

WHAT WORKS AND THE CONJUNCTURAL POLITICS OF PROBATION: EFFECTIVENESS, MANAGERIALISM AND NEO-LIBERALISM

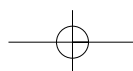
Mark Oldfield, Kent Probation Area and University of Hertfordshire

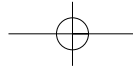
Abstract

The probation service in England and Wales has undergone massive change during the late 20th and early 21st centuries to become a National Service. This paper examines the wider social and political contexts in which such change has occurred. The reconfiguration of probation is argued to reflect the transition from a society governed through a political rationality of *welfarism* to one reflecting the tenets of *neo-liberalism*. A key shift has been in the massive purchase made in the service by managerial strategies and tactics which have been legitimated by their incorporation of the "What Works" research findings into the role of management. Such findings are argued to be provisional rather than universally applicable principles, and the meta-analyses from which they are derived are discussed in terms of their shortcomings and tendency to collapse rather than extract, detail. The "What Works" principles have been used as a mechanism to effect change in a service that hitherto had resisted various incursions by elements of the New Public Management. The key principles of effectiveness are depicted as being resonant with the notion of the rational-choice actor which provides the core model of individual behaviour within neo-liberal politics and which marks a disjunction with probation's older association with issues of social justice and disadvantage.

Introduction

During the last 5 years or so, the probation service in England and Wales has undergone dramatic changes as it has been reconfigured and reconstituted culminating in the emergence of a new national agency whose practices are underpinned by the empirical principles of the 'What Works' model of effectiveness. This has been a rapid period of change, one which has left many staff unsettled, discomfited, disillusioned and confused. The locally experienced nature of this change tends - not surprisingly - to frequently result in an understanding of these events as the result of ambitious or capricious managerial innovation and intervention. Those wanting to take a wider perspective might well wish to connect the turbulent social and economic changes of the last 20 years with the tempo





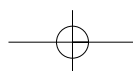
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of change within the service itself raising the question of whether are we now in a post-modern probation service. An understanding which operates at both these levels, that of the organisational and that of the social context in which the organisation operates, is necessary to pull together a coherent overview of the transitions in probation at the start of the 21st century.

Yet blaming managers is not enough: individual ambitions and aspirations may shape managerial conduct but they tend not to effect such dramatic institutional reconfigurations as that which has occurred in probation. Managerialism is a complex and contested terrain and probation has experienced many failed managerial excursions into its operations in recent years. On the other hand, a wide ranging theoretical maelstrom such as post-modernity also fails to capture the particular nuances of change, many of which reflect the use of eminently modern tactics, techniques and technologies, whilst post-modernism's anti-foundationalist stance is clearly in tension with the emergence of a new empirically based meta-narrative of probation during the last decade of the 20th century. In attempting to make sense of the changes and transitions which have occurred within probation, then, this paper locates the transformation of the probation service within a wider context of change, a context which engages with late 20th century political transformations of the post-war welfare state and the impact of such change upon the organisation and practice of probation.

An examination of much of the history of probation reinforces the need for such a wider contextual understanding: almost from its inception in 1908, probation has been depicted using a teleological discourse that represents the organisation as the latest exemplar in an unfolding journey toward an increasingly effective intervention (Leeson 1914; Ayscough 1923; Le Mesurier 1935; Harris 1937; King 1958, 1964, 1969, Bochel 1974). Both the Streatfeild and the Morison reports referred to the historical contingency of probation knowledge and looked forward to its enhancement in the years to come (Home Office/Lord Chancellor's Dept 1961; Home Office 1962). Today, the evangelism of effectiveness seemingly echoes these distant voices with their modernist faith in the march of history, driven by the cumulative insights of science. But the internal narratives which organisations and institutions tell about themselves are narrowly focused and policy-bound. They tend to assume that organisational activities merely mirror the intentions and aims of institutional texts. Such internal narratives may tell us that probation is now 'hawk-like and vigilant' as opposed to the well-meaning amateurs of the past (National Probation Service 2001), but a cursory glance at probation's history reveals a similar understanding being articulated by NAPO in 1957 whilst the 1936 Departmental Committee also saw probation's activities in a similar progressive light (NAPO 1957; Home Office 1936).

It is against this tendency for probation to entertain such narrow understandings of its activities that I turn to a broader analysis in which probation history is located as spanning two broad eras of political discourse, each of which has shaped and patterned the perspectives and problematisations through which the state has come to address those



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areas of human life that have come to be known as 'social problems'. Rose and Miller (1992), building on the work of Foucault, have described how the state evolves programmes of government, activities which constitute a technical solution to particular problematics, whose nature is constituted within the conceptual vocabularies of political discourse. Such activities seek to address the conduct of certain client groups using the specific knowledges of their particular sites and locales of expertise. The governance of these groups is enacted in a myriad of settings through diverse and disparate practices. These practices tend to exemplify the nexus between the wider logics of political thought and more localised, technical means of implementing solutions to those problems. In depicting the nature of contemporary change in probation, then, I present the activities of the service against a background of these two broad political rationalities which have informed and inflected 20th century social and economic organisation and which I refer to as *welfarism* and *neo-liberalism*.

