The End of Justice:

Reflections on Inequality, Violence, and Social Control in the 21st Century

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Tenth Anniversary Lecture

International Centre for Prison Studies

London

March, 2007

Thank you so much for inviting me -- I feel very honored to be here on the occasion of the 10th anniversary of the International Center for Prison Studies. I have to confess I find myself slightly alarmed at the idea that this is really your 10th anniversary-- not because it's *inherently* alarming that you've been around for these 10 years, but because it's alarming to realize that it's actually been that long since ICPS opened its doors.

I remember very well when the center first began, and I remember thinking that it was an extraordinarily promising idea. And of course that expectation has been wonderfully met—and exceeded—in the past decade. But it does remind me of how quickly time flies…

I want to congratulate you on the good work that you've done for these 10 years -- work that's deeply important, that's profoundly necessary, and that has had a strong and progressive impact around the world.

In this time of celebration, in fact, it seems almost inappropriate—a bit of a downer, as we say in California-- for me to have given this talk such a foreboding title as "The End of Justice." So let me back off slightly—and say that I should really put a question mark after that phrase "The End of Justice." I will be talking about a road being taken in many countries that I find very worrisome—not, in most places at any rate, about a destination at which we've already arrived. And whether we do arrive there is something that is in our power to determine.

So what do I mean by that phrase? Well, by "the end of justice," I *don't* mean the end of the criminal justice *system* as an institution – quite the

contrary; if the trends I am concerned about are allowed to continue, that system is likely to take on an even more pervasive role in many countries than it already does now.

By the "end of justice," I mean a state in which the deep social inequalities and insecurities that breed crime are increasingly accepted as inevitable or even beneficent; where a massive apparatus of control and confinement becomes seen as a normal feature of social life; and where the idea that widespread deprivation, violence, and confinement reflect larger social *injustices* increasingly recedes from public discussion.

Put another way, what I mean by the "end of justice" is the eclipse of a certain *idea* of justice as a core value and a central principle shaping how we organize ourselves—not just in our criminal justice systems, but in society as a whole.

I believe that there are common forces pushing many countries of the world in this direction. There are some countries in the developing world where that point has long since been passed. In the United States we are now perilously close to that point. In Europe, you are not so close—yet. But-- especially in those countries that are increasingly adopting an American- style model of social development, the possibility is on the horizon.

So in a way what I'm offering tonight is a warning, and also a plea.

Let me begin by telling you a little bit about how things are in the United States now. A report this month from the Police Executive Research Forum

has put into stark numbers what some of us have been noting for a few years now: in many of our cities, the much celebrated "crime decline" in urban America is over -- and over, so to speak, with a bang. That "decline" was always considerably exaggerated: what really happened was the waning of an unusually severe *epidemic* of violence in the late 80s and early 90s and a return to the routine levels of *endemic* violence that never *left* our hardest hit communities – levels of violence that remained higher than they were back in the 1960s, and far higher than those in other advanced industrial societies. Now, in many places, the epidemic is back, with a vengeance.

The report points out, on the basis of an analysis of crime trends in more than 50 cities in the United States from 2004 to 2006, that homicides and gun violence are spiking across the country in many cities both large and small. Homicide increased 20% or more in places like Boston; Cincinnati; Cleveland; Hartford, Connecticut; Memphis, Tennessee; and Orlando, Florida. Aggravated assaults with guns rose more than 30% in those years in Boston; St. Louis; Rochester, New York; Sacramento, California; and more. 71% of the cities had some increase in homicide: 80% had an increase in robberies: 67% reported an increase in assaults with firearms.

These increases drove the already high murder rates in some American cities up to truly astonishing levels. Last year Oakland, California, had roughly as many murders as London – Oakland, a city of approximately 375,000 people. In Detroit, in 2006, the homicide rate was about 45 per hundred thousand population: to put this in some perspective, if you applied that rate to London, with its population of over 7 million, you would have seen well over 3000 homicides in this city last year.

This is not an equal opportunity epidemic. The cities where it is mostly taking place are some of the most deprived in the United States. New Orleans, one of America's poorest cities even before the disaster of Hurricane Katrina in 2005, had already recorded about 35 homicides by the beginning of this month-- in a city whose population had been radically shrunk, to perhaps 175,000, as a result of the storm. In Rochester, New York, where gun violence has skyrocketed in the last few years, 40% of children under 18 live in absolute poverty and roughly half of all students drop out before graduating from high school.

And *general* figures like that **minimize** the concentration of violence within these extraordinarily deprived cities. The director of the Police Executive Research Forum points out that the data in their report show "pockets of crime in this country that are astounding." In Oakland, if you look at a map of the distribution of the 148 homicides last year in the city, you see them concentrated in a handful of neighborhoods, all of which are heavily black or Hispanic. Same in Milwaukee, Wisconsin, the city where my wife grew up -- a city that *used* to be known as a fairly safe one by United States standards, but which has now seen violence among the minority young go through the roof – again, heavily concentrated in a few highly impacted neighborhoods.

