Populism, Conservatism and the Politics of Parole in England and Wales

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Abstract
Reform of the parole system has emerged as the cause célèbre of a resurgent law and order politics. Successive governments have seized upon the symbolic power of parole to demonstrate 'toughness' with respect to violent and sexual offending, to express solidarity with the victims of crime and reaffirm a populist credo that purportedly stands in opposition to an unaccountable and out of touch penal elite. Published in March 2022, the Ministry of Justice Root and Branch Review of the Parole System represents a continuation of this well-rehearsed political strategy, but arguably goes further than ever before in its willingness to dispense with established norms, rules and practices. This article surveys the contemporary politics of parole in England and Wales and reflects upon what these developments reveal about the shifting contours of a creeping authoritarian conservatism premised upon nostalgia, nationalism and the projection of a strong, centralised state.

Keywords: parole, sentencing, criminal justice, law and order, populism, conservatism

Introduction

ON 30 MARCH 2022, the Ministry of Justice published its long-awaited *Root and Branch Review of the Parole System in England and Wales*.[1] In recent years, prison release has emerged as *the* cause célèbre of a resurgent law and order politics. During the 2019 Conservative Party leadership campaign, Boris Johnson made regular use of his column in the *Daily Telegraph* newspaper to advocate for longer sentences for violent and sexual offenders. Shortly after his appointment as Prime Minister, Johnson would spotlight parole reform as a central plank of his government's 'crime week' initiative which contained plans to recruit 20,000 new police officers, to remove restrictions upon the use of police stop and search powers and invest £2.5 billion in the construction of 18,000 new prison places.

In the run-up to the 2019 general election, the Conservative Party manifesto revisited these themes and set out a commitment to 'conduct a root-and-branch review of the parole system to improve accountability and public safety, giving victims the right to attend hearings for the first time'. In total, this would be the fourth commissioned review of the parole system by a Conservative government in as many years:

- In 2018, the Ministry of Justice published a *Review of the Law, Policy and Procedure Relating to Parole Board Decisions*, following the high-profile decision to release John Worboys, the forced resignation of the Parole Board Chair and the subsequent judicial review proceedings in the Court of Appeal.
- In 2019, a *Review of the Parole Board Rules and Reconsideration Mechanism* strengthened the victim contact scheme and introduced a new review process so that 'seriously flawed decisions could be looked at again without the need for judicial review'.
- In 2020, the *Tailored Review of the Parole Board for England and Wales* scrutinised the performance of discretionary prison release as part of the government's regular review of all arm's length public bodies (ALBs).

This cyclical process of crisis, review and reform reflects a basic underlying tension

[1]Ministry of Justice, *Root and Branch Review of the Parole System: The Future of the Parole System in England and Wales*, CP654, London, HMSO, 2022.

between the competing claims of penal policy and penal politics.[2] The decision to release is essential to the successful functioning of our penal system. Parole reflects the normative limits placed on the (liberal democratic) penal state and the necessity of well-functioning pathways to release, both of which control prison overcrowding and runaway public expenditure. Prison release is central to sentence progression and is closely associated with voluntary rule compliance in prison, particularly amongst prisoners serving the longest sentences. And yet, successive governments have seized upon the symbolic power of parole to demonstrate 'toughness' with respect to violent and sexual offending, to express solidarity with the victims of crime and reaffirm a populist credo that purportedly stands in opposition to an unaccountable and out of touch penal elite.[3]

We leave it to others to discuss the legal implications of the *Root and Branch Review* and how these proposals may feasibly and legitimately be delivered in practice. In this article we focus on the contemporary politics of parole in England and Wales and what the government's latest proposals might reveal about the shifting contours of a new authoritarian conservatism premised upon nostalgia, nationalism and the projection of a strong, centralised state. First, we outline the key recommendations from the *Root and Branch Review*. Second, we locate these proposals within a broader historical context associated with persistent executive interference in the work of the parole system. Third, we reflect upon an ascendent 'parole populism' that can be observed in many English-speaking jurisdictions. Fourth, we explore what these proposals reveal about the ideological tensions within contemporary New Right conservatism. We conclude by drawing attention to the practical shortcomings of a policy framework that is likely to erode public trust and make management of the parole system even more difficult in the years ahead.