Welfarism

Welfarism began to emerge toward the end of the 19th century as new conceptions of an interventionist role for the state began to undermine earlier *laissez faire* approaches (Garland 1985; Harris 1972; Gilbert 1966). Within a relatively short space of time the amorphous, homogenous and opaque concept of 'poverty' fragmented into a collection of overlapping problematics to be addressed by an increasing number of agencies tasked with addressing them (Garland 1985; Rose 1985). The creation of the probation service following the 1907 Probation of Offenders Act occurred amidst a plethora of 'New Liberal' reforms that sought to develop collective mechanisms of security through which the risks and hazards of life in industrial society could be dissipated or ameliorated: measures such as old age pensions; national insurance; school meals; and school medical officers of health all sought to address aspects of the social life of citizens to ensure their well being (Gilbert 1966). Until the late 1970s it is possible to trace the contours of this discourse of welfare across the social landscape. The most potent expression of welfarism was expressed in the post-war 'settlement' whereby the mechanisms of welfare were secured within an apparatus that linked state, citizen and economy in a virtuous circle. Such a linkage required an expansion of governmental power, and Beveridge acknowledged the implications: 'Full employment cannot be won and held without a great extension of the responsibilities and powers of the State exercised through the organs of central government' (Beveridge 1944: 36). This represented a succinct description of the large scale government that characterised British society for the next 30 odd years. Based upon the values of a citizenship understood in terms of a beneficial nexus between citizen, economy and state, welfarism offered a variety of services to which the citizen qua citizen was entitled as a right. Such a right even extended to offenders, whose behaviour, in probation discourse, was generally understood within a logic that linked personal problems to wider social circumstances. Crime was seen as resulting, like many other social problems, in the uneven material experiences of the citizens of industrial society:

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As social actors we do not start equal, and it is not fair or realistic to expect some offenders not to offend unless their opportunities to survive without crime are improved (Raynor 1985: 181-2)

Neo-Liberalism

The shift away from the organised macro-economic policies of the post war period over the last 20 years or so has acquired a variety of labels, mostly prefixed by 'post'. Thus the last twenty odd years may variously be understood as post-modern (Lyotard 1984; Harvey 1989; Jameson 1991; Bauman 1992), Post-Fordist (Piore and Sabel 1984; Taylor 1999) Post-Industrial (Bell 1974), a period of High or Late modernity (Giddens 1990), Modernity in Crisis (Wagner 1994), Reflexive Modernity (Beck 1992) or Disorganised Capitalism (Lash and Urry 1994). Collectively, this disparate literature references the wide ranging political, social, cultural and economic changes which formed the background to the transformation of the organisation of welfare after the election of the first 'New Right' government in 1979.

Two dominant strands of thought typified New Right political discourse: a neo-liberal emphasis upon efficiency and effectiveness and a moral authoritarianism that evoked older, conservative notions of order and deference to hierarchical authority and, in particular, personal responsibility (O'Malley 1996). The tensions between these two often conflicting strands of thought were resolved in their articulation of an unremitting hostility toward the universal approach of welfarism. Universal welfare was condemned both economically and morally as being a drain upon the economy and as fostering a dependency culture. The Thatcher and Major governments engaged in the re-imagining of the welfare state, predominantly upon a market based model, employing a vocabulary of consumerism and choice (Clarke, Gerwitz and McLaughlin 2000; Clarke and Newman 1997; Butcher 1995). The model of the market also provides the basic template for understanding the individual within neo-liberal discourse, a model of the individual as a self-serving, autonomous decision making, sceptical consumer, a model which has widely permeated and colonised social scientific thought in the late 20th century (Archer and Tritter 2000).

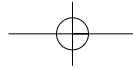
The election of a Labour government in 1997 did not put an end to the neo-liberal restructuring of the public sector. Although increasingly couched in a language of partnerships, multi-agency working and community based projects, the trend under Labour has been to continue what the Thatcher and Major governments started, particularly in terms of producing a firmly managed public sector permeated by an ethic of enforcement and control (Jordan 2001; Newman 2001). But it is not just managerial practice which has changed during the late 20th century: social and economic transformations have produced a new context within which probation operates. These changes are discussed in the next section.

