

Working Paper

INTERPRETING INFLUENCE: TOWARDS REFLEXIVITY IN PENAL POLICYMAKING?¹

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The shift in the nature and effects of penal policymaking in the United Kingdom from the 1970s to the present day is a well-told tale, to the extent that it can effectively be told in a series of shorthand phrases: the ‘fall of the Platonic guardians’ (Loader, 2006); the ‘rise of the public voice’ (Ryan, 2004); and the increasing centrality of ‘penal populism’ (Pratt, 2007), leading to a penal arms race (Lacey, 2008) within a ‘culture of control’ (Garland, 2001). These criminological accounts tend to cast the majority of policymakers – or at least political actors – as cynical and non-reflexive about the effects of their policymaking efforts. Even those who do not cast

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policymakers in such terms suggest that this is the instrumentally rational response to the broader political climate.

This chapter explores the contribution to be made by interpretive political analysis (IPA) in understanding the extent to which participants in penal policymaking can be considered to be reflexive. Further, it considers the extent to which IPA might facilitate the improvement of reflexivity amongst penal policymakers. Relevant forms of reflexivity are first set out. Research conducted for the monograph *Dangerous Politics* (Annison, 2015) is then drawn upon in order to explore this issue empirically. In closing, the potential value of IPA to the improvement of penal policymaking, via a promotion of individual and collective reflexivity, is discussed.

Reflexivity

We can begin, as Holland does, with the Oxford English Dictionary definition:

Reflexivity. Social Sciences. Applied to that which turns back upon, or takes account of, itself or a person's self, especially methods that take into consideration the effect of the personality or presence of the researcher on the investigation. (OED, quoted in Holland, 1999: 464)

The discussions of reflexivity drawn on below tend to derive from considerations of scholarly practice. As will become clear, here they are being applied to policy participants and their activity. For the purposes of this chapter, we can distinguish three forms of reflexivity, which I term 'occupational', 'holistic' and 'collective'.

The first speaks to what Gouldner describes as the need to 'acquire the ingrained *habit* of viewing our own beliefs as we now view those held by others' (Gouldner, 1971: 490, emphasis in original). In this respect, Holland similarly speaks of a mode of reflexivity that involves the recognition that one's 'own, necessarily

limited construct systems [are] being used to appraise the construct systems of other people' (Holland, 1999: 465). Researchers are encouraged not to become fixed within one perspective, but to use paradigms (e.g. law, sociology, liberalism, Marxism) 'against each other to highlight contradictions and conflicts of viewpoint' (Holland, 1999: 475). These remarks speak to researchers' *work* – the need, in other words, for occupational reflexivity. This discussion is equally applicable to policymakers – are they self-aware about the context in which they operate, their beliefs and actions, and the inherent partiality of their commitments and understandings?

The second term, holistic reflexivity, is used here to denote the promotion by Gouldner and others of a reflexivity that goes beyond professional activity. Gouldner argued that reflexivity requires not merely a detailed scrutiny of how to work, but 'how to *live*' (Gouldner, 1971: 489, emphasis in original). We are compelled, from this view, to consider the researcher's role and social position, and how this relates to the processes and products of their work. Central, therefore, is consideration of 'the *relationship* [reflexivity] establishes between being a sociologist and being a person' (Gouldner, 1971: 494, emphasis in original).³ There is no *prima facie* reason that these considerations should not apply equally to policymakers. Indeed, such questions have been addressed, at different levels of abstraction, in my own work (Annison, (2014a; 2014b) and by scholars including Bauman (1989), Barker and Wilson (1997) Carlen (2008) and Fielding (2011).

Third, collective reflexivity is used to denote the 'journey from the individual level to the social level', leading in the psychological context from 'individual distress into a social context of action' (Holland, 1999: 476). Pierre Bourdieu, a leading proponent of reflexive sociology, argues:

³ There are echoes here of Howard Becker's famous call to sociologists to identify 'whose side we are on' (Becker, 1967).

