messages about 'never having had it so good' were ambivalent in that some people were having it too good and too quickly Resentment and jealousy were easily directed at the young, if only because of their increased spending power and sexual freedom. When this was combined with a too-open flouting of the work and leisure ethic, with violence and vandalism, and the (as yet) uncertain threats associated with drug-taking, something more than the image of a peaceful Bank Holiday at the sea being shattered."

(Cohen, 1972, p.192)

Cohen suggests that "ambiguity and strain" was greatest at the beginning of the Sixties. We have ourselves already indicated that there were indeed major transformations in the political and economic order between 1959 and 1964, in the transition from people's capitalism to corporatism as the form of the consensus. But there were also significant "youth movements" in the early 1950's, the "ignorantly blissful years" when the first fruits of the post-war boom led the Economist to comment that "the miracle has happened ... full employment without inflation" (Jefferson, 1973, p.9). It was in this period (prior to the currency crises of the later 1950's) that the societal reactions against youth helped to construct and to signify the Teddy Boy as a "folk devil". The fact that sections of working class youth were spending their significantly increased wages on clothes (in order to create a generation style) helped to throw into relief the lack of "style" - and indeed the relative lack of increase in spending power - amongst adult members of the working class: and the resulting resentments (felt by magistrates, police and by the mass of working people) fuelled a process of labelling in which the wearing of "Edwardian" dress was sufficient to signify a delinquent commitment. (Rock and Cohen, 1970).

The moment of "1968" was also a crucial moment of strain in the relations of adult and youth. Not only was this the year in which a generation of middle-

class youth effectively dis-affiliated itself (in demonstrations, sit-ins and other activities) from the politics of both social democracy and conservatism: it was also the year of the emergence of the Skinhead as the archetypal youth cultural figure within the working class. (Fowler, 1972). "Societal reaction" to the Skinheads (and to the middle class youth groups of the late 1960's) was certainly both intense and anxiety-ridden, although the anxieties may have "worked" differently at different locations in the class structure. (Clarke, 1973).

For working class youth, the most telling "strain" has always been the question of "getting a job", and the silence of criminologists, and other commentators on youth, on the labour market for youth in the post war period is evidence of the failure of existing ideological perspectives (especially social democracy and liberalism) to penetrate beyond appearances. In this respect, Simon Frith is right to chide the authors of the most well-known studies of the Teddy Boys (Rock and Cohen, 1970) and the Mods and Rockers (Cohen, 1972) for having concentrated (like the mass media they criticised) on the more celebrated or visible aspects of working class youth (the "violence" or "unruliness" of the behaviour of some) rather than penetrating to an analysis of the changes in class and generational relations of which these behaviours (Frith, 1978) were an expression. Even the concern of the Birmingham Centre with mass media discussion of youth as a metaphor, or with youth cultural "styles" (the Mod, the Skinhead) as an attempt to symbolise, or appropriate, a lost sense of community, can be criticised for a failure to speak to more material changes in the situation of working class youth.¹¹ These changes may be spoken about in terms of the rather marginal demographic changes that were occurring in the age structure of British society, but the changes in the size and character of the juvenile labour market were much more consequential.

3.6 The Juvenile Labour Market 1950-68

A liberal American economist has recently observed that:

" ... the failure of simple Keynesian policy in Europe and the U.S.A. (in the 1970's) is forcing economists and policy makers to take a closer look at the structural problems that have commonly been omitted from consideration in the conventional (or even monetarist) models ... (There is a) need to examine the malfunctioning of labour markets in greater institutional detail than has here before been fashionable."
(Stein, 1976, p.xii)

One consequence of the optimism of the earlier post-war economists, in other words, is an absence of good analysis on labour markets. A similar silence exists in the work of sociologists, both in Europe and North America.

In Britain, until recently, the relative lack of serious analysis could be justified, in part, by reference to the very low overall totals of unemployment. Officially, the unemployment rates in Britain between 1948 and 1954 fluctuated, narrowly, between 1.2 and 1.4 per cent (Shonfield, 1959), and Peter Oppenheimer, writing in 1970 on economic performance between 1951 and 1964, reflects the mood of satisfaction that was prevalent amongst consensus economists in Britain on this score :

"Britain's employment record, like that of other European countries, has been excellent in the post-war period. Registered unemployment averaged under 2 per cent of the labour force in all but four of the thirteen years of Tory rule and under 2.5 per cent in all but one, that one being 1963 when the figure of 2.6 per cent was due to exceptionally bad weather in the first three months of the year. These are very low totals."
(Oppenheimer, 1970, p.137)

Two observations have to be made about these "low totals" however. Firstly, the satisfied talk of economists concerning "low rates of unemployment" suppresses any examination of the changing role of women in the labour market. In particular, it suppresses the extent to which women, who had been enthusiastically recruited into the "official" labour market (into

production) in the period between 1939 and 1943 (some 2,160,000 "extra" workers aged between 14 and 59 (E. Wilson, 1977)), were increasingly subjected to an ideological offensive to return to "the home". Women were heavily discouraged from thinking of themselves as a reserve army of labour, from registering for work and therefore from contributing to the overall rate of official unemployment. So the talk of a "low rate of unemployment" is in part a product of considerably ideological work expelling women from the waged labour market. The paradox which is also suppressed by talk of high rates of unemployment and by the widely expressed notion that women did accede to the ideological pressure to return to the home, is that the "participation rate" of women in the labour market did increase throughout this period, but that the increases were largely a reflection of women having to take on jobs with very low rates of pay in the public sector or in private sector consumer industries. No research that we know of deals with the effects of the increasing occupancy by women of the roles of domestic and waged labour on family relations generally or on parent-youth relations in particular, but it would seem self-evident that the differentially-advantaged structural positions of working women, their husbands, and their children vis-a-vis the consumer markets must have been very significant in fuelling the sense of resentment that was felt by many working class adults towards the activities and behaviours of affluent "youth".

The "low rates of unemployment" spoken of by Oppenheimer also suppress the question of the internal organic changes within the labour market itself which were occurring in the period of the "boom". Chief among these structural changes for our purposes were the structural changes in the juvenile labour market.

The demand created in the economy by State intervention, expenditure and planning percolated throughout the labour market and in the 1950's, in particular, helped to create a market for casual juvenile labour. Up until 1957,

this market was largely composed of young men who were about to undertake their National Service or who had just completed it. "Periodic unemployment" was, therefore, quite common at a certain level in the class structure, and at this level being "employed" might mean being employed for short periods in casual, unstable, and unskilled temporary jobs. The "low" overall rates of unemployment in the period 1945 to 1964 are in part explained, in other words, by the existence of this market for casual labour, a market at the margins of the "full time" labour market. The relationship between the existence of this casual labour market for youth and the changes in youthful behaviour in the 1950's and 1960's has been altogether ignored by commentators of the social-democratic Left and Right, in part because of the uncritical acceptance of the period as being one of (relatively) full employment and (therefore) a relatively uncontradictory labour market.

The development has in fact been more closely examined by Marxists working in the U.S., in part because the State has always "run" a higher rate of unemployment in that country. In an outstanding article of 1969, Rowntree and Rowntree showed how this unemployment was concentrated throughout the 1950's and 1960's amongst youth and how the unemployment figures for youth would have been much higher had it not been for the rapid expansion of the education system and the military. Between 1950 and 1965, there was an increase of 3.68 million in enrolment in schools and universities (such that the new entrants to the over-24 population must have spent the equivalent of 20.2 years in school and college) and an increase of 960,000 enrolments in the armed forces, figures that were increased during the last years of the Vietnam War. (Rowntree and Rowntree 1969, p.11). The overall impact on the pattern of labour for young people was considerable :

"In 1950, only about 22.8 per cent of all men between the ages of 20 and 24 years were either in the armed forces or in schools; in 1965 the figure was 40 per cent ... (another 4.5 per cent of

20-24 years were unemployed) ... for men 18 to 24 years old, the data are more impressive; of these 52.1 per cent or more than half, were in school (or college), the military or unemployed The figures for young women follow the same pattern: in 1950, 24.3 per cent of women aged 18 and 19 and 4.5 per cent of women aged 20 to 24 were in school (or college): by 1965 the figures had increased to 37.7 per cent and 11.8 per cent respectively." (ibid. p.16)

In the United States, in other words, during the high point of the post-war boom, "if (the youth) ventured outside army or school they met unemployment rates two to five times the average". (Ibid.)

The Rowntrees' analysis puts a rather different light on the significance of the distinction so commonly made by American criminological writers at the time, between "college boys" and "corner boys".