Late Modern Changes: from Welfare to Risk

The transition from welfarism to neo-liberalism evidences several key characteristics which are useful in identifying the shape which the probation service has taken over the last few years. Firstly, there has been a dramatic shift from the aspirations of the welfarist state toward collective social measures aimed at reducing poverty and disadvantage through redistributive measures. The last 20 years have seen a narrowing down of such ambitions and a belligerent and grudging approach toward collective or universal provision in tandem with the emergence of a highly individualistic, consumption-dominated 'casino society' with an attendant 'winner-loser culture' in which the gaps between the rich and poor have increased and intensified (Reiner *et al* 2000; James 1995). At the level of the individual, welfare now seeks to promote the template of the autonomous self-serving individual of liberal theory, with, for example, unemployment translated into 'job seeking' and with an emphasis on the 'active' individual as contrasted with the 'passive' welfare recipient (Dean 1995).

Secondly, crime has become an omnipresent concern for citizens in Late Modern society. This fear of crime forms part of a general unease in contemporary social life. Several dimensions can be identified to the growth of this generalised unease which shapes the 'liberalism of fear' (Shklar 1989). Firstly, the emergence of a 'disorganised capitalism' impacted upon the old industrial heartlands (Lash and Urry 1994). Areas whose social and cultural existence had been shaped by the needs and rhythms of heavy industry now found themselves cut adrift from the mainstream economy, with the stresses and strains of widespread and long-term unemployment eroding normative and regulative structures. In the wake of the rampant deindustrialisation that followed the election of the first Thatcher government in 1979, these communities began to unravel, becoming 'ungovernable spaces' in which whole areas became subject to persistent criminal activity (Campbell 1993). Such areas and their inhabitants began to be avoided and excluded from mainstream society as businesses, shops and banks closed down and relocated elsewhere. For those who did not live in such areas, the threat posed by an 'underclass' detached from the rest of society became a potent image, enhanced by moral-authoritarian depictions of its moral and economic ambivalence, its irresponsible sexuality and its feckless and anti-social habits, invoking the threat of a 'feared other' (Taylor 1995; Murray 1996a, 1996b). This predatory class of feral outsiders posed a symbolic threat that loomed large for a middle class now increasingly dedicated to the pursuit of identities based upon consumer activities rather than occupation.

Such generalised fears were punctuated by other events which served to both increase the fear of crime and disorder and also to suggest that no one was safe: urban riots provided images of a violent breakdown of order whilst the spectacular, singular horror of the Bulger murder demonstrated that even the youngest, most innocent in society were at risk. Rising crime rates and an intensifying bidding war between politicians as to who could be tougher on crime merely served to confirm citizens' worst fears, that, in neo-liberal society, everyone is a potential victim now, making it necessary to take appropriate precautions at all times, to constantly be on one's guard. The old confidence of welfarist society in its



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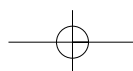
ability to (eventually) deal with crime has been replaced by a persistent and pernicious anxiety, a constant and nagging fear that constitutes the ontological insecurity of Late Modern life – 'the vulnerability that arises from constant uncertainty about the future' (Castel 1994: 250). This pervasive insecurity has been added to by the shrill moral panics of the media and an even more shrill political response to issues of crime and disorder, marked by the emergence of legislation (eg. Crime Sentences Act 1997, Crime and Disorder Act 1998) during the 1990s in which illiberal measures such as 'zero tolerance' and mandatory sentencing have reproduced themes and trends already identified in US criminal justice policies as contributing to both an exponential rise in imprisonment and the generation of injustice (Shichor and Sechrest 1996).

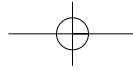
Thirdly, the emergence of risk as a salient theme of neo-liberal society can be seen as a natural concomitant of the breakdown of welfarist political discourse with their emphasis upon collective mechanisms of security (Hewitt 1992; Culpitt 1999). Individuals in neo-liberal society have to seek the best options for themselves and their families, and risk calculation, in various forms, offers a way of addressing such concerns in the face of an otherwise uncertain future. Late Modern society is a society of risks (Beck 1992; Reddy 1996; Culpitt 1999), in which, for both lay individuals and experts alike, 'thinking in terms of risk and risk assessment is a more or less ever-present exercise' (Giddens 1991: 124). This pervasive risk orientation inflects the activities of organisations, which seek to create new risk categories and strategies for risk management, and individuals, whose behaviour is now understood within a new morality predicated upon 'private enterprise, wealth and self reliance' (Hewitt 1992: 42; Pratt 1996). The new model of the individual actor is that of a self interested individual in pursuit of rationally chosen outcomes drawn from the multiplicity of opportunities that typify contemporary social existence (Archer and Tritter 2000).

In criminal justice, the late 20th century preoccupation with risk has seen a growth in the use of 'actuarial justice' – risk based systems that seek to offer objective and neutral ways of evaluating the risk posed by an individual to guide interventions or sentencing (Feeley and Simon 1992, 1994; Simon and Feeley 1995). The development of actuarial systems in the US has been argued to mark a shift away from the welfarist concern with individuals toward an approach in which the aim is:

not to induce altered behaviour as a result of rational calculations by individuals, but the management-through-custody of that section of the population which is dangerous (Feeley and Simon 1994: 175).