[Reflexive] sociology frees us by freeing us from the illusion of freedom, or, more exactly, from the misplaced belief in illusory freedoms. Freedom is not something given: it is something you conquer – collectively (Bourdieu, 1990: 15).

In considering a collective notion of reflexivity, we can usefully draw on Wagenaar and colleagues' (2015) discussion of recursive collaboration. It seeks to promote 'a continuous and interlocking cycle of perspectives' (Ansell, 2011: 104), in order to generate a useful 'tension between top-down and bottom-up organizations' (Ansell, 2011: 107). We will return to this approach in greater detail below. Presently, we can turn to my own research on penal policymaking, and the insights it may provide into the reflexivity (or otherwise) of policymakers in the penal field.

Interpreting Penal Policymaking

Researcher (HA): Minister wants this scheme, which appears to have problems that we can't predict the right people and it's going to cause all kinds of problems –

Former Home Office official: And on the history of these kinds of things it fails –

HA: and on justice, fairness, on those sorts of levels it fails. Essentially everything we've seen happen was predictable. Well and it sounds like, predicted?

Official: Absolutely.

HA: So the interesting question for me there is –

Official: Why did it happen then?

Significant developments in penal policy constitute a valuable 'way in' to understanding the beliefs and practices that underpin penal policymaking. One such development in the UK is the Imprisonment for Public Protection (IPP) sentence of the Criminal Justice Act 2003. It was a life sentence in all but name, focused on potential future offending as opposed to past behaviour (Annison, 2015: chapter 1). Convicted individuals identified as 'dangerous' at point of sentencing found themselves serving an indeterminate prison sentence remaining in prison until the

Parole Board was persuaded that it was no longer necessary for the protection of the public that he or she remained confined.⁴ It has proved to be one of the most important developments in British sentencing law and penal policy in recent decades. Its effects have been dramatic, with over 8,200 IPP sentences imposed from April 2005 to September 2012 (Ministry of Justice, 2013).⁵ As of March 2015, over 4,600 of those sentenced to IPP remained in custody (Prison Reform Trust, 2015). It exemplifies the dramatic rise of preventive sentencing and risk-oriented penal policy (Ashworth and Zedner, 2014).

My research, published as *Dangerous Politics* (Annison, 2015), provides a detailed analysis of the politics and policymaking processes that shaped the creation, contestation, amendment and ultimate abolition of the sentence; what I term the IPP story. While a key goal was historical reconstruction, the research went beyond this, utilizing the IPP story as a window into British penal politics and policymaking in the early 21st century. Those seeking a comprehensive account of these events and their broader relevance should consult this source.

The research was underpinned by an interpretive political analysis (IPA) framework. This approach concentrates on meanings and beliefs, understanding change as the ‘result of people’s ability to adopt beliefs and perform actions through a reasoning that is embedded in the tradition they inherit’ (Bevir and Rhodes, 2006: 5). In contrast to approaches that draw on rational choice models, or focus on institutions, broad cultural shifts or economic substructures as the drivers of change, IPA approaches utilize frameworks that place ‘conscious, reflexive and strategic’ actors at

⁴ Relevant offenders must have committed one of 153 ‘specified offences’ and be considered by the trial judge to pose a ‘significant risk to members of the public of serious harm occasioned by the commission by him of further specified offences’: s225(1)(b) Criminal Justice Act 2003.

⁵ The sentence was abolished in November 2012 by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

their centre (Hay, 2002: 127).⁶ To explore these beliefs and practices, 63 interviews were conducted with current and former ministers, civil servants, senior judges, representatives of Inspectorates, penal reform groups, unions, members of the House of Commons and Lords, and others (see Annison, 2015: Appendix I).

We can now examine the lessons my interpretive analysis of the IPP story provide about the extent to which policymakers can be considered to be ‘reflexive’, in the various ways implied by that term.

Signs of Reflexivity in Penal Policymaking?

One initial point must be noted here. In any research drawing on oral history, two processes (at least) may be indicated: first, *reflection* on the policymaking processes after the event; and second, the exercise of *reflexivity* in the moment of policymaking. In practice these indications may often be interwoven; the distinction will be returned to in the conclusion.