Most of these neighborhoods, in cities across the country, have been tough, crime ridden places for a long time -- on a level that, at least when it comes to serious violence, dwarfs practically anything to be found anywhere in Europe. But more recently they have become zones of heartbreaking carnage.

And it is a carnage that is both tragically concentrated among the young, and often puzzlingly mindless. Some of it is connected, as it has usually been since the 1980s, with drug markets. But much of it, at least on the surface, appears spectacularly irrational. It is kids shooting each other because of "hard looks." It is two Mexican-American boys in Los Angeles being shot to death while sitting at a hot-dog stand, because they were thought to have disrespected a carload of gang members. It is a nineteen-year-old African American youth killed by a Hispanic boy because a black fighter had just won a *boxing* match against a Mexican-American opponent.

The police chief in Richmond, California, a poverty-wracked city only a stone's throw from where I live that has seen a dramatic increase in homicide over the last couple of years--on top of what was *already* one of the highest urban murder rates in the United States--says that when he goes to the scene of a homicide these days he often finds that as many as 30 to 75 rounds had been fired at the victim. This speaks, he says, to "the level of anger, the indiscriminate nature of the violence."

And what makes this surge of concentrated youth violence especially shocking is that it is taking place in the face of nearly forty years of "getting tough on crime." In particular, it is taking place in the midst of a continuing experiment in mass incarceration which, as is well known to you, has no counterpart anywhere in the world, or in previous American history. Even in the years of the "great crime decline," our prison populations in most states rose inexorably, albeit at a slower pace than in the years just before. And that experiment was targeted primarily on precisely the kinds of

people—especially young minority men—who are now blowing each other away in such tragic numbers on the streets of our cities.

According to the arguments that were used to justify our criminal justice policies of the last several decades, the level of violence we are suffering today in urban America should not be happening -- should not be even *possible*. In fact, by some of the more optimistic calculations done by supporters of these policies back in the 1980s and 90s, the level of imprisonment we've achieved should by now have produced *negative* crime rates. *This* was not supposed to happen.

Here's how it went in California, where I live. In 1980 we had a little over 22,000 inmates in our state prisons. As of last month we had 171,000-- and rising. Rising, indeed, *in spite* of some successful efforts to *divert* nonviolent offenders from prison. Our so-called Proposition 36, which we passed in California about six years ago, mandated that we keep most first and second time nonviolent drug offenders out of prison and, instead, give them treatment in the community. And while the evidence is still coming in, it's generally agreed that it *worked*. Proposition 36 has indeed kept thousands of nonviolent offenders out of prison. Yet in spite of that, the numbers of new inmates have grown by roughly 10,000 in the last few years alone.

The result of that huge increase, coupled with the state's generally reactive and neglectful penal policy, is a system that by nearly everyone's accounting borders on the grotesque. It is so seriously overcrowded that tens of thousands of inmates are now confined in what the California Department of

Corrections and Rehabilitation calls "bad beds." I confess I have some difficulty comprehending what exactly is a "*good*" bed in the context of a high-security prison, but leaving that aside -- what they mean by "bad beds" are *makeshift* beds. Inmates are stacked up in triple decker bunks in prison hallways, or in impromptu dormitories carved out of what used to be dining halls, where dozens of prisoners may be watched over by a single guard. The state has been ordered by the courts to reduce prison populations and has been trying, thus far without great success, to ship some of its overflow of inmates to other states.

Prison health care is so deficient that the system is under court order to improve it -- again so far without much success. Its mental health efforts are, if anything, in worse shape, and though the system has committed itself, again as a result of court pressure, to finally make some serious investment in reintegration of offenders into the community, little has come of that -- despite great fanfare -- other than the doubtless heartwarming fact that they have added the word "rehabilitation" to the name of the California Department of Corrections.

The size of the prison population in the United States, coupled with its selective character, means that, like the epidemic of violence, the social impacts of the incarceration experiment are strikingly *concentrated*. Of the several hundred thousand state prison inmates we return to communities each year, and the several million releases from local jails, stunning numbers return to the same relative handful of neighborhoods where violence is an everyday fact of life. This has been well known to criminal justice practitioners and police for a long time, and it has been recently been given

striking graphic demonstration by the work of the Justice Mapping organization in New York -- who have also worked here in England with ICPS -- and others. The rate of prison admissions from some neighborhoods in New Haven, Connecticut, for example, is above 75 per thousand adult population-- which, if translated to the United States population as a whole, would give us in the neighborhood of 15 million admissions to prison per year.

These neighborhoods are, predictably, among the most socially and economically devastated in America—and indeed in the entire advanced industrial world. Their astounding rates of incarceration coexist with levels of joblessness, for example, that strain credulity. Joblessness among young black men age 16 to 24 who have dropped out of school in urban America *generally* ranges as high as 59% to more than 70%: in some of these most heavily impacted neighborhoods, with the highest rates of violence and incarceration, it is even higher.