The situation in the UK is somewhat different, however, in that, whilst the 'dangerous offender' is of increasing concern within criminal justice agencies – with concomitant implications for surveillance, control and containment - actuarial systems of risk prediction are used within prisons and probation as a means of assigning risk levels to individuals in order to allocate them to programmes designed *precisely* to address rational calculations and bring about altered behaviour. These classifications impute the likelihood





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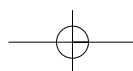
of future criminal behaviour to an individual on the basis of his or her statistical resemblance to a group of others with similar patterns of offending, previous convictions, age and so forth (Silver 2001). The problems of false positives and false negatives – each with their own attendant problems for those incorrectly classified – means that the search for better and more powerful tools for risk assessment is likely to continue in the foreseeable future.

It is against the background of social, political, cultural and economic change depicted above that this 'liberalism of fear' has evolved, a 'high crime' society, traversed by concerns to predict and manage risk, a society in which causal understandings of social misfortune and disadvantage are recast, translating equalities of outcome into the more meritocratic equalities of opportunity, and in which the citizenship rights of welfarism are undercut by neo-liberal conceptions of individual obligation (Turner 1997: xix). This is a society in which populist politicians react to, and anticipate, calls for increasingly punitive measures against criminals – evidenced by the rapidly rising prison population during the 1990s (Hudson 2000). It is also a society marked by the growth of a controlling and intrusive public sector managerialism whose activities reflect the growth of an audit culture (Power 1996). At the conjunction of these trends it is possible to locate the dynamics of change in the probation service which culminated in the creation, in 2001, of the New National Probation Service.

What Works: the Conjunctural Politics of Probation

The landscape of probation in the late 1980s and early 1990s is littered with the wreckage of failed attempts to introduce the various modes, fads and flavours of the month that constituted the shifting patterns of managerial thought during the Thatcher and Major governments (Newman 2001; Clarke and Newman 1997; Beaumont 1995; Oldfield 1994; Raine and Willson 1993; McWilliams 1992; Statham and Whitehead 1992). In line with the New Public Management, such initiatives tended to focus upon cost-related analyses of probation activities: FMI, FMIS and then RMIS all attempted to calculate the cost of probation work, seeking to create the perfect formula through which the ratio of inputs to outputs could be transposed into unit costs. The long running attempts to develop a case record and management system (CRAMS) cracked under the strain of trying to create a system designed to meet the needs of the centre, from the centre (Columbi 1995).

Other strands of these managerial incursions sought, for example, to bolster probation's organisational survival through PR activities (Wargent 1993), or to address how probation could secure and retain its 'market share' in a criminal justice system (precipitately) taken to represent a mixed economy of disposals competing in the punitive market for sentencers' attention (Statham and Whitehead 1992). Such attempts to introduce the language of the New Public Management lacked substance in probation since they were echoes of discourses which had developed in isolation from the concerns or practices of criminal justice agencies. In probation, no matter what brand of market speak emanated from the top, its impact was always limited by the fact that it addressed the actual



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'business' of probation's work with offenders obliquely. In terms of working with offenders, NPM had nothing to say. Whilst its 'low trust/no trust' approaches to cost-efficiency and control held a certain fascination for those managing the service, these activities failed to provide an opening into the practices of probation staff. What was needed was a way to make the service dance to a managerial tune, a 'new choreography' as one then Chief Probation Officer put it (Wallis 1997). The discourse of NPM alone, however, could not provide the necessary vehicle for this.

The emergence of the growing body of research knowledge highlighting the overall positive effects of criminal justice interventions, although largely drawn from the US and Canada, began to impact upon probation consciousness in the UK – particularly with the Probation Inspectorate who seized the initiative in promoting these findings to the service. The contours of what would become known as 'What Works' were sketched out in the work of a number of predominantly Canadian psychologists and was added to by various meta-analytic reports which reported trends in the effects of hundreds of studies (see *inter alia*, Andrews, Kiessling, Robinson and Mickus 1986; Andrews, Bonta and Hoge 1990; Andrews, Zinger, Hoge, Bonta and Gendreau 1990; Lipsey 1992, 1995; Andrews and Bonta 1994; McGuire 1995; Gendreau, Little and Goggin 1996). Overall, these studies indicated criminal justice interventions made a modest impact on reconviction rates and suggested certain approaches could be shown to be more effective than others. From the resulting findings, a number of 'principles' were elicited and subsequently promoted as guidelines to increased success in reducing reoffending (Underdown 1998; Chapman and Hough 1998). In a nutshell, these principles advocated the use of actuarial risk assessment in allocating individuals to interventions; the focus of programmes upon 'criminogenic needs' – problems related directly to offending; the maintenance of 'programme integrity' through conformity to the specified routine of a programme manual in delivering services, and the consideration of 'responsivity', a rather under-defined term which includes issues of the suitability of particular programmes for particular individuals. Finally, it has been argued, programmes should be based upon the techniques of cognitive behavioural psychology (McGuire 1995, 2000).