Occupational Reflexivity

An initial indication of the openness by policymakers to reflect upon their beliefs, practices and actions is provided by the acceptance or otherwise of requests to engage with the research for *Dangerous Politics*. The traditional opacity of the civil service to the outsider, coupled with the commonplace lack of clarity (to the outsider and even ‘insiders’) about which policy participants were in fact centrally involved with specific developments means that any quantitative measure of policymaker engagement would be of little utility. The majority of respondents who declined to meet pointed to their lack of involvement with the relevant events. A few individuals simply never responded. However, most of the policy participants contacted were

⁶ For a detailed and incisive survey of interpretive approaches, see Wagenaar (2011).

open to engaging with the research, fitting interviews within their pressurised schedules.

Policymakers' openness to research interviews, and their conduct within the interviews, supported Dexter's observation that many senior professionals have a strong 'taste for self-analysis' (Dexter, 2006: 41-2). In response to my interest in their world (my appearance as an 'understanding stranger': Dexter, 2006: 41), the majority of interviewees appeared to make considerable efforts not only to answer specific questions but also to locate these within a broader discussion of the nature of their role, the institutional or cultural context in which they operated and the ways in which they considered this to influence their activities. For example, Parliamentary Counsel carefully explained the nature of their role, and the benefits and disbenefits that flow from the deliberate policy of avoiding subject specialism (see Page, 2009).

Similarly, peers patiently explained the respectful traditions of the House of Lords, the pragmatic issue of debate scheduling, and the effect of these factors on the manner in which policies were challenged:

If you raise a serious concern, then the minister will take the time to meet with you. If you're not happy he will speak with you at length (peer, notes from unrecorded interview).

You need a tactical approach to amendments, "picking one's battles". If one can get an amendment in before around 7pm, and ensure that enough cross-benchers are in the chamber, then there is a good chance of getting it through (peer, notes from unrecorded interview).

Further, civil servants at all levels presented considered reflections on their own actions and on the broader context in which they operated. For example, one civil servant reflected on the disruptions to the 'well-oiled machine' – the workings within and between government departments – in the wake of the installation of the

Conservative-Liberal Democrat coalition government, and its implications for penal policymaking (Annison, 2015: chapter 7).

Some civil servants were forthcoming about the incentive structures within the civil service (see Page and Jenkins, 2005), and the implications of this for policy outputs:

[The system] relies on generalists being able to be on top of the law, [have] an understanding of offender management, and [have] an understanding of risk. That is a big ask of anyone (civil servant).

In terms of the broader context, civil servants reflected that:

Thirty years ago you'd have a green paper, a white paper, a length of time where proposals were worked through, more thought given to it and then legislation. Things don't work like that anymore. The timescales are truncated. It's very much a culture of, "We must do this, we must do it quickly and we must do it now" (civil servant).

Concerns about the political climate and its effects on policymaking were most prevalent:

The debate just gets ramped up and ramped up. And you see what happens when [then] current Justice Secretary [Ken Clarke] tries to bring some balance or tries to have a debate about it. It is absolutely toxic (civil servant).

Some policy participants were frustrated by the apparent rigidity of politicians' beliefs and the resulting framing of policy problems:

Over-simplification has very far-reaching consequences. I don't doubt the sincerity of the desire [to better protect the public from violent individuals] but there was a lack of thinking-through (Inspectorate representative).

However, a senior civil servant echoed many of those interviewed in reflecting on the limitations that the 'toxic' context placed upon political actors: 'If you stand up and

say, “I’m thinking I might, perhaps, maybe, do this”, you will get shredded’ (civil servant). These reflections on policymaking do suggest, but are perhaps not conclusive proof, of the exercise of reflexivity during moments in the IPP story.