The Root and Branch Review

Writing in the ministerial foreword to the *Root and Branch Review*, the Lord Chancellor, Secretary of State for Justice, and Deputy Prime Minister, Dominic Raab, makes clear that protecting the public and improving victims' experience of the criminal justice system are key priorities for the Ministry of Justice. While recognising the progress that has been made by the Parole Board, the Justice Secretary argues that recent high-profile release decisions have undermined public confidence in the parole system and raised fundamental questions about the robustness of Parole Board decision making. This narrow framing of the policy 'problem' paves the way for an authoritarian policy 'solution' that ignores the government's own complicity in undermining the legitimacy of the parole system and justifies far greater ministerial oversight in cases concerning prisoners who have committed the most serious offences.

Part One of the review discusses the Parole Board's release processes and decision-making powers. The review is highly critical of how the statutory release test for parole is currently applied and concludes that judicial interpretivism has subverted the original intention of Parliament. Based upon this rather dubious re-telling of history, the review concludes that radical reform is now needed to restore the primacy of public protection and compel the Parole Board to adopt a 'precautionary approach' in 'top-tier' cases, including those convicted of murder, rape, terrorism and child neglect. Perhaps most controversially, the review proposes the introduction of a new power for political ministers to review the decision to release in cases where (a) the Parole Board cannot be certain that the release test has been satisfied, or (b) where it has directed the release of a 'top-tier offender'.

While unsurprising, it is nonetheless disappointing that the review goes on to dismiss the principled arguments for reconstituting the Parole Board as an independent court or tribunal. No substantive discussion of possible alternatives is presented. Instead, the preference for the Parole Board to remain an arm's

[2]R. Fitzgerald, A. Freiberg, S. Dodd and L. Bartels, 'Building public confidence in parole boards: findings from a four-country study', *British Journal of Criminology*, 2021; https://doi.org/10.1093/bjc/azab097 (accessed 11 May 2022).

[3]H. Annison, 'Re-examining risk and blame in penal controversies: parole in England and Wales', in J. Pratt and J. Anderson, eds., *Criminal Justice, Risk and the Revolt Against Uncertainty*, Basingstoke, Palgrave Macmillan, 2020, pp.139–163.

length public body, sponsored by the Ministry of Justice, is justified on the grounds that it is necessary to allow the Secretary of State to 'intervene in clearly defined cases involving the most serious offences.' In a further move, presumably intended to play upon tabloid hostility towards 'penal experts', the review concludes that the Parole Board should recruit more members from law enforcement backgrounds.

Part Two of the review outlines a series of recommendations in relation to victims and transparency. It concludes that a blanket requirement that all hearings be heard in private is unnecessary and calls for the *Parole Board Rules* to be amended so that prisoners, victims, the media and the general public can request that a case is heard in public unless there are legitimate reasons not to do so. Moreover, the Review Team recommended changes to the *Victims' Charter* intended to strengthen participation in Parole Board hearings. Currently, victims of crime are invited to submit a victim impact statement to the Parole Board, which may include their views on the consequences of the index offence and the desirability of certain licence conditions if release is recommended. Under the new proposals victims will, for the first time, be invited to share their views on the offender's potential release and the Parole Board will be directed to consider any submissions made by, or on behalf of the 'relevant' victim(s). How this will work in practice is unclear given the long-standing difficulties of reconciling the views of forgiving and punitive victims, the prisoners' account of personal change since the offence occurred and the demands of a 'forward looking' decision-making process that seeks to determine an individual's risk of serious further offending on release.

Part Three of the review reflects upon the management of parole and recommends the establishment of a Parole System Oversight Group to drive ongoing improvements in effectiveness, efficiency and joined-up working.