Seen as an antidote to the 'Nothing Works' beliefs argued to have been introduced into criminal justice and academia by Martinson and his colleagues (Martinson 1974, [but see Martinson 1979], Lipton, Martinson and Wilkes 1975), these 'principles' were elevated somewhat evangelically as providing a framework without which 'effective practice' could not take place. In other words, the effectiveness message increasingly implied, all probation practice that preceded 'What Works' was ineffective. The only evidence to this effect was a tentative report on the reconviction rates of community penalties (Lloyd et al 1994) which had found broadly similar rates of reconviction for community penalties and those released during the same time from prison. Despite this comparison of apples and oranges, probation was taken as being less effective for having a similar reconviction rate to a penalty which cost some 10 times a year more to implement. Furthermore, no work was done into making comparisons with various lengths of prison sentences, nor of identifying particular groups of people with lower reconviction rates across the various

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penalties. Nor, of course could such a study suggest why courts had used custody in the prison sample, thus rendering this comparison (through no fault of the authors who made clear the exploratory and tentative nature of the report) less than satisfactory.

Space does not permit a detailed critique of the extent to which the 'What Works' findings seem to have been elevated to the status of universal truths. However, there are certain salient issues which should be borne in mind as an antidote to the creation of an effectiveness dogma, particularly since, as Mair notes, this dogma results in a 'bullet-point approach to practice...simplistic and light years away from the messy, complex realities of everyday probation work' (Mair 2000: 269).

The 'risk principle' emerged from the work of Andrews and colleagues and held that interventions should be targeted at high risk cases, avoiding the inclusion of low risk cases since such people apparently did worse in terms of reconviction. Now, there can be few probation officers who would have argued against this as it stood: such a principle speaks to concerns long established in probation over 'net widening', 'up tariffing' and so forth, even Schur's 'radical non-intervention' (Schur 1973). However the notion of risk was based upon a disparate set of measures to the extent that it has been attacked for post hoc and circular theorising (Pawson and Tilley 1997; Lösel 1995; Logan and Gaes 1992). Pawson and Tilley refer to the risk principle as a 'loathsome creature', promoted as a principle of intervention without any attempt to explain *why* the findings upon which it is based might produce such an effect (if it is present at all) (Pawson and Tilley 1997). The pathfinder evaluation of the McGuire programme – formally accredited as adhering to the tenets of 'what Works' – has also failed to show such an effect (Merrington and Stanley 2000). The point here is not to enter into a lengthy debate on the risk principle so much as to demonstrate that the apparently universal status of at least one of these 'principles' is not as universal as might have been imagined from the messages from the centre.

Meta analysis also gives ground for concern as to the general applicability of its findings. Lipsey, for example, is cautious about the conclusions to be drawn from his work – advice which seems to have gone unheeded by the Home Office. In reaching conclusions about the largest study of its kind, Lipsey (1992) notes:

It would be a mistake, therefore, to focus on any particular category in [the table of results]..and draw a general conclusion about the efficacy of treatments offered under such various conventional labels as 'restitution' or 'counselling' (Lipsey 1992: 123).

The reductionist nature of meta-analytic coding reasons for caution in drawing conclusions. Meta analysis codes up large numbers of studies, reducing in many cases, information on the various aspects of a study to dichotomous variables (Lipsey 1995; Lipsey and Wilson 2000). Data on the impact of gender or race, for example, is simply not present at the individual level. A cursory examination of the data upon which these analyses are carried out raises several concerns. Perhaps the most cautionary aspect of the

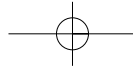
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meta-analytic findings is that some 80% of them pertain to juvenile offenders (Lösel 1995). Other concerns pertain to the wide disparities between studies: taking Lipsey's (1992) meta-analysis as an example, 64% of the juveniles in the study were aged 16 or under; 62% of studies were carried out between 1950 and 1979; the follow up periods for outcomes ranged between 1 week and 113 weeks or more whilst the outcome measures of delinquency included official measures, self-reports, school reports, probation contacts, as well as less formal measures of anti-social behaviour and many of these lacked any demonstrable validity (Lipsey 1992). Even more pertinently, only 20% of studies pertained to probation interventions and only 15 studies (3.5%) came from the UK (Lipsey 1992: 101 ff). Lipsey himself has remarked on the 'unfortunate tendency in delinquency research to advocate a 'magic bullet', a specific treatment concept alleged to be a superior approach to delinquency' (1992: 123).