One minister did admit to what he now characterised as ‘naivety’; another was clear about the failures in the policymaking process and their part in those processes.⁷ Politicians, as we might expect, robustly defended their actions and motives. One politician closed the research interview by stating that, despite the many problems caused by the IPP sentence (which they recognised), ‘the answer isn’t to do nothing [in relation to dangerous offenders]... If I’ve saved one life, I’m happy with that’. Does this suggest a resistance to a deeper consideration of the ethical dimensions of particular outputs resulting from their work? It is to this ethical dimension that we can now turn.

Holistic Reflexivity

The delivery of pain, to whom, and for what, contains an endless line of deep moral questions (Christie, 1994: 187).

It is perhaps in this section that the findings must be most tentative. It is unlikely, but not impossible, that a relatively short discussion with policymakers about a specific policy development would result in a detailed reflection upon the relationship between their work and their broader conceptions of how to practise a ‘good life’. However, by complementing analysis of the interview data with contextual information on policy participants, we can make some limited observations.

First, it is important to recognise the considerable commitment made by many policy participants to their work. In different ways and perhaps for different reasons,

⁷ See, for example, Blunkett’s public admission of regret in relation to the IPP sentence (Conway, 2014).

significant time and energy is expended by political actors, civil servants, penal reformers and many others involved in the development and contestation of criminal justice policy. Consider, for example, the sustained work and considered reflections of the following policy participants: former Home Secretary David Blunkett (Blunkett, 2006); former Chief Inspectors of Prisons Lord Ramsbotham (Ramsbotham, 2003) and Dame Anne Owers (Edemariam, 2009); and penal reformer Juliet Lyon (Arnand, 2014).

Many officials were open about the ethical dimension of their activities, and the context in which they operated. One former civil servant painted a troubling picture in recalling a discussion between himself and colleagues regarding the limits of their subservient role. He quoted a colleague thus:

“You [would] have to be given an instruction [by a minister] that is immoral as it were, seriously immoral, not just you don’t agree with it. [If] you’re being told to gas people or something, then of course your obligation is not [to do it].” But other than that, the whole of the Civil Service is schooled to the idea that ministers get what they want (Home Office official).

Often, early discussion of the policymaking process and the instrumental thinking involved therein was followed, as the interview developed, by reflections on the ethical dimensions of their work. Contrast the two following quotes, from the same civil servant involved in the development of the Criminal Justice bill in 2001-3:

The Lords were very worrying, because you need a lot of consent. The really tough people are those in the Lords speaking on principle, it is much harder to deal with them. The House of Commons is easier, because you can guillotine things and there is the party discipline there (civil servant, notes from unrecorded interview).

It was a fantastic achievement to get it done [the bill passed]. But I’m not proud of it in terms of what it did, the effects it had on people (civil servant, notes from unrecorded interview).

We see here two possible conceptions of ‘success’ in play. First, as an act of procedure, an instrumental concern. Second, as a substantive measure having real impact on individuals’ lives.

The following statement, made at a gathering of senior policymakers in the teeth of an acute crisis in prison capacity (see Annison, 2015: chapter 6), reveals the interplay between personal ethics and professional responsibilities:

I believe that the most critical problem to be addressed ... is the consequences of the IPP sentence. And I speak, I’m not sure in what capacity I speak there... a human being? (senior policy participant, Chatham House Rule event, 2010)

Penal reformers expressed admiration for then Justice Secretary Ken Clarke’s willingness to risk sustaining deep political damage in the course of seeking to abolish the IPP sentence. The reflection by one civil servant that ‘[he is] coming to the end of his career, so he just does what he thinks is right rather than thinking about his job prospects’ (MoJ official), is perhaps as telling for what it suggests about the ministerial status quo, as for what it tells us about Clarke’s own ethical stance.

Collective Reflexivity

Clear distinctions between the consideration of individual and collective reflexivity are difficult to maintain when faced with the ‘attractive mess’ of interview reflections (Ritchie and Lewis, 2003: 202). In many cases, discussion of individual frustrations with the political context were married with reflections on its implications for the prospects of an improved penal policymaking process. These reflections were generally predicated upon a desire for a more deliberative politics, a better ‘penal democracy’ (Dzur, 2014); one in which ‘we design institutions, structure processes

and develop support systems to make it easier for people to engage’, to ‘have a say’ (Stoker, 2006: 14).