Harry Braverman's analysis of American capitalism in this period locates the source of the massive declines in employment in U.S. in the accelerating automation and oligopolisation of the large American and multi-national corporation. But Braverman is also able to show that the automation process was helping to "deskill" a vast proportion of the labour force (since machines could do the work), whilst simultaneously expanding the consumer sector of capitalism (24 hour supermarkets, garages, etc., etc.) within which this deskilled young working class had to struggle for employment. The parlous situation of American youth in the labour market was no accident: it was a lawlike and necessary feature of changes in the system of production, that is :

"... as capital moves into new fields in search of profitable investment, the laws of capital accumulation in the older fields operate to bring into existence the 'labour force' required by capital in its new incarnations."
(Braverman, 1974, p.382)

This "labour force" is, indeed, the "reserve army of labour" that is spoken of by Marxist economists and social theorists, and as Braverman observes, writing primarily (but clearly not exclusively) of the United States :

"This ... surplus population, the industrial reserve army, takes a variety of forms in modern society, including the unemployed; the sporadically employed; the part-time employed; the mass of women who, as houseworkers, form a reserve for the 'female occupations'; the armies of migrant labor, both agricultural and industrial, the black population with its extraordinarily high rate of unemployment, and the foreign reserves of labour."
(Braverman, op. cit. p.386)

The reconstruction of the British economy during "the boom" also generated an attack on what had become, in terms of international competitiveness, the "backward sectors of the economy", particularly in order to introduce the benefits of technology. Phil Cohen has put this succinctly :

"Craft industries, and small scale production in general, were the first to suffer; automated techniques replaced the traditional hand skills and their simple division of labour. Similarly the economies of scale provided for by the concentration of craft resources meant that the small scale family business was no longer a viable unit. Despite a long rearguard action many of the traditional industries and ... many of the service and distributive trades ... rapidly declined or were bought out There was a gradual polarisation in the structure of the labour force on the one side the highly specialised, skilled and well-paid jobs associated with the new technology, and the high growth sectors that employed them; on the other the routine, dead end, low paid and unskilled jobs associated with the labour intensive sectors, especially the service sectors."
(P. Cohen, 1972, p.18)

Speaking specifically of the East End of London, with an analysis that could be applied directly to the North East and North West of England, South Wales, Ulster and the Lowlands of Scotland, Cohen continues :

"As might be expected, it was the young people just out of school, who got the worst of the deal. Lacking openings in their father's trades, and lacking the qualifications for the new industries, they were relegated to the jobs as vanboys, office boys, packers, warehousemen etc. and long spells out of work. More and more people, young and old, had to travel out of the community to their jobs, and some eventually moved out to live elsewhere, where suitable work was to be found."
(Ibid.)

One result of this process was the accentuation of the division that had always existed between the stable, "respectable" sections of the working class and what has variously and loosely been labelled the "disorganised",

"rough" or "lumpen-proletarian" sections of the class. Specifically, the process helped to generate an "upward option" for some sectors of the working class, and particularly for youth, who were successful in obtaining apprenticeships in the new technologically-based industries, as well as those who were able to move into one of the increasing number of "office jobs" that were generated in the large industries, and in the associated expansion of local authority employment. The process also helped to re-define (and yet also to disguise) a set of occupations, less rewarding and reserved for the unqualified school-leaver in particular, a "downward" option that was available for some of the age of 14 (compulsory school-leaving age was not raised to 15 until 1956, and to 16 until 1972).

The changes in productive relations in the labour market were, of course, mirrored by quite massive changes in the structure of working-class housing patterns and neighbourhoods. According to Clarke, Hall, Jefferson and Roberts (1975) reflecting on the earlier work by Phil Cohen :

"The impact of (this) post-war redevelopment on traditional working-class neighbourhoods seems ... to go through three broad phases. First, the break-up of traditional housing patterns by post-war re-housing; the new housing estates and new towns. The areas left behind decay; they drift downwards towards the 'urban ghetto' or 'new slum' pattern, the prey of rack-renting, speculative landlordism and multiple occupation, the drift towards immigrant labour highlights and compounds the ghettoising process. Then some parts of the ghettos are selectively redeveloped, through the combination of planning and speculative property development. The entry of middle-class families 'up-classes' certain neighbourhoods and 'planned development' (the East End scheme is ... a classic instance here) redefines the area towards this more 'upgraded', middle-income pattern of life."
(Clarke, et al, 1975, p.36)

And they emphasise :

" ... these are not simply forces working abstractly on an area. They graphically reconstruct the real material and social conditions in which working people live."
(Ibid., p.37)

The accelerated entry of an immigrant population into Britain in the 1960's and into ghettoised housing areas, were developments that were generated

by the economic logic operative at that time. That logic was creating an upward option for a certain section of the labour force, and also rehousing that section of the class in estates (and, particularly, in New Towns near to and around the new industrial concentrations), whilst also generating an increasing demand for casual and service employment (and also for workers in the declining industries like textiles at a low rate of pay) that was not being reliably answered in a situation of full employment of "the class". The pool of labour was enlarged, especially after 1955, (and before the Commonwealth Immigration Act of 1962) by the active recruitment of Asians and West Indians by large British firms (in the textile industry of West Yorkshire; and the heavy industries of the West Midlands, in particular) as well as by those who were moving to Britain for higher wages than would have been available in the ex-colonies. This new reserve army of labour was allowed housing space only in the areas vacated by the sections of the working class who had been re-housed, or who had left the inner city in order to pursue an upward option. In Birmingham, for example, in 1965, the West Indian and Asian population was concentrated almost entirely in three or four of the 81 square miles of the city (Rose 1965) in what Rex and Moore came to call the "twilight zones" of Sparkbrook and Handsworth.¹² (Rex and Moore, 1967). It was these areas that came to be the most heavily policed neighbourhoods in Britain in the 1960's and 1970's (Lambert 1970), and which also became the areas in most urban centres most heavily inhabited by downwardly-mobile individual members of the unemployed and semi-employed population.

Even before the recent development of high official rates of unemployment, therefore, the logic of the labour market was generating very different problems of policing and social control at different levels of the British class structure. The police have always had more trouble trying to control male youth caught in the interface of the unskilled labour market and the "dole" than with any other section of society. So also have teachers

in "rough" schools had more difficulty with children who are about to leave to one of these two destinations.

Until recently, the policing and teaching of working class girls tended to be less problematic, even though the destiny of this fraction of society was even more structurally inevitable. Only 17.2 per cent of girls entering employment in 1974 entered employment with "planned training", with a further 1.77 per cent entering employment "leading to recognised professional qualifications" (a very large proportion of which were in nursing) and 6.5 per cent taking an apprenticeship (7.75 per cent of which were in hairdressing). The rest of the girls entering employment went into clerical work (40.5 per cent, just under half of which was in "insurance, banking, finance and business services"), and "other employment" (34.0 per cent, half of whom were in the "distributive trades"). (Department of Employment (1975) quoted in Frith, 1978, p.29). Few changes have been noticeable in these overall figures since 1964, except for a slight increase in work with planned training. Very large proportions of girls are excluded from training and from skilled jobs and careers, and are presented with a choice between unskilled labour and marriage. Partly as a means of "making sense" of this inevitable fate, however, a working class "culture of femininity" has arisen which has the literal effect of domesticating the aspirations of working class girls, and restricting their activities to the maternal home and their own reproduction of it, through marriage. (McRobbie, 1978) The disciplining of working class women has in other words been more dependent historically on class culture itself (and especially its patriarchal form) than on the activities of the State police forces and the discipline of the labour market.

We would argue, therefore, that the "material basis" of all aspects of working class life in the 1950's and 1960's was the labour market and the

differential effects that changes in the labour market were having on the character of life for working class boys and girls. Several important changes were occurring in the labour market as a whole (including the emergence of a set of "white-collar" occupations to which many working people aspired), but the most fundamental logic was the opening out of an "upward option" of skilled occupations (and associated opportunities for mobility in the housing market) and a "downward" option of casual, unskilled and insecure jobs (with their own associated housing markets in council estates, high rise blocks, and inner city ghettos). The image of "full employment" in the 1950's and 1960's orthodox political economy disguises, and fails to problematize, this process of bifurcation, and, in particular, the continual reproduction in Britain, in the "age of affluence", of an unskilled, untrained, and massively alienated underclass of adolescents.

The initial bifurcation of "options" in the labour and housing markets in the 1950's and 1960's for working class youth has had several other consequences within the class, particularly in "unsettling ... the precise position and role of the working-class family within a defensive class culture". (Clarke et al 1975, p.37). The relation of the youthful generation of males to the parental generation became increasingly dislocated, firstly, in terms of the "traditional" relationship of the father and son (revolving around the father's preparation of the son for the workplace) and, secondly, in terms of the mother's role in providing support for, and devising some form of psychic reward from the son's success. The family's relation to adolescent girls was dislocated by the structural changes in the labour market, but possibly not to the same degree :

"Though girls participated in the general rise in the disposable income available to youth in the 1950's, girls' wages were, relatively, not so high as boys. More important, patterns of spending would have been powerfully structured in a different direction for girls from that of boys. The working class girl,

though temporarily at work, remained more focussed on home, mum and marriage, than her brother or his male peers."