This is not intended to be a comprehensive critique of meta-analysis nor of the other research findings which dovetail with this literature – as they would, given the relatively narrow and self-referential research base of many of these findings. But the questions raised above render problematic the evangelical zeal with which 'What Works' has been promoted as offering a universal template for practice. Some aspects of the literature and some of the interpretations of it, are questionable. Gorman, for example (2000), notes HMIP's promotion of cognitive-behavioural methods to the exclusion of other methods of working, a strange case of babies and bathwater, since Lösel's review of meta-analyses notes that the data supporting the claimed efficacy of such approaches 'are only partially consistent and they contain various problems' (1995: 93).

Issues of Translation: Neo-Liberal Probation

The conclusions of 'What Works' then, appear to have been used, somewhat in advance of the evidence, as a grounding for the reconstitution of the probation service, treating findings from studies largely based upon juvenile offenders as offering the only acceptable framework for probation practice. Psychology has become the only form of knowledge capable of effecting meaningful change in those subject to probation supervision. Effectiveness-led practice emerges as a narrow and constrained field within which programmes ("What Works" assumes that effectiveness is best delivered in groupwork settings) are to be delivered in accordance with the principles and tenets derived from the disparate collection of studies discussed above. None of this is to reject the overall aim of developing effective interventions, but it is important to recognise that the sudden transformation of probation in England and Wales can be seen as the result, not so much of the discovery of effectiveness, as the convergence of the managerial discourses of the 1990s, the New Public Management and the 'Third Way' of the post 1997 Blair governments with the research results of 'What Works'. The latter provides a legitimising function for the former and enables the penetration of probation practice by managerialism in a way that was simply unavailable to the time and motion studies logic of earlier managerial approaches. The means of effecting such legitimation has involved the 'proto-professionalisation' of probation management, the adoption by one professional group, of the terminologies, logics and vocabularies of another, involving not only a



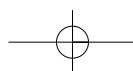
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'cognitive orientation, but also the acquisition of habits, of stances that correspond to the basic attitude of the profession' (De Swaan 1990: 105).

This conjuncture of managerialism with psychologically based knowledge sees the interconnection of power and knowledge within the discourse of effectiveness. The implementation of psychological programmes requires the application of techniques of audit, inspection and monitoring (Hollin 1995). Crucial to the implementation of successful programmes, such logic holds, are tight strategies of management designed to ensure that inputs and outputs are regulated and maintained in keeping with the overall framework of effectiveness. The needs of audit, the requirements that the process of intervention be mapped, surveilled and scrutinised, intensifies the managerial impulse toward 'no trust' systems. As Smith points out, trust relies upon discretion, with crediting others with the ability to act and make decisions (Smith 2001: 293-4). Within the new neo-liberal probation paradigm, trust is disembedded and relocated in the abstract systems of risk assessment which provide supposedly neutral and objective predictive and allocative technologies.

Rose (2000: 323) notes that 'strategies of government' aimed at the regulation of conduct, rely on and reproduce models of the individual. I have argued above that the dominant model of the individual in neo-liberal society is that of an autonomous self-serving decision maker engaged in the constant meritocratic competition of late modern existence, an individual characterised by a utilitarian, cognitive bias which, as Denzin argues, lacks any social or gendered dimension of understanding (Denzin 1990). Taking the 'What Works' principles as a template for practice, it is possible to note their convergence with this emergent neo-liberal model of the individual. In mapping out these principles onto the neo-liberal diagram of the individual, what emerges is a translation of the old, residual techniques and technologies of welfarism into the newer neo-liberal rationality within which public sector organisations operate in the early 21st century. Below, I sketch out these instances of translation upon the principles of need, risk, responsivity and programme integrity. In doing this, I provide examples of how the residual terminology of welfarism is transformed into an instrumental and mechanistic lexicon of practice shaped by the convergent disciplinary needs of managerialism and reductionist empiricism of psychology.

Firstly, the focus upon 'need' witnesses a subtle transformation of welfarism's concept of need as implying a claim for resources or assistance as a right of citizenship to the allocation of services as part of a strategy of risk management. 'Criminogenic need' as the principle focus of intervention draws upon a different conceptual vocabulary whose terms index diverse frameworks of understanding – and therefore acting upon – the individual (Hannah Moffat 1999). These differential understandings of 'need' reflect the differential logics of problematisation within welfarist and neo-liberal discourses and evidence the move from social problems conceived as being multi-faceted, intersecting and overlapping toward a narrow conception which stipulates the types of personal problem which can count as 'need'.