It would be difficult to exaggerate the level of social disintegration that characterizes these communities. I've come to call them "**sacrifice zones**" -- borrowing that term from the American sociologist Robert Bullard, a scholar of environmental racism, who introduced it as a way of describing impoverished neighborhoods -- often the *same* ones I'm now talking about -- where a combination of sheer neglect and deliberate political decisions had concentrated toxic wastes and other sources of environmental pollution to a degree that predictably wrought long-term havoc on the health of their residents. I'm extending this idea to the more general pattern of systematic

neglect that you find, with stunning predictability, in the places where violence and incarceration are twin, endemic, facts of everyday life.

These are often "communities" -- if we can really call them that -- without health clinics, without jobs, without even grocery stores. In some places-- like New Orleans, or Memphis, Tennessee; Camden, New Jersey; or Detroit, Michigan-- they resemble parts of Third World cities. They are the places where deaths from AIDS, drug addiction, alcoholism, diabetes, heart disease, infant mortality, cancer and accidents are often *higher* than in the more civilized countries of the *developing* world, places that in fact largely account for why the United States as a *whole* ranks so poorly on international measures of health. They are the neighborhoods where, as a recent public health report notes, by the 1990s only a little over one third of adolescent black males could expect to live to the age of 65.

It is by now well understood, thanks to the work of scholars like Todd Clear, Dina Rose, Bruce Western and others, that the massive presence of the prison in these communities now contributes significantly to their general devastation, and to the shrinking life chances and shortened lives of many of the people who live in them. Mass incarceration in this highly concentrated form acts like a sort of death ray, vaporizing families, subtracting potentially supportive adults from the community, shredding local sources of informal social support, and simultaneously flooding these communities with people who were often damaged to begin with, and have been further damaged by the experience of long-term incarceration without anything approaching serious help for the problems that got them into prison.

A study released this year finds that recently released inmates in Washington State—not one of our worst-hit regions by any means--have a mortality rate roughly 3 and one-half times that of people of the same age, race and sex in the state's general population – and that during the first two weeks after release, that disparity rises to nearly 13 times the mortality rate of the general population: due, especially, to deaths from drug overdoses, cardiovascular disease, homicide, and suicide.

Put bluntly, what we have created in these communities is a social tragedy -- a human ecological catastrophe -- of unprecedented proportions. Increasingly, the penal system, which some people vainly hoped would (at least) serve as a container for the consequences of that catastrophe, now contributes to it in no small degree, abetting an accelerating downward spiral that traps hundreds of thousands of people-- particularly young people of color-- in conditions of Third World deprivation, insecurity, violence and early death in the heart of one of the richest countries in the world.

The criminal justice system in much of urban America, indeed, has become little more than a sort of processing apparatus for the multiple and largely preventable social ills of these "zones of sacrifice." It is hard now, in fact, to discern the *boundary* between these communities of sacrifice and the correctional systems. They are, increasingly, fused components of the same catastrophe.

And this is part of what I wish to mean by "the end of justice." A "justice system" that has devolved into not much more than a dysfunctional and self-perpetuating processing machine for people condemned to live in conditions

that are inherently destructive of personality and human community cannot meaningfully be said to be a system of "justice" at all. And that is where, in many places, we stand in the United States today.

Yet for the most part, with scattered exceptions, that twin catastrophe has inspired neither outrage nor any sense that it signals that something is *wrong* on a larger scale with our social priorities, with the American "social model" – wrong, that is, either in a moral or in a practical sense. Nor, correspondingly, has it stimulated any significant political response. Indeed, it's not too much to say that it is now, for most practical purposes, off the table as a political issue-- simply not in the field of vision of the mainstream of either party, much less of the current administration.

And this is another part of what I wish to mean by the "end of justice." Justice "ends," in a very real sense, when a social tragedy on this scale in no longer viewed as an *injustice*-- as a social and moral failure—and challenged as such.

It is not that we don't understand that something is awry with our penal system, or that terrible things happen in the most shattered of our communities. It is that, at best, these things inspire little beyond tinkering at the edges of public policy—at worst, a kind of self-righteous neglect that increasingly characterizes the American political landscape.

In California, we *are* willing to talk about the need to reduce the number of nonviolent offenders and parole violators who still enter our prison system. We are also willing to talk about the problems of reentry into the community

for the tens of thousands of offenders who leave our state's prisons each year. But what we do *not* discuss is why there is still such a steady stream of violent offenders into our prisons in the first place, after decades of policies designed to get tough on crime: or what it means that in many cases there *is* no community, in any meaningful sense, for those tens of thousands of offenders to reenter.

I was struck by this recently, while listening to a talk given by a noted American criminologist who was quite critical of our tendency in California to send people back to prison for minor, technical parole violations—but at the same time insisted, quite matter-of-factly, that of course we *did* need to build several new prisons in California because of the continued flow of serious and violent offenders, and the need to confine them for longer periods of time than we do now. There was no mention whatever in this discussion that it might be good—even imperative—to understand *why* that flow continued and what it meant for our society in a deeper sense—or whether building yet more prisons in a state that has built 22 of them in recent years was our only, or best, approach to that reality. And what made this particularly sobering was that the speaker was not someone who had any particular faith in the usefulness of prisons in cutting crime. It was just that thinking about the roots of the problem in a deeper way was simply not part of the job description.