(McRobbie and Garber, 1975, pp.212-213) ¹³

For adolescent boys, as we have said, the structural changes in the post-war economy involved a process of dislocation which was economic (and therefore material, in Simon Frith's sense of that word) but nonetheless "lived" at the cultural level. Phil Cohen has pointed to the effects of this dislocation at the level of "community" institutions in working class neighbourhoods, in the decline of the corner shop, the pub and the working men's clubs as centres of sociability and, more recently, he has pointed to effects of the dislocation in creating problems for defining membership of "the community" and in unhinging "more rudimentary forms of social closure", in particular, the oral and fighting traditions of working class. One of the more important of these in London was the local boxing culture, "a form of "hardness" (that was) anchored in street-fighting tradition", a form of cultural apprenticeship into which the hard men and boys of an era were seduced and socialised. The break-up of the local communities (of Notting Hill, Bethnal Green and South London) in the post war period, however :

"saw not just the decline of local boxing traditions, but subcultures whose style and idioms constituted a nonplace realm of identity for massive sections of working class youth (ie. teds, mods, rockers, skinheads and greasers). This meant that for the first time fighting techniques were no longer regulated, and transmitted through the parent culture, but directly through the peer groupings of youth".

(Robins and Cohen, 1978, p.93)

This "de-regulation" of local working class culture has been most "visible" during the various moments of "moral panic" that have occurred amongst social control agencies and the media over the adoption of particular styles and particular subcultural forms of activity during the post war period. But the attention given to the form and the style of particular youth subcultures (in the media and in sociological and political reaction to these "movements")

has tended to suppress the extent to which these cultural forms and styles were an expression of the material dislocations in working class job markets and neighbourhood life which were occurring. The sociological focus on the "subcultures" and the popular talk of "gangs" and "the delinquent generation" has been in itself, we would argue, a metaphorical (and essential liberal) way of displacing examination of the continuing reproduction of an underclass.

3.7 Three Moments of Moral Panic

We want to illustrate this argument by reference to some of the existing sociological writing on post-war youth subcultures. Our concerns here are twofold. We want to use this literature as a way of recalling the particular "moments" in which the "youth problem" surfaced in popular and political debate, and as a way of identifying the anxieties which were generated, and then momentarily qualmed, by the activation of "social control". The ethnographic, historical content of this literature gives us a sense, in other words, of the material circumstances which were reworked in (conservative, social-democratic and liberal) ideology.

But we also want to use this literature as a means of anticipation and locating the marked shift in the character of "social reaction" to youth after 1970, which will be a part of our concern in Chapter Five. Again, we entirely accept the judgement of the Birmingham group that significant changes occurred in the form of moral panics during the 1960's, in particular, and that the "discrete moral panic" of the kind that occurred in the case of the Mods and Rockers (where a dramatic event was followed by public disquiet, some moral entrepreneurial activity and action by the control culture) was gradually superseded by "law and order campaigns", where the sequence of events was speeded-up and altered (with "the public" being sensitised in advance to the possibility of dramatic events - like mugging- which would require a firm response on the part of the agencies of social control) (cf. Clarke, Hall, Jefferson, Roberts, 1978, pp.75-76). We want to try to understand the

increased routinisation of the State social control over youth in terms of the new problem confronting the State over the management of the reserve army of labour, but also in terms of the continuing domination of juvenile justice, child care and associated fields of state worker activity by the ideology of professional liberalism described earlier in this chapter. This rethinking of the youth problem requires another excursion back into the 1950's, initially - the age of affluence and "people's capitalism" - followed by another entry into 1960's "corporatism" and the moments of the Mods and Rockers and Skinheads; but we are making the trip, now, not in order to conjure nostalgia, nor either to impugn the over-reactions of police and magistracy and not even to identify the existence of different ideological frameworks making sense of the same question differently, but quite specifically in order to follow the emergence in the State of new forms of control over the underclass.

3.7 (a) The Teddy Boy 1953-1957

The emergence of the Teddy Boy sometime in 1953 (appropriating an initially aristocratic clothing style for popular use in the dance-hall and cinema) and the subsequent redefinition of the Edwardian as a "spiv" and a "cosh boy" by the media, has been well documented by Rock and Cohen. But the explanation offered by these authors for the demise of the Edwardian is less persuasive;¹⁴ and perilously close to a simple theory of "fad", or indeed a theory of deterrence. They argue that

"(By December 1955) the fashion was changing. There is only an apparent paradox in the fact that it was just at the time when the public began to regard the Teddy Boys as a serious threat that the fashion started to lose its popularity. The very identification of the extreme Teddy Boy outfit with deviant values - the 'badge of shame' - rendered it more and more esoteric ..."
(Rock and Cohen, 1970, p.308)

By 1958-9, Teddy Boy styles and behaviours were only to be found in the provinces.

Rock and Cohen fail to give a detailed account of the economic and social relations within which the rise and fall of the Teddy Boy occurred. Tony Jefferson's observations on the styles adopted by the Ted give us a clue to the class and the "conjunctural" significance of the Teds.

" ... if one examines the context from which the cultural symbol was probably extracted - then the adoption (for example) of the bootlace tie begins to acquire social meaning. Probably picked up from the many American Western films viewed during this period when it was worn ... by the slick city gambler whose social status was grudgingly high because of his ability to live by his wits and outside the traditional working class mores of society ... the symbolic cultural meaning (of the ties) ... (was) its expression both of their social reality (basically outsiders and forced to live by their wits) and their social 'aspirations' (... to live smartly, hedonistically and by their wits)." (Jefferson, 1975, p.86)

According to this view, the Teds were the first of the post-war working class youth subcultures to "explore" the downward option; and their dress was an attempt to mark themselves off - to establish a generational identity within the class as well as a "rough" working class identity within the generation. Another expression of this was what Jefferson calls the "extreme touchiness" of the Teds to "insults real or imagined" (Ibid., p.82). He notes that the first Teddy Boy killing, the Clapham Common murder of 1953, was the result of the taunting of a Ted by other youths.

The use of violence by Teddy Boys was often directed at ethnic outsiders, particularly at Cypriot cafe proprietors, and, notably in the Notting Hill and Nottingham riots, at blacks. In what is now a familiar paranoid reaction, the lumpen youth of early 1950's were inclined to interpret the restriction on their opportunities (relative to others) in terms of the influx of West Indian migrants and Cypriots (who were particularly resented for their ownership of cafes - of major significance institutionally in 1950's youth culture). A widespread myth amongst lumpen youth and adults (especially the Teds) in the

1950's was that "the coloured immigrants (were) either pimps, landlords or on the rackets", (Ibid, p.83), a view that had violent repercussions in the riots of 1958. Jefferson observes that the fact that :

"Large numbers of working class adults responded in the way they did, by joining in, demonstrates that it was not only the young 'lumpen' who were experiencing a worsening of their socioeconomic position."
(Ibid, p.83) (my emphasis)

The fact that the majority of arrests were of youth and that the courts handed down their exemplary sentences on nine unskilled working class (male) adolescents, was in part a reflection of police practice in riot situations. But the treatment of these sentences in the press at the time is evidence of the extent to which the youth question was already firmly established (as a result of ideological work amongst social democrats and Conservatives) as a question of "delinquency", resulting from individual pathologies or individual malice, and decidedly not from the structural contradictions of a reformed people's capitalism. The Notting Hill and the Nottingham riots were not to be the last "race riot" in Britain in which the question of the origins and significance of racism was submerged beneath the view of authoritative figures (in the judiciary and the police) that "fighting in the street" is an activity, by definition, of delinquents.

But the Teddy Boy's decline cannot be seen as a result of the intensity of the sentences handed down in the London courts in 1958 (the Notting Hill events occurred in the very last months of a youth subcultural style). The decline must be seen to have resulted from the aging of the Teddy Boy generation (and thus, in part, from the disciplines of the workplace and the "softer" but no less potentially effective controls, of "family responsibility"). But more significantly the Teddy Boy's "exploration" of the lumpen option was increasingly irrelevant. After three years of balance of payments crises and restrictive budgets, the economy was moving into "boom" again. In 1956, the school-leaving age was raised to 15, and whilst this had the effect of delaying

the entry of some 267,000 young people into employment for a year, it helped to contribute to the expansion of the job and financial aspirations of the youthful generations in school at the time. In 1957, National Service was ended, and a reduction in the size of the armed forces undertaken, from 700,000 in 1957 to 400,000 in 1962 (Skidelsky 1970); and, as Conservative commentators since have consistently deplored, this did result in an expansion of the horizons of youth culture in the working and the middle classes.¹⁵

One effect of the abolition of National Service was undoubtedly, to weaken the appeal of "discipline" and traditional forms of class hierarchy within the working class. It also "freed" working class youth to move directly into the expanding labour markets in order to participate in the "consumer revolution" that was being encouraged by the Conservative Government.