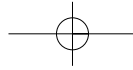


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Secondly, the increasing emphasis upon risk as a device for understanding and intervening in offending behaviour raises new possibilities for abstracting the individual from discourses of social justice, inequality and disadvantage. By constructing people as aggregates of data, the connection between them and societal conditions, and indeed between types of intervention and those conditions, is minimised or even obscured, effectively decontextualising – and depoliticising – discourse on crime. 'Risk' in welfarism, was a collective problem to be addressed through collective solutions. Now, 'risk' is the statistical capacity of an individual expressed through actuarial measurement. The Home Office's Offender Group Reconviction Scale, for instance, is used at present to allocate individuals falling into certain risk bands as being suitable for particular accredited programmes. A much more detailed tool, OAsys is due to be introduced nationally in 2002. The use of any such system, however, raises ethical problems which tend to be overlooked by their proponents. Such ethical concerns relate to intervention on the basis of the *likely* future behaviour of a risk category or group of which they are identified as being a member (see, *inter alia*, Hudson 2000; Silver 2000; cf. Petersilia and Turner 1987). Risk models involve a shift in focus from the lived experiences of individuals to a focus upon statistical relationships (Silver 2001: 136). They offer solutions to the untidy problems and vagaries of the lives of those people who come into contact with the criminal justice system. Yet the predictive accuracy of risk instruments is limited, with particular implications for those who are incorrectly classified: false positives lead to situations where individuals are dealt with on the basis of being likely to behave in a certain way, even though they actually do not, whilst false negatives involve a failure to correctly identify the likelihood that an individual will behave in a certain way (Wilkins 1985).

The impact of such misclassifications raise *ethical* issues for those with doubts about actuarial prediction in criminal justice whilst for advocates of such approaches they raise *technical* issues. Worryingly, statistical relationships can be invoked as metaphysical indices of criminal potential: as Quinsey *et al* put it, a 'great strength of the actuarial approach is that the relationships can be used without knowing for certain that they exist' (Quinsey, Harris, Rice and Cormier 1998: 137). Further, the objective and neutral status of actuarial techniques in criminal justice setting is less stable than its scientific status would suggest, coexisting with, and augmenting, older, disciplinary practices. 'Objectivity' also means that such techniques are used in situations in which race, gender and cultural factors actually are highly pertinent, rather than marginal, issues (Hannah-Moffat 1999: 89).

'Responsivity' encompasses the suitability of programmes for certain types of offender but also now is extended to cover the behaviour of staff delivering the programme. 'Pro-social modelling' is being extensively used to lay down a framework of behaviour for staff toward the individuals with whom they work. Enthusiasm, positive and negative reinforcement and so on, all offer a means for prescribing staff behaviour in their interactions with offenders. Some services are now developing pro-social modelling checklists for assessing the compliance of staff to these prescriptions. This approach is likely to reduce the relationship between worker and offender to a technicised encounter predicated not upon



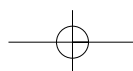
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trust between the two but upon the alignment of the practitioner's conduct with stipulated behavioural norms of expression, verbal reactions and body language. Such an approach echoes the approach taken by McDonalds in their staff handbook: anyone can flip a burger but the way they flip it is the McDonalds' way (Ritzer 1993; Oldfield 1994).

Finally, the notion of 'programme integrity' expresses both the bloodless logic of experimental psychology and the controlling aspirations of managerialism. The identification of intervention as consisting of a process of measurable and sequential elements renders that process open to constant surveillance and inspection with the concomitant that such activities need to be managed accordingly (Hollin 1995). In the experimental situation, this control is necessary to exclude random variation entering the design matrix, so reducing the internal validity of the experiment. It has long been doubted that such control is possible in experiments with people – life is considerably more complex and open to wider influences than science might care to imagine (Jupp 1989). Nonetheless, programme integrity provides the key point of intersection between managerial discourse and the knowledge which is to legitimate intervention. Hawk-like and vigilant managerial approaches to the inspection of programme integrity, then, are construed as being part of the guarantors of effectiveness.

There is an inherent problem here in that this increased emphasis upon the surveillance and policing of probation practice has within it the potential to impact in entirely the reverse way to that intended. The logic of audit, monitoring and inspection depicted above has a long history in industrial management. The development of large-scale Taylorist-Fordist practices in industry provided the wherewithal to win the second world war and founded the bedrock for the development of the post-war welfare state. However, the problems of Fordist methods of working are well known: problems of maintaining the motivation, enthusiasm and involvement of staff when their work has been reduced to the dull and repetitive rhythms of 'scientific management' are all well documented problems which resulted in not only a disillusioned and dispirited workforce but alienated and antagonised them as well (Beynon 1984; Braverman 1974). Bhui (2001) asks pertinently, 'how do practitioners, exhorted to adhere to programme integrity in running cognitive behavioural programmes, innovate, improve and thereby respond to local context and need?' (Bhui 2001: 638).