If implemented, these proposals would represent a significant departure from the current policy framework. But in our view, the *Root and Branch Review* is just as noteworthy for the myriad issues that are omitted from the final document or kicked into the political long grass. There is virtually no reference to the 'long tail' of the discredited indeterminate sentence for public protection (IPP) or practical suggestions detailing how to deal with the nearly 3,000 IPP prisoners who remain in prison (often having been recalled) long after their sentence tariff has expired.[4] The review fails to deal adequately with the administrative implications of unprecedented sentencing inflation or systematic under-investment in the criminal justice system following the introduction of sweeping austerity measures in 2010. No reference is made to sentence progression, a lack of access to rehabilitative programmes in custody or the incoherence of the recall system as it currently applies to both determinate and indeterminate sentence prisoners. While noting progress in the recruitment of Parole Board members from black, Asian and other minority ethnic (BAME) backgrounds, the review has very little to say about entrenched race disproportionality in the criminal justice system.

Something old: a brief history of executive interference in the parole system

> … we do not think that this subject [parole] should be a matter within the day-to-day responsibilities of a political Minister. We believe that it should be not only detached from politics … but should be seen to be detached from politics. We think that it should not be in the hands of either officials or Ministers responsible for the ordinary conditions of incarceration. (Quentin Hogg, Conservative Shadow Home Secretary, December 1966.)[5]

When taken as a whole then, the proposals set out in the *Root and Branch Review* represent an assortment of something old, something borrowed and something new. Understandably, a great deal of attention has centred upon the proposal to augment the revised statutory release test with a far more active role for ministers in parole decision making and the

[4]H. Annison, 'Tracing the Gordian knot: indeterminate-sentenced prisoners and the pathologies of English penal politics', *The Political Quarterly*, vol. 89, no. 2, 2018, pp. 197–205; https://doi.org/10.1111/1467-923X.12462 (accessed 11 May 2022).
[5]*House of Commons Debates*, 12 December 1966, vol. 738, c76.

introduction of a new power of refusal in 'top-tier' cases. Put simply, the Secretary of State is proposing to act as judge in certain parole hearings, while also remaining a party to those hearings. For these reasons, the proposals set out in the review have been criticised on the grounds of legality, efficacy and cost. If, as seems likely, primary legislation is required to introduce these measures, they will be subject to intense scrutiny in Parliament. They are almost certain to be challenged in the courts as incompatible with the European Convention of Human Rights (ECHR) and common law standards of due process.[6]

The Parole Board has become a more 'court-like body' in recent decades, often driven by landmark legal judgements in cases such as *Brooke* and *Osborn*.[7] These proposals reverse this momentum and seek to reassert executive command and control over the parole system. Such a move would not be unprecedented. The Parole Board's status as a non-executive or arm's length body has always been precarious and examples of executive interference have been apparent since the creation of a modern system of parole in England and Wales. As originally introduced in Parliament, the Criminal Justice Act 1967 left the decision of whether to release a prisoner on licence solely at the discretion of the Home Secretary. It was only at a later stage in the legislative process that the Home Office eventually yielded to cross-party pressure in Parliament by bringing forward a series of amendments intended to establish a 'Prison Licensing Board', a rather municipal title that was eventually changed to the Parole Board in the House of Lords.

In its initial guise, the Parole Board was a purely advisory body. All eligible parole cases were screened by prison based Local Review Committees and the Home Secretary reserved the right to overturn its recommendations if it was deemed to be in the public interest. Initially at least, this ministerial veto was used sparingly, although there is some evidence to suggest that the Home Secretary was more likely to exercise these discretionary powers just before, and at the time of, general elections. However, as parole became a more established feature of the criminal justice landscape, the Home Office did begin to adopt a more directive posture towards the Parole Board. In 1975 the Home Secretary, Roy Jenkins, outlined plans to extend the use of parole and issued new guidance to the Parole Board instructing it to (a) grant parole at an earlier date to those prisoners who would go on to receive a favourable release decision anyway, and (b) to grant parole to a larger proportion of those prisoners who were eligible for parole, but did not receive a favourable release decision at their first or second hearing.