In fact when you look at our public discourse in America today, both about crime and punishment specifically and the state of our cities more generally, what you see is a remarkable paradox. We are far from blind to the tragic and utterly dysfunctional conditions in the penal system and in some of our

communities—again, problems that are increasingly fused into one. But at the same time, we continually celebrate the *success* of the model of social development which prevails in our country. We speak of the United States *as* a model, as a beacon to the rest of the world in this respect. We represent, we say, a vibrant and successful system, one that is far superior to those stagnant and backward looking societies in, say, Europe.

So we celebrate the model, in the face of what would seem to the naïve observer to be persistent and distressing evidence that the model is *failing*— that in fact we are facing nothing less than a continuing state of social emergency: an emergency that waxes and wanes, moves from the endemic to the epidemic, sometimes smolders before bursting into open flame again, but does not go away.

Which leads to the question -- how is that remarkable "disconnect" sustained? How can we on the one hand observe what is essentially a collapse of our justice systems and of many of our communities—observe the routine shattering of lives, the predictable wastage of the bodies, talents, potentials of successive generations of young people, and still accept without question that we are going in the right direction—that the underlying premises of our policies are not only sound, but laudable?

I think this happens in several ways..

One very important way is through the increasing dominance of a language about social problems-- a lens through which we view social ills-- that isolates and marginalizes the people who are affected as being inherently

problematic--as failed or at best *afflicted* in some (often vague) cultural or psychological sense: a language that indeed increasingly defines entire *communities* as being inherently "failed" communities. You know we talk about the concept of "failed states:" in the discourse about urban problems in America today we often hear a language of "failed communities." It is a language that effectively severs the *link* between the problems of those communities, and the people who live in them, from the larger thrust of social and economic forces and of social policy.

Of course, this kind of language is in itself not *new*: what *is* new is its spread throughout the spectrum of public opinion and political discourse-- its increasing emergence as the conventional wisdom in our public discussion of these issues--and the eclipse of alternative views. *This* used to be the alternative view. The *dominant* view was one that would have regarded the levels of deprivation and disintegration we are now suffering as a sign of social failure, a signal of deep social injustice, and a prod to social action. Today what was once considered a somewhat marginal view—even a somewhat *crackpot* view--has become mainstream -- adopted by many people who think of themselves as generally "liberal" within our political spectrum, and also in the world of respectable scholarship.

What this means is that an older way of viewing the troubles of the inner city, in terms of the language of justice, has largely fallen out of our public discussion. There is no sense that the people in these places have been *wronged*-- and that, accordingly, it is up to us as a society to right that wrong.

If anything, the language has shifted-- the *moral balance* his shifted--so that it is now "they" who have wronged "us"--that it is *our* rights, those of the successful and law-abiding majority, that are routinely infringed by the small but destructive legions of the culturally or behaviorally vicious or incompetent.

In the United States this has, unsurprisingly, a very strong *racial* dimension. It is usually couched in terms of what is billed as a "realistic" understanding of the deficiencies of lower-class African-Americans and the communities in which they live. It is widely said that racial discrimination can no longer explain the pathological behavior of black people in the inner cities -- young *black* men in particular -- because they are now growing up in an era in which civil rights laws and affirmative action have been in place for more than 40 years-- and in which *other* black Americans have succeeded on a scale that would never have been possible for past generations. So the high levels of violence and joblessness and drugs and school failure no longer have much if anything to do with structural economic forces or, much less, with racism: we say they are "cultural," or "behavioral," problems.

We are able to avoid the implication of social failure represented by a swollen penal system and by socially and economically collapsed communities, in short, in part because-- far more than ever before in my lifetime-- we have come to define the source of these problems as lying within dysfunctional individuals and a self-defeating local culture—the culture, fortunately, of a relatively *small* population who are floundering in what is otherwise a great sea of success.

This is reinforced by a more general tacit acceptance of a Darwinian, "winner/loser" paradigm as the appropriate-- and increasingly unquestioned-- model for social and economic life. It's widely accepted in America, at least on an inarticulate level, that the economic dynamism and mobility that we cherish as a "free market" society means that some people—who we define as the less capable or less motivated-- will inevitably be left behind in the race. Again, there is nothing new about Social Darwinism, especially in America: but what has changed is that this reflexive and fairly primitive world view is now common even among people who used to be "liberals." That some must "lose" is now *widely* seen as part of the price we pay for an economic model that ultimately promises both the prosperity and, above all, the individual freedom we demand.

To the extent that there is debate about that "race," it is not about the larger question of whether a model that predictably creates such stark differences between winners and losers makes moral or social—or even economic-- sense in the first place. It is about how much (if at all) we should intervene to palliate the suffering of the losers, or to help them compete better-- within a "race" whose essential rules—and consequences--are taken for granted.