Stuart Hall caught the mood of this "exploration" in a lengthy review of the work of Mark Abrams, Colin MacInnes and others on "The secondary modern generation", written in 1959 :

"The outlines of the Secondary Modern Generation in the 1960's are beginning to form. The Teddy Boy era is playing itself out. The L.P., Hi-Fi generation is on the way in. The butcher-boy jeans, velvet lapel coats and three-inch crepes are considered coarse and tasteless. They exist - but they no longer set the 'tone'. 'Teds' are almost square. Here are the very smart, sophisticated young men and women of the metropolitan jazz club, the Flamingo Club devotees ... Suits are dark, sober and casual-formal, severely cut and narrow on the Italian pattern. Hair cuts are 'modern' - a brisk, flat-topped French version of the now juvenile American crew-cut. .. The girls are short-skirted, sleekly groomed, pin pointed on stiletto heels, with set hair and Paris-boutique dead-pan make up and mascara ...

A fast-talking, smooth running, hustling generation, with an ad-lib gift of the gab, quick sensitivities and responses, and an acquired taste on for the Modern Jazz Quartet. They are the 'prosperity' boys - not in the sense that they have a fortune stashed but in that they are familiar with the in-and-out flow of money ... They have the spending habit ...

Their attitude to adults is less resentful than scornful. Adults are simply 'square'. Mugs. They are not 'with it'. They don't know 'how the wind blows'. School has passed through this generation like a dose of salts - but they are by no means intellectually backward. They are, in fact, sharp and self inclined. Office boys - even van boys - by day, they are record

sleeve boys by night. They relish a spontaneous giggle, or a sudden midnight trip to Southend, they are capable of a certain cool violence. The 'Teds' are their alter-ego." (Hall, 1959, p.23) (my emphasis)

In the conclusion of this series of impressions, Hall gives a clear sense of the possible relation between the appearance of a certain kind of affluence in working class youth culture and the rise in delinquency rates after 1955. The exploration of Harold Macmillan's consumer revolution contained both a progressive element resulting from the "liberation" it generated from some of the traditional restrictions of a class society, and a cynical element also (a sense of being offered a fraudulent alternative). Hall puts it in these terms :

"They despise 'the masses' (the evening-paper lot on the tubes in the evening), 'traditionals' 'cops' (cowboys) 'peasants' and 'bohemians' Their experiences are, primarily, personal, urban and sensational: sensational in the sense that the test of a beatitude is being able to get so close you feel 'you are part of the act, the scene'. They know that the teenage market is a racket, but they are subtly adjusted to it nonetheless. They stand at the end of the Teddy Boy era of the Welfare State. They could be the first generation of the Common Market."
(Ibid) 1959b.

The delinquencies and violence of the secondary modern generation did not take unfamiliar forms behaviourally. Rock and Cohen in analysing incidents in 1958 and 1959 speak of a few "gang fights" and some attacks on solitary strangers, but also emphasise a decline of the mass street fights of the Teddy Boys, and speak of delinquent behaviour in this period as having a "corrupted formalism" (Rock and Cohen, 1970, p.313). Even as such, however, they were the object of an increasingly anxious social reaction. The "scornful" attitude of the secondary modern generation to "adults" was reciprocated, with the addition of a resentment at the new found affluence and comforts of the undeserving young (who had not earned their rewards). Resentment of a slightly different order was fuelled in social democratic circles by the "disdainful" and "ungrateful" attitudes that were generated towards the effects of the Welfare state (Fyvel, 1961, cc.9,10). There were of course several critiques

of the adequacy of the welfare state from a more thoroughgoing socialist perspective, and also occasional pieces attempting to link behaviours and values of youth to the inadequacies of the welfare state form rather than to the inadequacies of the youth themselves. An American socialist writing on "British Youth Today", in 1957, observed that

"the idealism of the early days of the experiment has been drowned in its long-run operation. British socialism stopped short of expectations; a transformation of society did not take place. Class privilege and barriers are as high as ever, and nothing close to freedom of opportunity exists. Socialists do not feel a part of the experiment of the welfare state, and for them socialism does not exist today.

What does exist is the welfare state, conceived and operating under a concept of charity, and the payment for this charity is high. A factory worker earning ten pounds a week (below the average for the country) pays 15 per cent of his wage for income tax and national health and pension plans. A young person who comes in contact with the welfare state finds it impersonal, bureaucratic and monolithic. It presents a drab face and a dull routine."

(Winterhoff, 1957, p.25)

But these critiques of the welfare state and of the "hidden side" of "affluence" from a socialist perspective were articulated before their time. Youthful behaviour was largely understood to be a product of the ingratitude or simply the malsocialisation of the youth themselves. The ethnocentric perspectives of both conservative and social democratic politicians were also aggravated by the rapid embrace by the secondary modern generation of the artifacts of American youth culture (Ibid, c.12). A series of panics over the "corrupting influences" involved in this opening out to North America developed (as they did, also, in public political discussions of changes that were alleged to be occurring in the typical English murder).¹⁶ In November 1954, in the debates on the Queen's Speech for the 1954-5 Parliamentary Session, Dr. Horace King, the Labour M.P. for Southampton, West, regretted that :

"the Gracious Speech contains no proposals to make the so-called American comic illegal. Public opinion has changed on this question somewhat since we debated the matter in the House just over two years ago, in August 1952. At that time, there was a tendency to regard critics of the American comic as puritans and

spoilsports who had forgotten that they were children themselves, or, as is sometimes the case, Communists merely indulging in anti-Americanism. Public opinion has changed. The work of voluntary societies, the teachers' unions, a conference of educational associations, the annual conference of the British Federation of Psychologists, the RSPCA, and the National Federation of Women's Institutes have all gone on record against this kind of influence. Parents, magistrates and educational authorities all share in and voice the need for protecting our children."
(Parliamentary Papers (Commons) (Hansard) Vol.535 (1954-5) Col.74)

Several examples were given by King of the "repulsive" contents of the comic, including references not only to violence but to "the words" ("Friendship is for suckers, Loyalty, that's for "jerks") and the work of Frederic Wertham, an American psychologist, was quoted to suggest that the comics were "retooling democracy for illiteracy". They did so, for King, via a combination of "subliminal Fascism" and straightforward "commercialism".

"It may be that television, the film and the comic strip will win in the long run, and that mankind, which is just on the march towards literacy, may be allowed to slip back into a state in which there are more illiterates than literates. This conjures up for those of us who believe in social democracy a more fearsome picture even than the horror comic itself, with comic strip election addresses and Frankenstein or fascist legislation and legislators ... Short cuts to a superficial acquaintance with culture, knowledge, humour or art will always be tempting. The technical resources of an unchecked commercial culture may very easily debase human standards."
(Ibid, Col.76)

Social democracy's defence of "human standards", here, is directed against the alliance of illiteracy and commercialism; no attempt is made to speak of the appeal of a commercial culture (or "low culture" generally) to working people in general. So social democracy here locates itself in a moralistic defence of "standards" just at the moment that youthful sections of the class turned for self-expression and for an entertainment they found relevant to their own lives to the styles encouraged by the "mass" cultures constructed by American commerce. But the particular forms of style and activity adopted (from rock and roll dancing to hanging around the cafe) were reflections not of the content of mass culture itself, but of the way in which these artifacts of mass culture

(like the Teddy Boy tie) were appropriated within the class. The way in which the "secondary modern generation", for example, responded to mass culture was very different from the way in which the exploration of the "downward option" in style by the Teddy Boys had occurred. This particular youthful generation later softened into what Ray Gosling termed the Dream Boy generation, at the height of the period of "people's capitalism". They were the fraction of working class youth which in the early 1960's preferred the Mersey Beat of Freddy and the Dreamers and Cilla Black to the Rolling Stones. They comprised, on the one hand, the "ordinary" boy, who watched football with Dad, listened to records and went to youth club dances, or the "ordinary" girl whose psychic world was described in weekly "boy meets girl" magazines like Mirabelle and Marilyn (and later, Jackie, and 19). That we do not speak of this group much here and that they were not spoken of in detail in earlier accounts is evidence of the fact that they were one of the most successfully "policed" of post-war youthful generations. They were successfully "policed", in part, by the upwardly mobile family, but also in part by the fact of the prospect of entry into the "respectable jobs" that were the creation of the "people's capitalism" of the 1950's, and the associated prospect of being able to participate themselves, as full citizens, in the consumer revolution.