The 'Jenkins initiative' enjoyed cross-party support and resulted in a notable improvement in the parole rate in England and Wales. But it is also true to say that it represented the first systematic attempt by a minister to influence or control the overall policy of the Parole Board. Ever since, this 'policy-setting precedent' has been relied upon by successive governments to curtail significantly the discretion of the Parole Board and bring it into line with broader penal policy aims. In his inaugural speech to the 1983 Conservative Party conference, the Home Secretary, Leon Brittan, announced a new 'restrictive policy' whereby prisoners serving life sentences for murder of a police officer, prison officer, sexual or sadistic murders of children, terrorist murders and murder by firearm would not be considered for parole until they had served a tariff period of at least twenty years. In October 2013, the then Justice Secretary, Chris Grayling, set out his plans to restore greater 'truth in sentencing'. In echoes of Brittan's restrictive policy, the Parole Board was directed to deny a positive release decision to prisoners serving extended determinate prison sentences unless it was satisfied that the individual no longer posed a 'threat to society'.

Something borrowed: populism, policy transfer and Parole Board discretion

Attempts to reassert executive command and control over the Parole Board are longstanding, and typically justified on populist grounds that play upon public fears of dangerous 'others', express impatience with penal

[6]N. Padfield, 'The function of the Parole Board—avoiding failure or promoting success?', *Public Law*, vol. 3, 2020, pp. 468–487.
[7]R (Brooke) *v*. Parole Board [2008] EWCA Civ 29; Osborn Booth and Reilly *v*. The Parole Board [2013] UKSC 61.

expertise and posit simple, common-sense solutions to the crime question.[8] In this respect, the *Root and Branch Review* is illustrative of a creeping parole populism in many parts of the English-speaking world that represents a formidable challenge to a parole board model of arm's-length decision making that has endured for decades.[9] In the United States, for example, Rhine, Petersilia and Reitz have documented how, over time, a broad constellation of reforms at the state and federal level have gradually restricted parole eligibility for violent and sexual offenders and fettered the discretion of many parole boards. To take but a few examples:

- the use of parole appointments, training, performance reviews and structural job insecurity to 'nudge' parole board members towards greater risk aversion in their decision making;
- the use of sentencing tariffs and mandatory minimums to introduce greater indeterminacy into extant sentencing frameworks;
- changes to parole release tests and guidance that place the burden of proof on the prisoner and increase the evidential threshold that must be reached before parole can be granted;
- the use of state budgets to under-resource parole boards and the correctional services needed to drive sentence progression and inform parole decision making;
- the curation of victim testimony during parole hearings so that they have maximum influence on paroling authorities;
- the proliferation of post-custody supervision, onerous licence conditions and offender management systems that increase the likelihood of prison recall.[10]

At the same time, even the legal possibility of conditional release has been obliterated for many people in the United States. Most strikingly, in 2021 there were more than 200,000 prisoners serving whole life sentences without the possibility of parole (LWOP), of which nearly half were African American.[11]

Similar trends can be observed in Australia where a series of state-level initiatives have restricted the discretion afforded to state-level parole boards, promoted the use of 'no body no release' clauses and, in some cases, resulted in the use of emergency legislation to prevent the release of certain named individuals. As Frieberg, et al. document, the tragic rape and murder of Jill Meagher in September 2012 by parolee, Adrian Bayle, is now widely regarded as a critical juncture in Australian parole law, policy and practice.[12] The case sparked national outrage and in his subsequent review of the Victoria parole system, retired High Court Judge, Ian Callinan QC, recommended a fundamental overhaul of existing parole arrangements. In a wide-ranging report, Callinan advocated for changes to the parole release test to prioritise community safety, sentencing reforms intended to introduce mandatory minimum tariff periods, measures to restrict significantly the discretion afforded to local parole boards, and the introduction of a new code of conduct intended to elevate the status of victims and give them a far greater say in parole decision making.

