

22/7/05

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TKC031

5 July, 2005

"Tackling Knife Crime"

Dear Sirs,

Candidly, if undiplomatically, my reaction to your consultation is one of anger.

As a member and supporter of the Campaign for a Welsh Parliament, I find it most embarrassing that our pressure for legislative powers should be compromised by the sort of abuse of such powers that are proposed in Scotland.

I have previously given you some more detailed arguments, which there is no need to repeat. It should be enough to point out that you already have all the legislation that could be reasonably required, indeed some of the existing legislation could trespass too far on individual liberties. (Annexe A to "Tackling Knife Crime lists the major statutes).

The point should also be hammered home that the type of legislation proposed is a distraction from the real problem in society all over Britain. It's the same error, or the same sin that we see in Westminster all the time, "do something", "Show Willing" laws that are an unjustifiable intrusion into private life, a cost to the public purse, contribute absolutely nothing to the common good and waste time and effort that should be devoted to making life safer and happier for the citizens.

Serious people can all see that there is an increasing proportion of people in Britain (perhaps more than in most other countries) who are filled with a twisted hatred of other people, feel no obligation to other individuals or the community, feel a satisfaction from hurting or frightening others and consider everything justified if it means taking something they want from someone else. There is your real issue. Whether these people use knives or any description at all, iron bolts, spanners, house-bricks, guns, tool handles, lengths of string or just natural weapons is quite unimportant. If you could find some virus like myxomatosis that caused all bladed tools and weapons to fade away, it would make no difference at all to the number of assaults and robberies.

If all our legislatures concentrated their attention on serious study in depth of the causes for the alienation of so many people, we ought to have some reason to hope for sensible and positive action to change things for the better. Without such an effort, I suppose we are doomed to legislatures that just make a nuisance of themselves.

Here are a few topics that a serious approach to the problem might involve.

Education, how many young people cannot read and write effectively and how many have never been taught to express themselves orally in a coherent and effective way ?

How many people come out of full-time education feeling that they have been equipped to find and keep a satisfying job ?

How many people feel that they can find or expect to find full-time employment or find re-employment if they have to leave a previous job ?

Do people in general feel that they are part of a community or do they feel that they are solitary individuals in a generally hostile environment ?

Do people feel that organised society, "They", is on their side or do they experience the State, Officialdom, the Law and forms of authority as hostile?

How far do people feel themselves responsible for their own actions and how far can they shrug them off as someone else's fault ?

Have people ever been led to feel themselves responsible for anyone else other than their immediate family (if even them) or their mates ?

A high proportion of the prison population and probably a higher proportion of violent criminals have some mental disorder. What ought society to be doing to diagnose these people before they commit crimes and treat them effectively? We are clearly standing aside and looking the other way until people have victimised others, this is bitterly unjust both to the victims of preventable crime and also to those who might have been enabled to live happier and innocent lives. We can think of conditions like autism, schizophrenia and the even commoner Attention Deficit and Hyper-activity.

Not dissimilarly we should be doing something more positive with drug addicts instead of waiting for them to do something dreadful. They commit crimes to support their addiction, of course, but also they feel rejected by society and from that it is a very short step to feeling themselves at war with the rest of humanity. What earlier and more determined intervention is needed ?

Consider the unintended consequences of the age of criminal responsibility. Anti-social or unsocialised behaviour is often clearly seen in quite young children. Is it humane to leave the child to develop and harden in bad ways until it reaches the age by which behaviour patterns have become established and then start punishing it? We do not want power over people's lives given over to coteries or kangaroo courts of social workers or police sitting behind closed doors and not open to easy challenge. Why are misbehaving children not brought into an open court with powers to enquire into all the circumstances and to order any of

the child permanently from an unsuitable home?

Is it not time that Society made it clear what its code of conduct is and what it expects of its citizens? The Ten Commandments are not a bad model but were compiled in and for a very different culture. It is really rather insincere to complain of bad behaviour when we have not defined what good behaviour is. Why have we no such code, taught in schools, brought to people's attention when they register as voters or apply for driving licences, quoted in court much as the Highway Code is.

Why do we accept entertainments and literature that glorify aggression and physical violence of a kind with which people easily identify? (The old cowboy and Indian films were set in a sort of never-neverland and would hardly have affected behaviour but modern, realistic drama sets out to mimic real-life situations and is easily taken as a model by which people regulate their own behaviour.) We might even consider why we allowed models of cars to be called "Corsair" or "Avenger" and why a record shop should be permitted to call itself "Revenge Records"

Have we begun to face up to the fact that few people feel that they have any meaningful part in the decisions of organised society? In particular, is not policing seen as something in the control of a distant clique in whose appointment and management the ordinary person has only the most nominal and trivial say?

The above list is a starting point only, it is not exhaustive and could be improved greatly after consultation with informed people. It ought to indicate, however, the absolute minimum for a serious consideration of the problems of violence in our society. Without proper study and thorough debate of all the issues, attempts at legislation are worse than wasted, they will inevitably be counter-productive, as much recent law-making is.

It would also be far better for everyone - offenders, victims, law enforcers and the public at large if there were a totally different approach to the treatment of those who break laws. First, the crude system of allocating a limited range of penalties to particular forms of crime, a tariff as it were, ignores the infinite variety of criminals. If our aim is to protect the public and reform the offender, courts should have near-total discretion. Of two persons convicted of the same offence, one might require no more than a sharp warning whilst the other might be incurable and a permanent danger who needs to be locked away in a secure establishment for life. Secondly, Welsh and Irish Law, probably Scottish Law also in the old days, made compensation to the victim the major aim of criminal law. That was fairer to the victim and also meant that everyone recognised the responsibility of the criminal, not least the criminal himself. It is high time that principle was restored. Restitution should be the first task and not an add-on, optional extra. Making that change alone would do a great deal to drive home the lesson of personal responsibility and would over time make a considerable difference to the level of offending.

Please, do stop and think before blundering down a wrong path. 