The promise of mass culture and mass produced consumer goods was not just of some release from earlier austerity: it suggested the possibility of using the artifacts of such culture to symbolise personal success or to symbolise one's generational identity. It is some indication of the increasing distance of Labour politicians from their class that they could not recognise the significance of mass culture for the class, responding to these changes with a defence of "the standards" of High Culture rather than via any appreciation of the cultural changes occurring, especially within youthful sections of the class. These cultural changes were above all a product of the increasing possibilities and attractions of "affluence" for the new cohorts of adolescents in the class.

3.7 (b) The Mods and Rockers: 1964-6

Politicians were not alone in their failure to "sight" such major changes in the relationship of adult and youthful sections of the class. For Stan Cohen, the emergence of the bike boys at Clacton in Easter 1964 (the "initial deviation") was largely to be explained as a matter of climate and the general boredom that ensued :

"Easter 1965 was worse than usual. It was cold and wet, and in fact Easter Sunday was the coldest for eighty years. The shopkeepers and stall owners were irritated by the lack of business and the young people had their own boredom and irritation fanned by rumours of cafe owners and barmen refusing to serve some of them. A few groups started scuffling on the pavements and throwing stones at each other. The Mods and Rockers factions ... started separating out. Those on bikes and scooters roared up and down, windows were broken, some beach huts were wrecked and one boy fired a starting pistol in the air. The vast number of people crowding into the street, the noise, everyone's general irritation and the actions of an unprepared and undermanned police force had the effect of making the two days unpleasant, oppressive and sometimes frightening ... "
(Cohen, 1972, p.29)

Stan Cohen does not say much on the question of origins, in part, because for him, any "original" division between the two youth groups was only a "division initially based on clothing and life styles (which was later to become) rigidified" (Cohen, 1972, p.29) primarily by a process of "spurious" social reaction. His main concern was to explain the importance of the "unorganised" and intensive reactions that occurred, especially in the national press, and the way in which these reactions provided a basis on which those who had been exposed to the events he describes interpreted (and re-interpreted) their experience, as well as providing an "inventory" for use in understanding any similar events that might occur in the future. This inventory was put to use in the press some four weeks later, during Whitsun 1964, in order to explain the situations which occurred on the seafronts at Bournemouth, Brighton and Margate, when almost the only people on the beaches (on another cold Bank Holiday weekend) were the bike boys, and the incidents that did occur tended to result

in arrest and/or considerable "over-reporting" from the expectant reporters who were on hand from the national press. Much of the activity in 1964, and in the following two years, centred around motorbike races on the relatively empty streets, and (in the classic Teddy Boy tradition) the attempt to monopolise the largely empty cafes. It is quite clear that the inventory adopted in the press considerably exaggerated and distorted what happened in these seaside incidents, and also that the imagery had a life of its own. Headlines appeared in Whitsun 1964 concerning a "Mod Dead in Sea", for example, when the death of the youth in question (a hiker) from a cliff outside Brighton had nothing to do with the disturbances, and when public attention was focussed again on East Anglian resorts in 1966, The East Anglian Daily Times headed a report on a play attended by a group of long-haired youths with the headline "Fears when Ton-up Boys Walked in Groundless" (30 May 1966). The initial deviations of the groups of young people at Clacton on Easter Monday 1964 'receded' more and more into the background, as society's "moral guardians", in the media and the magistrates' courts, produced and re-produced accounts of the excesses of an over-paid, and under-controlled, generation of welfare state youth (accounts which in some cases were entirely "spurious").

A telling aspect of the press reportage was the emphasis placed on the allegedly affluent character of the youth involved in the troubles of 1964 to 1966: the most famous example being of a boy who told the magistrates in Margate that he would pay the £75 fine imposed on him by cheque. At the same time, according to Stan Cohen, there was an attempt in one paper to argue that the young people involved were from all social classes, thus entirely disconnecting the youth question from the question of class. And most of the accounts were organised in terms of the division of the motor bike and scooter riders into the "Mods" and "Rockers" polarity.

According to Cohen, and also according to the nostalgic exploration of the 1964-66 incidents by Franc Roddam in the movie, Quadrophenia, released

in 1979, all these themes were false. The youth who was offering to pay his fine by cheque did so out of bravado (and had never written a cheque in his life); and the average pay of a sample of those arrested at Margate in 1964 (investigated by New Society writers) was £11 a week. From the same sample, "and from court reports and observation, it is fairly clear that "the typical Rocker was an unskilled manual worker (and) the typical Mod a semi-skilled manual worker. All but two had left school at fifteen". (Cohen, 1972, p.35). And again, according to Cohen, the creation of the Mods and Rockers dimension was spurious in part because initially (at Clacton, in 1964) "the rivalry between ... those from London ... and other locals and youths from the surrounding counties was a much more significant dimension" (Ibid, p.34) and also because the majority of young people present "at the resorts during the holiday periods came down by train or coach or hitched. The motor-bike or Scooter-owners were always a minority ... " (Ibid, p.35). But spurious or not, the Mods and Rockers were "created" and established as "folk devils", and in the midst of the moral panic "magistrates handed down heavy fines and detention centre sentences, as well as using the device of remanding in custody" "as a form of extra-legal punishment". (Observer editorial, 25 April 1965, quoted in Cohen, 1972, p.103).

Stan Cohen is concerned continually to emphasise the spurious content of the social and legal reaction to the different bike-groups involved in the "Mods and Rockers" incidents, and he is right to do so. But, for us, the really important accomplishment of the reaction, especially in the mass media's concentration on the groups on motor bikes was in its description of working class youth whose activities fairly clearly reflected the existence of upward and downward options within the class (the "office boy" Mod versus the Lumpen Rocker) in exclusively cultural terms. Mass media accounts spoke only of differences in the youthful consumption of leisure, and entirely ignored the origins of this "bifurcation" at the point of production. A most essential

feature of this ideological achievement was to construct a view of a whole generation divided into one or other cultural style (against an adult generation), with either a Vespa or a Harley Davidson as a symbol of its preference, when the vast mass of the generation, at both a working class and middle class location, in fact were caught still within Gosling's "Dream Boy" world of respectability conformity.

This is to repeat, and re-emphasise our view, that existing sociological accounts of the behaviours and styles of working class youth suffer from (what can now more clearly be seen as) a tendency to emphasise the particular, "conjunctural", features of the generational styles at the expense of the ongoing logic of change in the youthful labour market. This has sometimes resulted in speculations about the "origins" of the Mod which are offered without reference to the ongoing, "organic" development of the upward option. For example, Dick Hebdige quotes George Melly as seeing

"the progenitors of this (Mod) style ... in a group of working class dandies, possibly descended from the devotees of the Italianate style, known throughout the trend world as mods who were dedicated to clothes and lived in London."
(Hebdige, 1975, p.87)

This may or may not be true as an account of the origins of the Mod style, but it says nothing about the origins of the Mod as an adaptation that was appropriate and meaningful for youth at certain levels of the class structure. In particular, the focus on the specifics of the Mod style displaces the fact that the Mod adaptation was continuous, as a form of upward exploration, with that of the earlier "secondary modern generation", as discussed by Stuart Hall.

There are two connected features of the moment of the Mods and Rockers which are important for us. Firstly, we accept that the division between the two styles or subcultures was a manufactured and "rigified" product of a moral panic and a process of labelling, conducted primarily within the newspaper press, but also we note that this cultural process was one which mirrored, and

yet also displaced, structural divisions that were occurring within the class, between the incorporated, respectable, and upwardly mobile on the one hand, and the downwardly-mobile underclass on the other. The rigidity of labels reflected a rigid "material" division within the class.

Secondly, as already suggested, we want to emphasise the importance of this "panic" having emerged when it did, at the end of the period between 1959 and 1964, in the opening weeks and months of the "disciplined consensus of 1964-70". In particular, it is important to note that the "creation" of the Mods and Rockers occurred in the immediate aftermath of the production of a series of Governmental reports "taking stock" of the capabilities of the existing State apparatus, from the Streatfield Report on Sentencing of 1961 to the A.C.T.O. Report on After-Care of 1963. The State was "in readiness" for events like those on the South Coast sea coast in 1962. The vigorous reaction of the police and the courts to the riotous attempts of groups of youth to manufacture excitement in Hastings and Clacton may have also resulted from a certain nervousness in influential circles as to the boundaries of appropriate moral order, in a period in which the moral claims of established Authority were being threatened by scandals involving the Conservative Front-bench, by satire on late night television and by subversive agnosticism within the Church itself. The creation of a stereotypical working class folk devil might almost have been an ideological "necessity" at this particular moment in the post-war history of British class society

3.7 (c) The Skinheads 1968-1971

We begin by remarking on one of the least well publicised "events" of 1968. In that year, the supply of young people from schools exceeded the demand for youth by employers for the first time in the post war period. In the next three years, this shortfall was revealed to be an aspect of a long term trend, rather than being the peak of a particularly unfortunate trade cycle.