In discussing the exclusionary nature of much penal policymaking, one interviewee, a close observer of civil servant activity, provided the following reflections:

Ministers [did not want] to be disagreed with. And basically the role of the civil service was simply to do what it was told. And...people learn. It’s like having an electric fence around a field. You rapidly learn what hurts and what’s pointless (policy participant).

This was also raised by those subject to this context, with one senior civil servant giving media influence as a pertinent example:

I mean, how many laws have we got with dead children’s names associated with it, because of campaigns by the *Mail* or the *Sun*? And some lunches with Rebekah Brooks and the Prime Minister have resulted in changes in penal policy. I mean that couldn’t be any more exclusionary, because the civil service isn’t even involved at that point until a decision’s been made and they say, “Go and implement X” (Civil servant).

Concern was also raised at the established patterns of working within the Ministry of Justice, and their deleterious effect upon a more open, deliberative politics of criminal justice within, let alone beyond, the department:

When you have a sentencing discussion with the Secretary of State, who’s in the room? You have the sentencing team, a good bunch of generalists. You’ll have probably one lawyer from the Government Legal Service...who likely has never been a practitioner... The only person in the room who will understand offending behaviour will be [a senior representative of] NOMS... *Never* do we have in the room a psychologist or someone who understands risk (civil servant).⁸

⁸ NOMS, the National Offender Management Service, is responsible for prisons and oversees probation services in England and Wales.

Everything was done in very small circles (civil servant).

Further, the relatively short period of time spent in the Ministry of Justice (MoJ) not only by ministers and their special advisers, but also by many civil servants, was considered to be another factor that militated against collective reflexivity.

All the main actors are in [the department] for a very short period, but they can be very influential when they're in it (civil servant).

We have seen in this section reflections upon penal policymaking, which also suggest – though do not conclusively evidence – a level of reflexivity among at least some respondents. What was equally clear was the view, among many respondents, that the practices of policymaking could be considerably improved, in a manner that could be conceived of as facilitating a greater level of reflexivity in day-to-day policymaking. We can now consider the potential value of interpretive political analysis for the understanding, and thereby the improvement, of penal politics.

Interpreting and Influencing Penal Policymaking?

Scholarly interpretations of penal policymaking might be of utility for the improvement of penal policymaking in (at least) two ways, which we can term 'evidential' and 'collaborative'. As regards the former, interpretive accounts may support policy participants in understanding their practices, the beliefs and traditions that they draw upon when carrying out their policymaking functions. It might support, in other words, efforts at individual *post hoc* reflexivity (i.e. reflection), which might lead to greater reflexivity during future policymaking processes.⁹

⁹ As will become clear, this conception of 'evidence' is importantly distinct from that generally promoted by those operating within an 'evidence based policy' paradigm.

As regards the latter, the role of interpretive scholars and those utilizing interpretive accounts may be more active. Interpretive scholars might act in collaboration with policy participants during the course of research projects, to test developing interpretations and potentially thereby to improve the policymaking process under consideration. They might also collaborate with policy participants after completion of research, using their accounts as a means by which prospective reforms – and the means by which they might realistically be achieved – can be considered.

The Evidential Role

As I have indicated above, many of those interviewed for my own research presented observations that suggested a considerable degree of occupational reflexivity. Perhaps there is therefore nothing further for interpretive researchers to add. However, the strength of interpretive scholarly accounts is their ability to draw together, interweave and contrast the different perspectives of those engaged in a particular policymaking process. We can demonstrate this briefly by summarizing my account of the creation of the IPP sentence, by the 2001-2005 Labour government.¹⁰

I found that some politicians were populist, in the sense of cynically shaping their policy goals in light of their likely electoral effects. However, what was more striking, given the theoretical dominance of ministers in the British constitutional structure, was the extent to which politicians and civil servants were so ‘very concerned about managing public opinion’ (political adviser) that many policy participants acted as if they were subservient to the public voice. I was presented with a paradoxical situation in which the penal policymaking process was generally

¹⁰ For a full discussion see Annison (2015).

exclusionary, secretive and driven by a very small number of individuals, but where many of the relevant policymakers spoke as if they were being driven along by forces outside of their control: the rise of the public voice.