And this is another reason why we are increasingly losing the very idea of "justice" as we've known it. If there are no feasible *alternatives* to a social model in which extreme deprivation, stark inequalities, and endemic social stress are natural outcomes, then it is no injustice that those outcomes exist. Today in the United States I fear that we are raising a generation of young people who will have never really known any other way of looking at the world. And that bodes ill for the future of justice.

There is an enormous pressure, once you accept this model, to either simply sweep those problems under the rug—to adopt what I sometimes think of as a "leaf blower" approach to social policy – or, again, to define the inevitable "losers" is indelibly flawed, culturally or even biologically -- a point to which I will return.

That pressure is compounded by the fact that our increasingly Darwinian society does, in fact, predictably generate behavior that is genuinely troubling and frightening, and on a level that is morally and socially simply *draining*. What we have produced at the lower reaches of the American social order, both in terms of behavior and, as importantly, in terms of what we might call "moral culture," really is pretty horrific. You cannot read about kids in Oakland or Milwaukee blowing each other away because someone looked at somebody the wrong way, or the shooting a couple of months ago of a 14 year-old black girl while she chatted with friends on the street in South Los Angeles because her Latino assailant didn't like black people, or the young girl in Pennsylvania who carved a cross in the chest of an 83-year-old war veteran before stabbing him dozens of times as part of a gang initiation (then raiding the refrigerator and sitting down in his living room to watch TV)-- without being genuinely horrified and heartsick at what we have wrought. We see now, in parts of the United States, a toxic combination of extreme deprivation, the collapse of older local traditions of mutuality and communal support, and the emergence of a hyper--consumerist and violent culture among some young people that is as frightening as it is unsurprising. (The fact that this culture is not *confined* to our most deprived communities doesn't make things any better).

At the extreme we really *are* seeing the emergence of a kind of "nihilism" among some youth that is genuinely scary and profoundly disturbing. On that descriptive score the newly conventional wisdom is correct. Where it goes wrong is in its systematic failure to *connect* that cultural and moral disintegration with the larger rise of predatory individualism in the society as a whole, and the social neglect that fuels it.

Lacking a language of justice, and lacking any political channels to confront the conditions that bring this frightening and frustrating behavior into being, many in the "middle class" in the United States really just want those people to go away, and they don't much care how that happens. Even among former "liberals," there is a widespread feeling of simply not knowing what to do-- and thus being willing to tolerate actions (and inactions) that they would not have tolerated before.

This, again, is one way in which justice "ends." And it is a self-fueling process. It creates a downward spiral in social policy and social vision. As a reckless society relentlessly produces troubling behavior, and as any kind of structural solutions to that behavior seem at best increasingly impractical and unrealistic, and at worst begin to vanish from our social consciousness, then the natural human desire to simply be rid of the problems and to enjoy the fruits of an otherwise prosperous society-- for those of us who can-- begins to take over. And the longer this continues, the more the ideas and even the language for a more fundamental challenge to social deprivation and injustice begin to fade, even among people for whom those ideas were

once very much alive. And in turn the social devastation deepens as we increasingly withdraw from it…and so on, and on.

Well, that's the United States. What about Britain? I feel a little uneasy in presuming to sort of parachute in here from several thousand miles away and claim to be able to talk about conditions in someone else's country. But, well—here I am. So let me say that to this outside observer, the picture here seems puzzlingly *mixed* -- with some elements that are very encouraging and refreshing, and others that seem distressingly familiar and discouraging.

The good news is that, despite some worrying similarities, Britain remains a very different place than the United States when it comes to the issues I'm talking about. People often talk about an "Anglo-American" social model. Well, speaking from the American side of that hyphen, that label always strikes me as a bit strained. The "Anglo" version of that model is still very different from the American one. Several things leap to mind, including your incarceration rate, which is still around 1/5 of ours: and perhaps most encouragingly, the formal commitment of your government to attacking poverty and social exclusion. The idea of saying you want to "end" child poverty by 2020, for example... you have to understand that to an American this is absolutely extraordinary. And the growth of innovative strategies to try to tackle concentrated deprivation and social exclusion is something that really has no counterpart in the United States today. (In fact if I use the phrase "social exclusion" in the United States, nobody knows what I'm talking about. They think it means that you didn't get in to the country club of your choice). There remains a language about social justice and inclusion

in Britain that is heartening to someone who feels bruised and discouraged by its absence in his own country.

But that's the good news. There is also a less happy side.

A little over ten years ago, I was privileged to be invited to London, by NACRO, to give a talk on whether America was "winning the war" on crime and whether Britain should follow our example. That was easy. I said we were not, and you should not. I am pained to report, however, that neither my scintillating words nor what seemed to me at the time to be absolutely airtight arguments appear to have entirely swayed the minds of those who shape British social policy.