There was a "job loss" in the juvenile labour market of 25 per cent for boys and 27 per cent for girls, during 1966 to 1971, almost all of which occurred in areas of employment "traditionally available to the young unskilled" (Youth Employment Council 1974).

"Up to 1966, new jobs were being created at the rate of 200,000 p.a., since then they have been disappearing at 100,000 p.a. In London, between 1966-70, 400,000 jobs have disappeared, three times the number which would have been reasonable to offset the population exodus." (Jefferson and Clarke, 1974, p.39)

There was very little sense of the seriousness of these developments in dominant political debates at the time. In part, this was because of an emergent preoccupation with the security of middle class youth's adherence to the established social order. But in part it was because of the Labour Government's corporatist economic strategy was one which involved the use of public expenditure (especially through the "regions" and through local authorities) in job creation programmes. The overall employment rate in Britain (as expressed in "U.S. concepts") was still only 3.9 per cent in 1971, as against 5.9 per cent in the U.S., and 6.2 per cent in Canada. (Social Trends (9) (1979) Table 5.13). Also important is that the burden of unemployment after the turn-around date fell unequally, and was particularly concentrated amongst young blacks. According to the 1971 census, some 17.6 per cent of West Indians born after 1951 (born in the West Indies) were out of work, and 7.2 per cent of those born after 1951 in the U.K. (Smith, 1973, p.7).

It is surprising that the relation of "1968" to the juvenile labour market has been the subject of so little comment. Undoubtedly the principle significance of "1968" in contemporary retrospective analysis is that it signalled the development of a rebellion against "bourgeois" life-style and institutions inside the bourgeoisie itself. In the United States, this rejection took the form primarily of a drug-oriented counter-culture, spawning new forms of personal consciousness and communal living; although latterly the counter-

culture drew on the lessons of the civil rights movement in the South in order to mount a resistance movement against the war waged by the U.S. State on the Vietnamese people. The reactions of the State to non-violent forms of protest and rebellion (in particular, during the Democratic Party Convention in Chicago in August 1968) were later to give rise to the participation of the sons and daughters of middle-class America in the use of "revolutionary violence" in groups like Weatherman and the Symbionese Liberation Army. (Jacobs, 1970).

In Europe, the subversion of "bourgeois" ideology were most marked of all in France, in the "days of May", in particular, and in the entry of thousands of students into the factories in order to forge alliances with the proletariat, against the power of the class from which most of the students had originated. In Italy and in West Germany, similar developments occurred, in these cases giving rise, eventually, to the "revolutionary violence" of the Baader-Meinhof Group, on the one hand, and the Red Brigades on the other (as well as helping to strengthen political groups to the left of the social democrats, and communists, respectively).

Even in Britain (whose internal political history has tended (outside of Ireland) to be less volatile than those in the U.S.) the developments in the areas of direct-action "student" radicalism in 1968 were extra-ordinary and also rapid. A demonstration of more or less average size for London (of 5,000 people) on 22 October 1967 organised by the Vietnam Solidarity Campaign under the slogan "US Get Out of Vietnam Now", resulted in some confrontations with the police outside the American Embassy in Grosvenor Square. This gave only a small hint of the major confrontations that were to occur only six months later on 17 March 1968, when a further VSC demonstration estimated officially at 25,000 but thought by the organisers to be in excess of 100,000 marching in support of victory for the NLF of Vietnam, was handled by the police with considerable severity, and reported by the mass media in highly

perjorative and selective fashion. (Halloran, Elliott, and Murdock 1970). It was in the light of this experience, in particular, as well as a result of the reactions of universities and colleges to demands for internal democratisation, that the Revolutionary Socialist Students Federation was founded, at a conference at the London School of Economics, on 15 June 1968. The RSSF was the umbrella organisation within which national support was forthcoming for a series of direct action campaigns (sit-ins; talk-ins, etc.) in universities and colleges, many of which are now forgotten, but all of which were given headline, and sensationalist, treatment, during 1968 and 1969 - fuelling and amplifying popular resentment of "students" as a parasitic, unproductive and undisciplined "mob".

In the very same moment" as these events occurred, sections of the more predictably unmanageable youth, the rough working class, were bringing another form of politics to the street. There is some debate as to the overall significance of the Skinhead style of presentation (Clarke 1973; Daniel and McGuire 1972; Taylor and Wall 1976), but all the commentators are agreed that the style emerged during 1968-9, and that the Skinheads' activities were organised around (real or symbolic) fights at football matches (which may have been exaggerated in mass media reports) and around occasional bouts of "paki-bashing" and "queer-bashing" (which may have been under-played in mass media reports) (Pearson, 1976). The "violence" of the Skinhead was a highly stylised attempt simultaneously to defend an already out-dated form of white working class privilege (the respectable, patriarchal, Protestant, individual craftsman) against "alien" outsiders from Pakistan and elsewhere, and also to celebrate other key values of traditional working class community in the face of the increasing threat of middle class and especially student influence over popular music and over leisure and recreation style and taste. The Skinhead can be seen as a forlorn attempt by the offspring of the respectable working class to "retrieve" the lost coherence of a class experience. As John Clarke has observed, the moment of the Skinhead occurred in the aftermath of four years

of "rising unemployment", rising prices, falling real wage levels, and the relative worsening of the situation of the lowest paid manual workers (which had hit the young especially hard, notably through the loss of apprenticeships). But the anxieties produced by the increasing restrictions in the labour market were not "lived" in work time, so much as in the all-important periods of freedom for youth (during the weekends and during weekday evening outings to night clubs and youth club).

The populist activities of young white male Skinheads were at their most intense and uncontrolled during the football season of 1968-9, and it was in that year also that State agencies of social control began to move towards a more active posture of pre-emptive as well as reactive policing of youth. After six or seven years of amplification of "football hooliganism" in the mass media, and under pressure from the Football League and also from organisations representing respectable working class football supporters, the police finally took on the responsibility of making arrests in the crowd, (using the so-called "Mob-Squads") bringing charges which would not have been sustained outside the context of football ("pushing" and "swearing" - which constituted 70 per cent of the offences for which youths were charged at grounds in the Metropolitan Police district in 1969). (M.W. Jones, 1969). The publicity given the Skinhead's reputation gave rise to a situation where the wearing of cherry red boots and denim jeans hitched high was an invitation to close scrutiny by the police as well as by youth club leaders, teachers and the general public alike. The severity of popular reaction against the Skinhead at the time did not necessarily indicate fundamental opposition on the part of the respectable working-class to the implicit, racist and sexist, politics of the Skinhead, but it did indicate a lack of approval for the Skinhead's use of street "aggro". "Aggro" was, indeed, a denial of the authority of the parental generation of the working-class, - by virtue of involving what the

respectable proletarian would see as the methods of lumpenproletariat. Isolated in this way from the class as a whole, even this most populist of post-war youth cultures was left to the mercy of "the law", an instrument for which (in its "peace-keeping" functions) the respectable working class has great respect.

The intensification of police activity vis-a-vis youth in this period is evident in the official criminal statistics. In 1968 itself, the number of 17-21 males found guilty, or cautioned for, indictable offences increased from 4,600 to 5,200 per 100,000 population; whilst the numbers of 14 to 17 year old males dealt with in this way increased from 5,000 to 5,800 per 100,000. The increases in the criminalisation of 10-14 year olds and the over 21's were less significant (the over-21 rate has been remarkably constant over the twenty years from 1957 to 1977). There was actually a slight decline in the numbers of females found guilty of indictable offences, or cautioned, for 100,000 population in 1967, but there was a gradual increase in 1969 (to 800 14-17 year olds per 100,000 and 500 per 100,000 17-21 year olds) at the end of the year. Overall, however, there was a more rapid increase in 1968 in the number of offences recorded by the police, per 100,000 population, than in any year since 1957 (at the time of the concern over "the delinquent generation"): a rise in one year from 2,717 to 2,892 offences per 100,000 population (Criminal Statistics 1977 Table 2.2); an increase of over 81,000 indictable offences known to the police in one year.

We take it as more than simply a chance coincidence that such an increase in the rate of criminalisation should have occurred in a year of such significance for the prospects of working class youth entering the labour market. No one-to-one causality needs to be implied for us to endow the moment of 1968, especially given also its broader meaning for middle class youth, with a special significance for the State's relationship with youth as a whole. And no vulgar economism is required in order that we can recognise that the

policing of the underclass from 1968 onwards would increasingly have to proceed in an increasing number of cases without the accompanying disciplines of employment itself.

