

Morality, society and criminal justice: looting the social psyche

In the mid-nineteenth century juvenile delinquency had been established as a major focus of anxiety among those with property and a separate penal policy and trial procedure for young offenders were being introduced for the first time (see J. Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1987)).

As Peter King pointed out in *Crime and Law in England, 1750–1840* (Cambridge, 2006) although major works have been written on juvenile delinquency in the later nineteenth and early twentieth centuries and on the problematic relationship between youth and authority in the sixteenth and seventeenth centuries, historians have been slow to analyse the major transformations that occurred in the intervening period. Today, the historian David Starkey attempted such an analysis only to be met with a tirade of complaints and accusations about his own morality.

Overviews of changing penal policies towards the young have been written, and recurring cycles of fear about youthful hooligans have been traced back to the early nineteenth century. This has put deep into the psyche of the British citizen the concept and fear, reinforced through media reporting, of distrust of youths. Passed down, generation by generation, the populous has become naturally indoctrinated to mistrust youths and youths, it would appear, through their natural desire to rebel against authority, do not trust adults or the institutions of society.

However, the relationship between the rise of juvenile crime and other contemporary changes, such as the onset of industrialisation and rapid urbanisation, the reform of many aspects of the criminal justice system or the broader rise of a more disciplinary social agenda, has not been subjected to detailed scrutiny. It is this lack of scrutiny which perhaps explains why there is so much disagreement today about the causes of the riots and looting that sprang up across England in August 2011.

There have been many suggested causes for the rioting and looting that shocked 21st Century Britain. David Cameron adopted the position that the riots were a consequence of a moral decline, which had taken place over the course of the last 30-40 years. Tony Blair purported that this was not the cause, but rather it was down to disaffected delinquents. Ed Milliband proffered a cause wrapped around Cameron's moral decline, but from a much wider perspective.

What is missing from all these calls for causes is the same thing that was missing from the historical analysis of the original rise of juvenile delinquency, contemporary changes.

If we look at the UK for the period 1970-2011, what contemporary changes have there been. Well, the liberalisation of education and the general adoption of what is now known as the great Liberal experiment of the 1960s. Along side that we have the great de-industrialisation of the nation as economic realignment took place. During this phase, there was great civil unrest, and so young, impressionable individuals would have seen disgruntled adults (mainly working class, miners, steel workers, Dockers) striking, rioting and generally creating a perception of civil disobedience largely without any real criminal justice consequences (strikes being legal, that is).

Other contemporary changes include the UK going through the post-imperial phase of handing independence over to a quarter of the planet. The pre-war, pre-depression, population were a proud group of individuals living in the most powerful, most wealthy, greatest country in all of history. The post war populous, by contrast, were, despite victory in the war, poor, hungry and living in the ruined cities left behind. A very different society, limping precariously out of the greatest conflict of all time as a victor, deeply wounded, forever scarred. As the Liberal experiment began, there would have been a

sense of hope, but the vast majority of ordinary people, would still have held the underlying pre-war values and pride that defined them.

Another contemporary change would be the sharp increase in migration, particularly immigration from commonwealth nations, and then from Europe.

These contemporary changes are not overnight changes, but ongoing changes that straddle several generations, but in the latter more recent phase, contemporary changes will include a softening of criminal justice sentencing, an increase in single parent (fatherless) families and a growth in unemployment and decline in skills.

So, in the context of this background, what are the symptoms of these huge changes to the nation?

If we look at the tirade of scandals that have echoed around from around the mid-1990s, and there are a great many, we will notice that the large bulk of the scandals relate to those in positions of power, influence and wealth, not the poor unemployed working class mixed-race youth.

If we look at the celebrity culture, where "stars" who earn vast sums of money for merely entertaining people, but who behave in a manner which generally involves glorifying gang culture or buying into the youth need to rebel under the label "cool" or taking drugs, having affairs, generally behaving in a way which is less than moral, then one wonders why these people are role actively promoted as role models to the young. There appears to have been a vast increase in "freedom of the press" and as technological advances mean that media is 24 hour and in your pocket, then as a contemporary change, this one seems to permeate most directly into the lives of each and every one of us.

Another contemporary change is the decline of discipline in schools and the rise of "rights" which instil a fear of legal action. When I was in school they still had the cane. I was caned. Again, I am not going to get involved in the arguments about whether something is right or wrong. I want to focus on the context of the contemporary changes and the symptoms that result in society. Others can debate the morality of what society is I just want to see society for what it is.

This backdrop of changing society, changing standards, changing technology, changing economics and continuing scandals at all levels of society, (for example, the MPs expenses scandal, paedophile rings that are increasing, the hacking scandal, the banker's bonuses scandal and the many other scandals that, combined with a celebrity culture focused on "me me me" with an increasing gap between rich and poor) has to be seen as part of the contemporary changes that underpin the causation, just like it did when the first wave of juvenile delinquency erupted back in the 18th century.

What the political class appear to be doing is picking a particular cause that matches a particular policy of theirs so they can claim to have the moral high ground to appeal to voters, because that's what politicians do, "me me me" popularity seeking. So you see, the combination of contemporary changes underlying the moral decline which has resulted in a range of symptoms at all levels of society needs to be recognised so that society can make an informed decision about what it wants its morality to be. Once that can be decided in a clear unambiguous manner, then the necessary measures required to achieve that level of morality can be imposed through the rule of law and enforced through the criminal justice system.

The problem appears to be that society does not seem to know what standards of morality it wants. This may be because society is fragmented, or because everyone appears to be out for themselves at all levels. This systemic multi-layered, multi-levelled problem

therefore requires a truly radical solution. Once again the political classes have an opportunity to be truly radical, to really make a difference in society that can make society better, but I fear that because their own morality has so declined, they will not recognise any of this, focus on whatever is perceived as sufficient to help secure votes and leave it at that whilst throwing more police on the streets and directing courts to set harsh sentences for headlines to quell the trouble, but in the knowledge that many of them will be potentially unlawful and subject to appeals.

So, what is the likely outcome of all this? The opportunity for true radical change that will benefit everyone is passed on to the next generation, again, as it always is – and the social psyche is looted once more.

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