There is, first of all, the prison situation. You are now at about 80,000 prisoners and rising, and there are, as I understand it, proposals to add another 8 thousand by 2012. But, as in the United States, there's no evidence being put forward that this response is necessary in light of who is *now* in prison, or that better alternatives are unavailable. Indeed, what the evidence suggests is that, as in the U.S., the prisons are increasingly coming to take on the role of containers—albeit ineffective containers—for larger social ills that are both highly concentrated and insufficiently addressed on their own terms. The recent Corston Report on the imprisonment of women makes it all too clear that the prisons are increasingly functioning as what one critic calls 'social dustbins": they are holding women—four times as many as just a few years ago—whose lives have been marked by problems that are drearily predictable: domestic violence, addiction, poverty, mental illness, homelessness. The estimate I've read that 60% of women prisoners expect to

be homeless on release is especially stunning, and it indicates a rather radical split between the problems these women face and the response of the system. I don't see even any serious *attempt* to explain how this amounts to intelligent social policy. It seems, instead, to be an example—all too familiar to one from my side of the ocean—of the tendency of market society to increasingly use confinement as a sort of catchall for structural problems it cannot or will not address in other ways.

And the evidence also points to a *concentration* of imprisonment and its human impacts in some communities that is likewise all too familiar. I've recently come across a statistic that 28% percent of Scottish prison inmates come from just a handful of the most deprived housing estates in Scotland. The work of the Justice Mapping group in Gateshead reveals the same *kind* of concentration of prison admissions and releases in a handful of extremely impacted neighborhoods that you find in New York or New Haven, or Oakland. As I read these findings, it still seems that the *intensity* of that concentration doesn't, yet, quite match the situation in our worst communities in the United States. But the pattern, again, is disturbingly familiar.

As is, more generally, the stubbornness of extreme poverty in such communities and its corrosive impact on families and children. We have known this, too, for a long time: the stunning rises in poverty in Britain during the 1980s and early '90s have been exhaustively charted. But as several recent studies make starkly clear—including the recent UNICEF report on child well-being and the report of the Millennium Survey on Poverty and Social Exclusions in Britain—those conditions remain deeply

entrenched, despite genuine efforts in the past few years to reverse the fateful pattern of underinvestment that has given the U.K. levels of extreme deprivation that are right up there with OURS. Whether you could describe the most deprived communities in the U.K. as "sacrifice zones" like the ones we have in the United States, I don't know. In most cases they haven't been subject for as long to the kind of multigenerational devastation and neglect that has wrecked so many of our poorest areas. But when I travel in these places I am increasingly reminded of "home," in a bad sense. And, as with us, there is now the same troubling *fusion* of the toughest of these communities with the penal system.

Then there are some troubling policies that are more uniquely your own. Take the "antisocial behavior orders" (Please! take the antisocial behavior orders).What's troubling about these is not just that they are strategically vague and that they apparently, as NACRO's recent research has shown, are disproportionately imposed on minority youth. What is most troubling to me is that, like our so-called "gang injunctions" in the United States—which have sprung up like weeds in Southern California especially—they represent a sort of bending of the parameters, a pushing at the borders, of the justice system in response to the threatening behavior of populations that are seen as inherently intractable.

Irrespective of the question of whether these sorts of measures actually work, what's interesting about them—and what makes me uneasy-- is that they do reflect a change in the nature of social control in some of the advanced societies. When the task at hand increasingly becomes defined as controlling populations that are regarded as permanently volatile and

disruptive, then a justice system that was designed to deal with the *specific* criminal offenses of individuals no longer fills the bill. And so you see this spread of measures that don't quite fit within the traditional bounds of criminal justice, designed to target categories of people who are deemed to be in need of controlling, even if they do not explicitly break the law.

There's more. There is the proposal for short-term detention centers in stores and shopping malls. There is the rather bizarre deployment of these devices that are supposed to emit a shrieking sound that is only audible to teenagers, to be used as a means of crowd control…As my daughter, who is 14, might say: wazzup with *that*? I read that more than 3000 of these things have been sold so far, 70% of them in the United Kingdom.

What makes these measures so puzzling is that they coexist with an avowed policy of promoting social *inclusion*. But there is obviously nothing inclusive about any of these measures. The ASBO's in particular appear almost deliberately designed to set off some people as no longer within the pale—as no longer *worthy* of inclusion. They represent a kind of "disintegrative" shaming that, to anyone who has ever enrolled in Criminology 101, would seem counterproductive on the face of it. I've heard it said that ASBOs are likely to be seen mainly as a badge of distinction for those people, especially deprived young people, who receive them. Well, duh!—as my 14-year-old might also say.

That's not, of course, to say that there's no such thing as "antisocial" behavior—though that phrase has always seemed worryingly vague and somewhat Orwellian to me—or that there aren't young people who cause a

lot of trouble that is not necessarily addressed by the criminal laws, and that someone needs to do something about. But we know that there are effective alternatives that *don't* involve what is patently an exercise in the cementing of a sense of exclusion. (In the US there have been especially encouraging results from our "multisystemic therapy" programs, that grapple directly with the *causes* of antisocial behavior among young people.)

And I think the logic of the ASBOs reflects something more general about the response to violence and other forms of troubling behavior in the U.K. these days. I've mentioned the shift, in the U.S., in the *language* we use to describe troublesome people and communities, the shift away from confronting the larger social forces that, in earlier times, we would have held responsible.   As I follow the discussion of youth crime in the U.K., I see a version of the same thing.