What was crucial, however, was that the essential logic of this criminalisation process (as a contribution to the control of "surplus populations") and also the intensification of this logic at the end of the 1960's was lost from view, and was "displaced" by ideological explanations of the cause and significance of the "youth problem" itself. Social democratic, liberal, and conservative commentators remained in agreement in their assessment of the youth problem as an immediate and serious matter (youthful misbehaviour was pathological and "anti-social" and in 1968 it appeared to be "out of control") and they therefore also agreed, for different reasons, on increasing the scope and intensity of various measures of State social control. They did not publicly "problematize" the increasing inability of the British capitalism to maintain its earlier high levels of employment for youth.

Conclusion : the Youth Question in 1969

Writing in 1981, the connection between the decline of the labour market for youth and the identification of "youth" as a continual and increasingly serious problem of social control appears much more obvious than it did in the earlier post war period. The decline of that labour market that began in the late 1960's has accelerated rapidly throughout the 1970's to the point where 128,200 school leavers were unemployed in June 1981, as against only 19,300 in 1971. Moreover, that cohort's search for jobs had to proceed in an economy in which 2,680,500 people (or 10.6 per cent of people registering for work) were unemployed, as against only 775,800 people in 1971 (3.4 per cent of "total employees") (Economic Trends 333 July 1981 Table 36). The decline in the labour market has by all accounts been most damaging to the work prospects of young blacks and to girls. And, as we shall see in Chapter Six, the decline in life prospects for cohorts of youth leaving

school throughout the 1970's (which was an "organic" product of the long-term emergence of crisis in all western capitalist societies) has been intensified in Britain by the Thatcher Government. Cuts in public spending have resulted in massive job losses in industries which had hitherto depended on some form of state subsidy as well as in the public sector itself. And the prospect that has emerged for the cohorts of youth who left school in 1980 and 1981 or those coming up to school-leaving age in the immediate future, has been one of medium - or even long-term worklessness. It is in just such a "conjuncture" that the hopelessness originally proclaimed in the New Wave and Punk music of the late 1970's has spilled over into the street riots of the summer of 1981.

I shall discuss these riots at greater length in Chapter Seven. But their significance is clear for the argument advanced in this chapter. It would be a foolish sociologist indeed who attempted to analyse the events of 1981 in Brixton, Southall, Toxteth and Moss Side primarily in terms of the cultural perspectives of 1960's subcultural and labelling theory. This is not to deny that some of the features of the "moral panics" discussed by Stan Cohen (in relation to the Mods and Rockers events in 1962 to 1964) were observable in 1981. The serious riots in London, Moss Side and Toxteth on the 5th to 8th July produced a massive sensitivity in the local and national newspaper press to any form of street disturbance, and, as a result, incidents which were actually dismissed by police as normal Friday and Saturday evening events took on the character of "a copycat riot" in the newspaper reports appearing on Sunday or Monday morning. Incidents were reported in several cities in the Midlands, Lancashire, Yorkshire and in Dundee, on the weekend of 11th to the 13th July, as if each of these incidents was a continuation of the riots earlier in the week, when many of these incidents (from shopwindows being broken to fights and woundings) were quite typical of the routine events on weekends, which go largely unreported in the newspaper press. So some exaggeration and spurious

reportage did occur in the press treatment of the riots of 1981. But this was decidedly not the essential significance of those events.

It is also clear that the riots and the other street events of 1981 involved adolescents and youth exhibiting a wide variety of subcultural memberships. In Southall, for example, on 3 July, several hundred young white male Skinheads were confronted in the Hambrough Tavern, during a concert of a so-called "Oi" group, the 4 Skins, by even larger numbers of young Asians associated with the Southall Youth Movement, and the Skinheads were put to flight. On 26 July, about 1,000 youths who were variously identified as "Mods" or simply "motor cyclists" were involved in a riot in Keswick, Cumberland (Guardian, 27 July 1981); whilst in Brixton and in Bristol throughout the summer many of the young blacks involved in confrontations with the police wore the dreadlocks of the West Indian Rastafarian cult (cf. for example Guardian 11 July 1981). The significance of these various styles in the assertion of the generational and ethnic identity of these youth groups is undeniable, and it is a matter of great curiosity that so many of the styles in evidence during the late 1970's and early 1980's (the Skinhead, the Mod and even the Teddy Boy) were reproductions of styles originally created in earlier historical moments. The question of what these styles were "representing", when reproduced for a second time around, is an intriguing one for subcultural analysts. What is crucial for our purposes, though, is the dramatic illustration that was provided by the riots of 1981 of the argument in this chapter.

It is quite clear that the primary "cause" or "context" of the street riots was the sense of desperation within the youthful population that had been produced, quite suddenly and dramatically, by the ongoing collapse of the labour market, which was then amplified by the pursuit of free market economics by the Thatcher Government. So the emergence of delinquency and youthful disorderliness on a mass scale, like the earlier more modest "productions"

or "creations" of the Teddy Boy, the Mod and Rocker and the Skinhead, was an artifact of significant changes in the social relations of a class society. Each of these youthful problems were fundamentally working-class in character, and indeed each was specifically produced at the margins of the proletariat proper, from amongst sections of youth caught between the "dole" and the casual or low-paid labour market. They were all products of the contradictory and precarious existence of the reserve army of labour, which now increasingly experiences its existence as an underclass facing a long-term prospect of continuing and uninterrupted unemployment.

To highlight this connexion is no longer to make a controversial point. But I want to insist that this "connexion" was at work continuously (though much less visibly, so far as politicians and the press was concerned) throughout the post-war period in the production of particular youth cultural styles within the working class, and that the significance of each style can be deduced partly from their specific "moment" of emergence. To say this might suggest that the interpretation of each "deviant" style can be undertaken in a kind of functionalist-behaviourist fashion, in the manner of Robert Merton, with each style "emerging" as a solution to the particular anomic strains experienced by each youthful cohort. There is certainly some benefit to be gained from such an approach, although not by an insistence on "anomie", in Merton's use of that term, as the key element of strain. But what must be added to this historicist interpretation of style and behaviour is a clear conception of the overall set of social and ideological relations within which the strains are being experienced. The concern of the earlier part of this chapter was indeed to try and describe the character of the social formation in place in Britain in the late 1950's and early 1960's. It was a social formation in which the earlier injustices and inequalities of capitalist economy had been mitigated to some extent by the "affluence" generated by the post-war boom and celebrated (exaggeratedly) by a popular media. It was also a

social formation in which the previously dominant forms of authority (the Law, the Church, and authoritarian and competitive forms of schooling) had increasingly been replaced by an apparently consensual set of social relations. The State now "legitimated" its authority over society as a whole through its provision of social welfare, public health and an increasingly progressive educational system, opening out the possibilities of social mobility for the under-class.

The youthful disturbances discussed in this chapter were usually interpreted by contemporary social democrats (as we have seen) merely as instances of individual or family pathology. But increasingly throughout the 1960's they were also interpreted by Conservative commentators as a product of the increasing "permissiveness" of authority and the State towards anti-social or even behaviour and as an example of the weakening of the "moral fibre" of individuals that allegedly results from becoming dependent on a welfare state.

As delinquency rates continued to increase throughout the 1960's, and as middle class and working class youth alike continued to engage in what Conservative and social democratic opinion could agree in defining as "anti-social" behaviour, so State response to youth took on an increasingly authoritarian and coercive character. The earlier social democratic campaign for the creation of a family service providing care and support for damaged individuals, "re-tooling" them for participation in the reconstructed social democracy was gradually replaced by an essentially a-political and a-moral conception of care as a form of social control. In the public debates which occurred around the passage of the Children and Young Persons Act of 1969, which we will discuss in Chapter Six, the overwhelmingly dominant problem given attention by politicians and professionals was the problem of how to maintain social discipline amongst youth. Other conceptions of the functions of care provision for youth by the State, including the function of encouraging

personal growth and interpersonal consideration (espoused by the architects of the Act in the Home Office Children's Department), were allowed to surface, but they never attained what can be described as the dominant position within official ideologies of care. The overwhelming official conception of child care and juvenile justice encouraged by both political parties and by the liberal professions since the 1960's has been one of providing professional care (or management) of difficult children in the name of social discipline within existing social arrangements.