Finally, the emphasis upon cognitive behavioural approaches in the 'What Works' canon echoes the strategies of 'responsibilization' argued to typify governmental projects in neo-liberal society through which individuals are enlisted into adopting new patterns of behaviour and recognising incentives that stem from discarding certain habits and embracing others (Garland 2000, 1997; O'Malley 1996; Foucault 1991). Such an approach assumes that behaviour is due to deficient rationality, a failure to carry out appropriate logical procedures and to apply these cognitive algorithms to the problems of daily life (Garfinkel 1967: 279). Accordingly, suitable developmental training will enable the individual offender to reconsider his or her situation using the appropriate logic for the situation. The embedded assumptions here disconnect issues of any wider connection



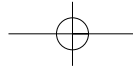
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between social context and criminal behaviour: individuals offend because their reasoning skills do not reflect the cost-benefit analysis which lies at the heart of the neo-liberal model of the individual. Within the individual-centred politics of the early 21st century, such a diagram of behaviour neatly excludes the discussion of a social context in which social justice has been recast as 'opportunity' (Jordan 2001: 527).

Conclusion

I have described above the transition in late 20th century society toward a new political discourse which inflects the patterns of daily life in myriad ways, marking a shift away from the rights based citizenship of welfarism toward the individualised, consumer-based approaches of contemporary society. In this society, a growing low level insecurity – predicated partly but not entirely upon fear of crime – is accompanied by increasingly populist and punitive criminal justice policies. The instability of such a criminal justice system is reflected in the 'contradictory and volatile' policies of criminal justice in which 'zero tolerance' and mandatory sentencing policies coexist with probation intervention based upon cognitive therapeutic techniques. Although national standards seeks to give probation a veneer of toughness, as Smith puts it, 'probation as punishment inherently lacks plausibility' (Smith 2001: 641). Probation was founded in a political climate in which its activities made sense as part of a wider conception of social justice and change (Oldfield 2001). The recent past has, however, seen such concerns marginalised in tandem with the growth of an antagonism toward the professions and experts of the welfare state. In the 21st century probation straddles the lines of instability that traverse criminal justice policy. This instability - evidenced by the volatile nature of criminal justice policy and its eagerness to connect with populist issues- is reflected by the shift away from probation's traditional pastoral concern for the offender as citizen toward the identification of offenders in terms of an identity extracted from collective propensities ('risk'). Such an approach highlights people in terms of classifications and categories, rather than as individuals in their own right. The abstract individual as risk classification is to be addressed by a form of knowledge which transcends –and, indeed, disregards – other social contexts. Thus two influential psychologists prominent in the 'What Works' literature warn against being sidetracked by "primary prevention advocates who believe that a society-wide focus on unemployment, sexism or racism will eliminate crime"(Andrews and Bonta 1994: 237).

Late Modern society has seen the growth of centralised political power in the organisation of much of the criminal justice system. Such centralised power is exercised through the creation of hierarchical management structures which, although predicated upon notions of efficiency and accountability, are oriented toward securing compliance with policy objectives. In probation, an increasingly strident managerialist discourse has found a legitimating source of knowledge in the 'What Works' research findings. I have argued that these findings are more tentative than is often admitted and certainly do not offer the universal templates for practice that the messages from the centre would suggest. Yet the probation service has undergone profound change on the basis that "What Works" offers the only route forwards. Despite the argument that 'Nothing Works' was not true, it seems



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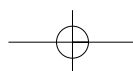
that nothing prior to "What Works" can be taken as 'working' either, and that the emergence of the National Probation Service marks 'year zero' in probation's history. The conjunctural dynamics created by the interpenetration of managerial discourse by psychological knowledge give rise to patterns of working practices in which the surveillance and inspection of staff activities forms an integral part of those practices.

The narrow focus upon one form of work also means that other methods are not considered: how can we ever know what else 'works'? (Bhui 2001). Finally, the reduction of probation work to the delivery of appropriate programme content by staff behaving and interacting with their clients in prescribed ways reflects the worst aspects of Fordist industrial organisation and may provoke similar reactions by staff if such trends continue.

Overall, I have depicted a transition from a dominant discourse of welfarism to one in which social life is understood by reference to a neo-liberal lexicon in which issues of social justice, inequality and disadvantage are no longer central concerns. For 90 odd years, probation occupied a role *within* but not quite *of*, the criminal justice system, able to maintain a critical commentary upon that system in terms of the wider contexts of social injustice in which its practice took place. Founded in the optimism and confidence of welfarism, probation now operates in a more fearful society in which control is an ever present aspiration of government even though the establishment of such control is never actually possible (Garland 2001). Indeed, the faith of this new neo-liberal approach in disembodied, abstract systems of no/low trust represents as much an orientation to controlling the internal processes of probation practice as it does to addressing the wider problems of 21st century life. To the extent that the emergent shape of the new probation practice resonates with the political discourse of neo-liberalism, late modern transformations in probation can be seen as the result of political rather than epistemological influence.

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