Consider the response to the recent spate of shootings in London and Manchester. It's important to keep this in perspective: the level of gun violence among young people in the UK still bears little resemblance to the carnage that we routinely suffer in the US. In America, we *read* about the London shootings in our newspapers. It was news—not necessarily BIG news, but news. I doubt that similar shootings in Detroit or Rochester or Milwaukee are given dramatic coverage in *your* press. But the level of youth violence here is both tragic and serious, and it strongly suggests that there are formidable problems afflicting youth and families in some communities in Britain: a conclusion that was driven home by the revelation of the recent UNICEF report that the U.K. ranked right up there with the United States as the worst countries in the industrial world to grow up in.

Yet that implication was routinely avoided, or outright denied, in much of the response to the shootings—at least that which I read. The Prime Minister said the incidents did not signal a "breakdown" or a broader condition of British youth that needed confronting: it was a sign of "specific problems of specific groups of people" with "specific criminal cultures" that called only for some sort of narrowly targeted response. In response to the concern over the state of families and children in Britain, it was often said that the British family was just fine, thank you very much, except for a relative handful of the severely dysfunctional. There was a *specific* problem among, perhaps, the bottom 2% of families who had been "left behind" in an otherwise successful system.

A report finding that the number of "persistent" youth offenders in Scotland had increased significantly in the last few years was likewise greeted with the response that most Scottish youth were "a credit to the nation"—but that there was an "unruly minority" who were prone to causing disproportionate harm. There was no attempt in these comments, as far as I could see, to understand who exactly that unruly few were, or where they came from, or why so many of them seemed to come from the same kinds of *places*. Again, it's the effort to isolate and marginalize the issues of violence and social disintegration—to "de-link" them from the fundamental processes of the social order as a whole.

But the attempt to argue away the persistence and even spread of these problems as if they were more or less residual ills confined to a small antisocial minority fits badly with the evidence—fits badly with the reality

that the UK now suffers these ills on a level often strikingly higher than in much of the rest of Europe, and that in some respects does begin uncomfortably to resemble what we face, and have faced for years, in the United States.

There has also been a fairly predictable call for tougher measures on youth gun crime—including stiffer mandatory sentences for gun offenses and a lowering of the age limit at which they can be imposed—with additional enhancements for "being a gang member." This is no doubt inspired by the great success of such measures in the United States in curbing gun violence among the disadvantaged young…

 Again, I'm just a guy from California. But to me it seems like Britain is engaged in an odd sort of balancing act: there is on the one hand a genuine and often innovative commitment to combat the social exclusion that breeds crime and violence and ultimately swells the prisons. But then there is this multi-faceted drift toward practices that work in the opposite direction—practices that, if experience is any guide, will deepen and solidify social exclusion and help to cement the social deprivation of Britain's most troubled places. I don't think the balancing act works. I think you will have to choose. And I hasten to add that there are other countries besides this one that will also have to make this choice in the coming years.

And this is a choice that really matters in terms of what kind of future we want for our societies.

I don't want to appear too gloomy here: I've emphasized the darker side in these comments, but there are bright spots I haven't talked about. We have not yet, even in America, reached the state I'm calling the "end" of justice. There are people still deeply committed to fighting against that drift. There are caring and innovative programs in prisons and in communities— programs that work.

But at the same time: increasingly I have come to worry that in some of our cities in the United States-- and perhaps elsewhere in both the advanced and the developing world-- we have reached what I think of as "points of no return." By that I mean that entrenched problems have been allowed to fester for so long that we may have genuinely arrived at a point at which they are practically impossible to fix -- at least, practically impossible to fix short of really heroic social interventions on a scale that conventional public policy will not, realistically, entertain. I think about these points of no return not just with respect to the crisis that exists in our cities, or in our prisons, but also in other realms as well -- when I think about the situation in Iraq, for example, or when I think about the prospects for the poor in Latin American or African cities. But the idea also fits, I'm afraid, the state of our urban "sacrifice zones" in America. Again, whether it also fits, yet, the most deprived and troubled communities in Britain I don't know. But short of dramatic intervention I believe it might.

It is as if we were talking about a patient whose health has deteriorated as a consequence of adverse environmental circumstances and personal behaviors which we did nothing, or at least not enough, to change when we needed to. The patient smoked, drank, insisted on eating steak and eggs

every morning, refused to get exercise, breathed polluted air all day long…and so on. We needed to have made decisive interventions before we allowed his condition to get to this place. Now if he has any chance at all it will have to involve major surgery, and whether he'll survive that is anyone's guess..

Once we pass that "point of no return," we really have only two options left to us. One is to DO that major surgery--to engage in unprecedented and unconventional interventions of a kind and on a scale that should have happened a long time ago. The other is to tacitly allow the disintegration of these communities to continue-- in what is in effect a sort of social triage. This is in fact the path we have been mostly taking in the United States, though we rarely acknowledge it: and I am afraid that it is the path other countries may ultimately take as well.