We shall see later that even this "liberal" conception of the exercise of State social work has come under attack from the Right. These attacks intensified throughout the 1970's, as the decline in the juvenile labour market began to accelerate and as a series of events (from the muggingpanic of 1972-3 to the riots of 1981) have been seen to threaten the maintenance of "law and order". Increasingly, the Right has come to insist that the threat to social discipline and cohesion arises out of the failures and inherent limitations of social democratic and liberal politics as such, especially in the alleged failure of these politics to place the question of moral socialisation at the centre of their policy thinking in the fields of education, social welfare and justice. The rationale for the State's authoritarian interventions into the lives of troublesome youth and their families (of providing care and support at the State's expense) has been challenged, as being an ineffective way of encouraging a disciplined self-reliance in the underclass. In its place, as we shall see in Chapter Six, the Right has increasingly demanded social politics that encourage individual and social remoralisation. The "disciplined consensus" of the late 1950's and early 1960's, operated and reproduced with the political support of both Labour and Conservative Parties in Government, has been almost entirely subverted ideologically, and the "liberal" and permissive institutions that were created in this period (from the small professional child care agencies through to the

"family courts" created by the Children and Young Persons Act) have been increasingly called upon to perform an entirely different task of social remoralisation. It is this transformation in the form of the State which we will discuss in more detail in Chapter Five.

Footnotes to Chapter Three

1. The major criticism we would have of the formulation of Labour's strategy for economic corporatism - through the construction of an appeal to the "national interest" - is that it does not identify the difference between the stress on community interest in Labour Party policy in the 1940's and 1950's and the rhetoric of the "national interest" in Labour circles during the 1960's. The confusion of these two notions was always implicit in Wilson's version of "socialism", as economic policies which were in the interest of Big Capital, like a strict incomes policy, were "sold" to the Labour Movement as a move in the direction of rational planning of a socialist economy.
2. The demand for a new sense of moral purpose took different forms. In particular, the early 1960's witnessed the rapid growth of satire and of an early form of counter-cultural scepticism (of all forms of State and governmental authority). This was most clearly evidenced in the first appearance of Private Eye, in 1961, and, later, in the beginning of satire even on BBC television (in That was the Week That Was). The contradiction between a "puritanical" revolt against the moral excesses of the Macmillan Government and the decidedly unpuritanical scepticism of an increasingly confident non-commercial middle class even found a reflection in the Church, when the Bishop of Woolwich published an essay, Honest to God, asserting that Christianity did not require a belief in the Christ or the God that was celebrated by the Christian Church.
3. Barbara Wootton was first nominated as a Justice of the Peace in 1926 (by the St. Marylebone Labour Party), and was elevated to the House of Lords in 1958. She has been a member of several government committees dealing with crime and the penal system, and was also chairman of the highly controversial Sub-committee on Cannabis of the Advisory Committee on Drug Dependence (which reported in 1968). She also records, in her recently published "reflections on fifty years experience", that it "fell to (her) lot to pilot through the Lords the bill to abolish the death penalty for murder" (in 1965) (Wootton, 1978). She is currently a member of the Advisory Council on the Penal System, established in 1966. She is clearly one of the most continuously influential of the social democratic criminologists, especially in terms of ensuring the processing of social democratic legislation through Parliament, and also in terms of representing social democratic politics in judicial circles and within the crime control apparatus.
4. Lord Longford references the help he received in the preparation of The Idea of Punishment from a group of Catholic priests, two Oxford philosophers, Max Grunhut and Arthur Goodhart, and Herbert Hart (the jurist). "In the midst of the Christian-humanist tension, the influence, and still more the stimulus, of Barbara Wootton was not concealed." (Pakenham 1964, p.125).

5. The interplay of social work benevolence and Christian benevolence has been examined in the case of America by Platt (1969), and for Britain, and especially in respect of the work of Mary Carpenter, by Manton, (1976). Christian commitments of this kind are widespread in contemporary social work, and are evidenced in the recent attempt to translate these commitments into a working ideology by Butrym (1976). This text is discussed, and the ideological nature of "care" as a description of what social workers of the Christian persuasion actually do, revealed, in Simpkin (1979).
6. A commitment to visiting prison does not involve a commitment to the drastic reform or abolition, of prisons, and in many cases the members of the treatment and social-democratic establishments who visit prisons on a regular basis have been amongst the most silent of commentators on recent developments in penal policy and prison politics. The commitment of the prison visitor seems to be an essentially personal act, rather than a commitment to making public the function and practices of even the most indefensible of nineteenth century creations.

The fact of being allowed entry, the requirement that the visitor sign the Official Secrets Act, and the problems that might be encountered in dealing with antagonistic prison officials, appear to silence the regular prison visitor. The prison visitor is "co-opted" into the private understanding of those members of our society who have seen the inside of prisons. It is usually left to ex-convicts themselves to tell the outside world about the prisons; and, given wider ideological framing, the ex-convicts are amongst the last to be heard and believed.
7. Jones observed that Barton's Institutional Neurosis, published in 1958, and Goffman's Asylums (1961) had made a similar point. It only required the "specific empirical backing in the field of the mental handicap" elaborated by Tizard, with others, in Patterns of Residential care (1971), for the argument to give rise to legislation.
8. By 1961, for example, 18 per cent of the 182,217 persons found guilty of indictable offences in the courts of England and Wales were under 14, 17 per cent were 14 to 17 year olds, another 17 per cent were 17 to 21 year olds and 22 per cent were between 21 and 30. Only 26 per cent of the offender population were over 20, in other words; and 52 per cent was 17 or under. Moreover, the size of the "offender population" aged between 12 and 21 was steadily increasing as a proportion of the total throughout the 1960's. By 1969, 47.5 per cent of all persons found guilty of indictable offences were aged 14 to 21, as against 34 per cent in 1961 (Criminal Statistics, 1969, table 3).
9. Our use of the Delinquent Generations Report is not intended to suggest that we accept the statistics on which they were based as some real measure of actual youthful behaviour. The interpretation of the statistics in that report does not take into account the increases in police and social work establishment after 1951, and does not address the question of increased public sensitivity to "youth", especially in the emergence of the aftermath of the "Teddy Boy" in 1953. These were concerns for which Leslie Wilkins was to work on later, in his analysis of "deviancy amplification". (Wilkins, 1967).

10. Mannheim and Wilkins scored individual male offenders being sent to Borstal in terms of the numbers of their prior offences; their prior institutional experiences; fines and/or probation; whether they were living with parents; whether they lived in an industrial area; whether there was evidence of drunkennes; and the "job history" of the offender. Different weights were given to each of these factors through multiple regression and five risk groups identified. As a result, it was asserted an offender's "base expectancy rate" (of reoffending after release) could be established (cf. Mannheim - Wilkins 1955).
11. An exception to this is Tony Jefferson who noted that the *Teddy Boy* was to some extent a product of this "experience of unstable employment and social isolation" (Jefferson, 1973, p.9).
12. The "twilight zone" was a conscious reformulation of the use (by the Chicago School of Sociology in the 1920's) of the term "transitional zone" as a description of the inner city housing zone surrounding the "central business district". Where the zone of transition may have been a temporary stopping-off place for Italian (and other) migrants assimilating into American cities in the period between the wars, the institutionalised racism of a metropolitan society like Britain in the post-war period was thought by Rex and Moore to guarantee that the inner-city area would become a more or less permanent "home" for the black population in Britain.
13. This is not to say however that girls were not involved in youth culture in the 1950's (or 1960's) - there is evidence of girls who saw themselves as *Teddy Girls*, for example: and the girls "went out" a lot in the 1950's (although, unlike boys, they did not "hang about" to any extent). But as McRobbie points out, girls' participation in youth culture in the 1950's was relatively "invisible", and as Powell and Clarke observe, the reproduction of girls as "wife/mother" was fairly efficiently reinforced in the 1950's through the restriction of girls' opportunities in schools, by the channelling of girls into "vocational work" (see our discussion of the delinquency of girls in Chapter Four) by teenage magazine "femininity" (Powell and Clarke, 1975, p.226).
14. Rock and Cohen's explanations of the "fall" of the *Teddy Boy* are actually inconsistent with the early version of labelling theory they use to talk of the development of the *Teddy Boy* phenomenon, in which their concern is to argue that

"Just as social types are created and branded by the community (so) on the individual level too the very forces which attempt to arrest the delinquent's career may have the opposite effect." (Rock and Cohen, 1970 p.318).

Some of the problems with labelling theory's attempts to explain the development and decline of the youth cultural preferences are discussed in Taylor and Wall, 1976.

15. In speeches made at the time, Conservatives were at pains to show that the ending of National Service was an unfortunate requirement of economic policy. The heavy British military presence on the continent of Europe, which has been entered into as a means of supporting the post-war settlement in Germany, in particular, was proving to be a heavy contributor to a worsening balance of payments position of the British economy, as well as diverting investment from manufacturing and engineering industries with no military connections. The Labour Party's criticisms directed attention, in particular, to this aspect of National Service (cf. Skidelsky, 1970). It was no central concern of either party to argue that the ending of National Service could occur without implications for the question of "youth control", or to argue that the ending of National Service was a worthwhile endeavour in itself in freeing young people from the disciplines and hierarchical obsessions of the military.

16. See our discussion of homicide in the 1950's in Chapter Two.