It also became clear that despite the Labour government's continual chafing against legal constraints (Stevens, 2002), legally-trained civil servants – in the form of Parliamentary Counsel, government lawyers and other legally-trained officials – remained central in shaping policies such as the IPP sentence. While officials sought faithfully to bring into being the sentence desired by the Secretary of State and his ministerial team, it was taken as a given that human rights considerations, coupled with a more general sense of British fairness (a sense of 'how we do things', as one official put it), set the parameters. Systems of civil detention were being introduced in several Australian states and parts of the United States around the time of the creation of the IPP sentence (Brown, 2011; McSherry and Keyzer, 2011). Such measures were introduced to achieve the same stated policy goal: protecting the public from dangerous offenders. However, this type of post-sentence preventive detention was immediately discounted:

The idea that you go along to a prisoner and say, "you look dangerous", without him having [committed a further offence], and giving him a longer sentence – you need some kind of legal justification (sentencing official).

This episode hints at the various traditions in play. Political actors tended to be motivated by the dominant Third Way political tradition; senior civil servants relied upon the Westminster tradition to guide their actions, acting 'as if the 19th century liberal constitution [still] sets the rules of the political game' (Rhodes, 2013: 487). Legally-trained officials drew upon liberal legal traditions in seeking to implement the wishes of their political masters. These interacted with other considerations of the

time, such as Prime Minister Tony Blair's keen interest in Home Office affairs and an unbridled tabloid media's efforts to harry ministers of the day, to guide the government's agenda. The Iraq war loomed large in the background.

Such an account, summarized here in brief, adds depth and precision to critiques of populist politicians as the source of inadvisable reforms. This 'evidential' role, as I have termed it, is an important contribution that interpretive accounts can make both for academic and policymaker communities. There remains much scope for further scholarly analysis of the processes by which penal policy is generated.

Further, such accounts may help us to understand why the 'civil service reform syndrome' persists (Hood and Lodge, 2007). Why do reform initiatives based on concerns about the lack of 'joined-up policymaking' or 'a civil service cut off from private sector insight' (see Rhodes, 2013) 'come and go, overlap and ignore each other, leaving behind residues of varying size and style' (Hood and Lodge, 2007: 59)? Perhaps this is because reformers tend to carry with them assumptions that are inappropriate: for example, that financial incentives (or indeed disincentives) will improve civil servant output; that competition is a universal motivator; and that clear lines of accountability are essential. Their envisaged policymakers are ideal-typical rational actors, basing their policies on precise calculations of evidence and available resources (Rhodes, 2013).

The interpretive account presented in *Dangerous Politics* points to the unwillingness by key policymakers to consult practitioners and recognised experts in the field of risk, notwithstanding its centrality to their stated goal (the identification and management of convicted offenders who posed 'a significant risk of serious harm' to members of the public). This was supported by traditions that fostered the development of policy within small, relatively isolated, groups of generalist civil

servants and political actors. Ministerial mis-readings of the punitive bent of the average Crown Court judge, as opposed to the more liberal traditions generally shared by the senior judiciary (Annison, 2014a) represented another failure to draw upon ‘softer’, but no less important, forms of evidence in the development of this indeterminate sentence.

This is not to argue that an uncritical adoption of ‘evidence based policymaking’ would have improved the situation.¹¹ Rather, what is made clear is that the IPP policy process failed on its own internal logic (a risk-based sentence developed without detailed understanding of how this would relate to current risk-based practice). An interpretive analysis of the policymaking process provides insights into why this was the case. Second, an interpretive account provides an important, and distinctive, evidential resource for policymakers which may be well-placed to inform future practice.