In the U.S. this appears as a mix of different and sometimes seemingly unrelated trends--not a systematic plan, but, again, a kind of drift. It consists, in part, of simply letting extremely vulnerable populations die off through systemic neglect—die off through violence, or alcohol or drugs, or preventable diseases.

That is coupled in many places with a process of gentrification and geographic dispersal, which hides the crisis of these communities by simply *scattering* it. You see this today in my home city of Chicago, where spanking bright new housing is being constructed in what used to be devastated neighborhoods, and middle-class people and young professionals

are moving in, and the former residents are going…well, in truth no one really knows where they're going. And no one much cares.

Simultaneously, mass incarceration will continue to siphon off large numbers of the worst casualties and sweep them out of sight. There will surely also be some more positive developments-- relatively small, but highly visible, successes in moving some people out of extreme deprivation and regenerating parts of stricken communities. But these will not be done on a scale that will be remotely sufficient to turn around the larger process.

What is so insidious about that process is that it tends *not* to be dramatic: it is more a slow and uneven disintegration—what I've sometimes called a "slow emergency", punctuated from time to time by the occasional successes -- and so it's hard to see. It's a little like the proverbial frog in a pot of hot water—it adjusts ever so gradually as the heat rises until at some point…the frog is boiled.

Taking this road—tacitly allowing the disintegration to proceed--will be very costly, in expenditure on prisons and other "mopping up" costs— reactive medical care, policing, the loss of tax revenues as we fail to tackle mass idleness. We will doubtless wring our hands over that economic cost, and, at least sometimes, over the ongoing waste of lives and human potential. But we will accept this state of affairs as either the best anyone can do, or perhaps as the unfortunate price we pay for a larger prosperity that, after all, benefits most of us. And we will not think that there is *injustice* being done here.

We may also see other developments that should trouble us considerably--
other kinds of social control, for example, taking on a more prominent
role—especially as mass imprisonment continues to fail us as an instrument
of social order. We may see, for example, an increase in the use of chemical
means of control of behavior. We will see that, in part, because of both the
failure and the cost of more expensive means of control. In California, we
have increased spending on prisons to close to $9 billion a year-- for a
system that cost us $300 million 25 years ago: and even with that massive
increase the system is still so badly overcrowded and so bereft of any serious
investment in rehabilitation that it is under various court orders to reform
itself or else -- and conforming to those court orders will, by everyone's
accounting, cost billions more. And it isn't working to provide public safety.
There will ultimately come a point when we recognize that we no longer
have unlimited amounts of public money to spend in ways that produce so
little result. But the need for reliable control will continue, because we will
not have seriously tackled the underlying causes of violence and insecurity.

One result will be a search for more cost-effective means of control: and this
is where pharmaceutical and chemical intervention promises, in the minds of
many, to save the day—and to potentially transform the way we do the
business of social control. This becomes especially attractive given the
widespread belief that *social* interventions with troubled people and
communities have largely failed—a view that is strikingly evident in much
of the new biological literature on crime and antisocial behavior, and that
meshes seamlessly with the new emphasis, which I mentioned, on the
cultural and behavioral failings of the deprived.

Lest you think I'm being needlessly alarmist, let me remind you that, at least in the United States, pharmaceutical medication is now far and away the *single* most common kind of intervention with troubled youth -- far outstripping anything else that we do with them, including intensive educational assistance, job training, in--depth therapy, or anything else. Within our youth control systems, the use of psychotropic drugs as our main response to the troubled behavior of youth, whether it's violence or substance abuse or even school failure, is increasingly accepted as normal practice, and sometimes assumed to be the *only* practice that makes realistic sense.

Again, this is still a sort of stealth development, largely unfolding beneath the radar of public debate. But I expect we will see more of it. If we do, I don't think that we will see it advanced blatantly under the rubric of old-fashioned eugenics. It will more likely be promoted in more complex and politically palatable terms, using the language of "bio-psycho-social" vulnerability. It will be acknowledged that the problems of out-of-control youth in housing estates in Manchester or neighborhoods in East Los Angeles are not entirely due to biology, and that there are certainly social stresses and economic deprivations involved. But it will also be argued that those problems are mostly beyond the reach of social policy, and/or that interventions on a community or societal scale have not worked in the past and cannot be expected to work in the future -- at least within a time frame that is compatible with the urgency of the need to do *something* about the insecurity and violence of our communities.

Can we avoid this kind of future—a future of continued social disintegration and heightened social control? Again, when it comes to the United States I am no longer sure we can—at least, not without a level of political mobilization around these issues that is hard to see coming. Here, and elsewhere in Europe, I think you can. You are not so far down this road as we are—not by a long shot.

But I'm here to tell you: once you do go too far down that road, there may be no getting back—no getting back to a society that in any meaningful sense embodies the ideals of justice that we should cherish. So the time to turn around and head for home is now.

No one is doing more to sustain those ideals than the International Centre for Prison Studies. So I want to end by offering you, again, my congratulations on the great work so far, and my hope that you will thrive long into the future.