The Collaborative Role

The discussion so far suggests that the primary function of interpretive accounts may be to urge caution, to point out problems and to hold back impatient reformers. Its presentation of ‘thick descriptions’ (Geertz, 1983) of the life worlds under consideration may tend to support proposals for ‘incremental change over more ambitious schemes’ (Rhodes, 2013: 489). However, might interpretive scholars, or others utilizing their accounts, play a more active role in policymaking reform? Can it contribute to the improvement of penal policymaking by fostering ongoing collective reflexivity, one that looks backwards but also encourages an alternative mode of practice moving forwards?

¹¹ On this point, see Loader and Sparks (2010: chapter 5).

The fostering of collective reflexivity might occur within (and between) policymaker organizations. It could also be conceived more broadly, involving the public more closely in policy decisions as proponents of deliberative politics would propose (Dzur, 2012). The desire to bring the public more centrally into the policymaking process was expressed by some policymakers involved with the IPP story:

Holding a national conversation – how do we engage people in this topic? Because as we all know, a lot of the rhetoric around offenders, around law and order, gets very shrill, at least at the headline level. Once you get below that you can start to have a more considered debate (policy participant, Chatham House rule event, 2010).

Some believed that other, less dramatic, changes were desperately needed, in order to promote the productive interplay of distinctive viewpoints:

[Some would rightly ask,] “Why don’t we have police officers seconded into policy teams? Why don’t we have policy teams where the people you’ll rely on to implement it are actually part of the policy development?” That hasn’t generally happened (former civil servant).

An important example of the collaborative role that might be played by interpretive researchers in facilitating the development of individual/collective reflexivity, and thereby policy reform, is the work of Hendrik Wagenaar. With a number of colleagues and over a number of years, he has sought to utilize interpretive research – both during the research phase and following publication of findings – in support of what he terms ‘recursive collaboration’ (Wagenaar et al., 2015). The researchers ‘test’ their interpretations of policy activity with policymakers and practitioners. This encourages organizational representatives to articulate ‘norms and values in a cross sector collaborative setting’ (Vos and Wagenaar, 2014). Accurate accounts of beliefs and practices are assembled and practical challenges that these

present to policymakers are identified. Vos and Wagenaar argue that such an approach is capable of fostering ‘a collective orientation towards a new, morally grounded, order’ (Vos and Wagenaar, 2014). It can enable actors ‘to create a relatively durable community that is action oriented and that is in sustained interaction with opponents’ (Wagenaar et al., 2015: 112).

A pertinent example is Wagenaar and colleagues’ work with organizations engaged in the Dutch *veiligheidshuis* (‘Safety House’) initiative, an effort better to address treatment-resistant serious habitual offenders (Wagenaar et al., 2015). This scheme was intended as a collaborative innovation, bringing together (and reliant upon) ‘a network of key partners: police, municipality, district attorney, youth services, social psychiatry, and criminal justice’ (Wagenaar et al., 2015: 115).

There were significant challenges in bridging the contrasting ‘care’ and ‘justice’ logics that were in operation. Social workers and criminal justice practitioners were working to different priorities, based on different starting assumptions. Wagenaar and colleagues studied the practices engaged in by the practitioners. They communicated initial findings in a series of workshops, encouraging the participating practitioners to reflect on the findings and to propose the revision or refinement of these scholarly interpretations (Wagenaar et al., 2015: 118). This allowed both researchers and participants ‘collaboratively [to] learn about the meaning a case has for the service providers and the values that are at stake’ (Wagenaar et al., 2015: 118).

Wagenaar and colleagues argue that by exploring and detailing the competing logics, values, practices and structures of the ‘care’ and ‘justice’ realms, this model of action-oriented interpretive policy analysis supported dramatic improvements in the functioning of a specific initiative. Simply putting the relevant organizations together

was not enough. What was required was practitioners ‘working together *in practice* and reflecting on experiences’, supported by a reflexivity fostered by the interpretive research. This was argued to create an atmosphere ‘where experiences could be transformed into opportunities and where on-going learning could take place in the interaction between management and practitioners of the different fields’ (Wagenaar et al., 2015: 129-30).

In a similar manner, particular developments in penal policy could be utilized as prompts for collaborative learning at a local or national level. Policy participants could come together to reflect upon particular case studies of, for example, the development of sentencing policy or prison planning. Different perspectives could be presented and debated. The understanding of policymaking roles could be examined, along with the practical implications of current understandings. Pragmatic difficulties faced by policymakers could be brought out into the light and addressed as prompts for collaborative responses.

By exposing entrenched positions, by problematizing settled assumptions around policymaking, there may be potential for the *post hoc* reflection demonstrated in many of the research interviews to be fostered within the policymaking processes more generally. At its best, this may serve to generate more effective, and even more just, penal policy.

Some would go further and suggest that these collaborative efforts should place ‘informed societal debate’ as a central goal (Loader, 2010: 91), with open and inclusive public engagement ‘an integral part of a framework that fosters the right kind of criminal justice dialogue’ (Dzur, 2012: 115). Arguments for the development of a ‘continuous, detailed dialogue between policymakers and the public’ (Johnstone, 2000: 172), would likely be welcomed by some policy participants; others may be

troubled by the potential damage caused to existing (elite) practices (Rhodes, 2013: 485-488).

Conclusion – Prospects and Limits

This chapter has considered the ways in which policy participants might be considered to be ‘reflexive’, and to what extent the research conducted for *Dangerous Politics* suggests this presently to be the case. We have also seen that there is some evidence to suggest that many policy participants are prone to engage in sustained reflection upon their professional activities. What is less clear is whether this reflexivity is ‘operationalized’ (forms a central part of day-to-day practice) or whether it is primarily experienced as a ‘higher level’, *post hoc* activity. Policymakers also face significant impediments. Their analysis of the context in which they operate, examined above, poses challenges for the improvement of penal policymaking, in terms of both process and outcome.

While Rhodes, Wagenaar and others have made a convincing case for the utility of interpretive research in supporting the development of more reflexive policy reform, substantial challenges remain. These include issues of time, relationships, access and relevance. As Rhodes notes, ‘observation in the field is time-consuming [for researchers] and fits uncomfortably if at all with the demands of politicians and administrators alike’ (Rhodes, 2013: 492). As demands on researchers and policymakers ever-increase, the prospects for sustained, empirically-grounded IPA appear somewhat bleak. Further, elite policymakers have considerable power to grant, or refuse, access. They can make or break work that seeks to explore their beliefs and practices. If access is achieved and maintained, sustaining an outsider status (not

‘going native’), while developing a strong relationship with research subjects, is a considerable challenge.

As regards relevance – being ‘perceived by a non-academic as usefully worth reading or listening to’ (Parsons, 2015: 152) – if findings fail to conform to expectations held by senior policymakers about the causes of problems and their solutions, they may be dismissed as ‘irrelevant or disruptive’ (Sillitoe, 2006: 14). Such research may further ‘bring the social technologist notion of what a social scientist is...into question’ (Geertz, 1983: 35). Interpretive scholars must be cautious about their claims and the limitations of their position as academics (Parsons, 2015), but they can potentially play an important role by:

Speaking (caveated) truth to power; destabilizing complacent, ideologically blinkered politics; and pushing people to problematize their political views and strategies more profoundly (Parsons, 2015: 163).

Research, on this view, does not provide a ‘right answer’ to be uncritically applied. Rather, it serves to open up different perspectives; it facilitates a more deliberative, a more reflexive, policymaking process.

The problems bedevilling penal policymaking – grand schemes, poor implementation, damaging unintended consequences and so on – have refused to go away. Interpretive approaches, which analyse the beliefs and practices that underpin penal policymaking, and encourage policy participants to share perspectives within and beyond relevant organizations, have the potential to make an important contribution to the development of what Loader and Sparks have termed a ‘better politics of crime and its regulation’ (2010: 117). For as Parsons argues:

People who fail to perceive the operative norms, identities, cultural practices and other social constructs within an arena

are likely to misunderstand it and fail to achieve their goals, whatever they may be (Parsons, 2015: 162).

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