In our view, the direction of travel in England and Wales and many parts of the USA, when coupled with the stark parallels between the Callinan proposals and the *Root and Branch Review*, highlight the policy mobility dynamics that are currently in play here, that is, the apparent influence of neoconservative thinking on leading figures in the current Johnson-led Conservative government. More generally, we see evidence of ongoing policy transfer in many English-speaking

[8]M. Moffa, G. Stratton and M. Ruyters, 'Parole populism: the politicisation of parole in Victoria', *Current Issues in Criminal Justice*, 2019, vol. 31, no. 1, 2019, pp. 75–90; https://doi.org/10.1080/10345329.2018.1556285 (accessed 11 May 2022).

[9]T. C. Guiney, 'Parole, parole boards and the institutional dilemmas of contemporary prison release', *Punishment & Society*, 2022; https://doi.org/10.1177/14624745221097371 (accessed 11 May 2022).

[10]E. Rhine, J. Petersilia and K. Reitz, 'The future of parole release', *Crime and Justice*, vol. 46, no. 1, 2017, pp. 279–338; https://doi.org/10.1086/688616 (accessed 11 May 2022).

[11]C. Seeds, 'Life sentences and perpetual confinement', *Annual Review of Criminology*, vol. 4, no. 1, 2021, pp. 287–309; https://doi.org/10.1146/annurev-criminol-061020-022154 (accessed 11 May 2022).

[12]A. Freiberg, L. Bartels, R. Fitzgerald, et al., 'Parole, politics and penal policy', *QUT Law Review*, vol. 18, no. 1, 2018, pp. 191–216; https://doi.org/10.5204/qutlr.v18i1.742 (accessed 11 May 2022).

jurisdictions that, over time, has promoted considerable policy alignment around the central tenants of a parole populism that continues to erode the rights of prisoners and relegate the careful work of rehabilitation to the imperatives of an all-encompassing public protection.

Something new: parole and the new conservatism(s)

The *Root and Branch Review* draws heavily upon well-rehearsed populist tropes to justify punitive measures that entail a significant rebalancing of the relationship between citizen and state. In many parts of the English-speaking world, populism has proved highly effective in mobilising a new 'politics of support' for penal reform, but this is only one part of the story. In many cases it is easier to discern what populism is opposed to, rather than what it actually stands for, and recent phases of institution building in the penal field owe a considerable ideological debt to the shifting contours of New Right conservatism. Here, we see clear parallels between the *Root and Branch Review* and other recent attempts to remodel public institutions in cognate spheres of social policy: planned changes to the BBC's *Royal Charter*, proposals to privatise Channel 4, continued efforts to rescind the Human Rights Act and introduce a British Bill of Rights, proposals to reform the Electoral Commission and alterations to the immigration system that will see some asylum claims outsourced to Rwanda.

As many have noted, the Brexit referendum in 2016 marked a watershed moment in contemporary British political and constitutional history. The vote accelerated a pronounced ideological shift in the Conservative Party that has pivoted away from the liberal conservatism of David Cameron towards a more socially conservative platform premised upon nostalgia, nationalism and the projection of a strong, centralised state. It remains to be seen whether the Conservative Party can hold together this precarious political constituency encompassing both traditional conservative voters and previously 'red wall' working class Labour seats.[13] However, in the short-to-medium term, the 2019 general election landslide victory does appear to have emboldened ministers with responsibility for crime, criminal justice and immigration to go further than ever before in their willingness to dispense with established norms, practices and constitutional conventions.

Increasingly, the politics of parole in England and Wales is suggestive of a new and more assertive ideological project that blends elements of both populism and authoritarian conservatism. Not only does it seek to promote the traditional moral content of the criminal law and reject even a notional balancing of the human rights of the individual prisoner against the responsibility of the state to protect the public, but the willingness to grant wide-ranging discretionary powers to the Secretary of State to review politically embarrassing release decisions speaks to an intensification of a well-established 'wedge issue' political strategy that seeks confrontation with the legal profession and is designed to create clear blue water between the government and opposition parties. Originally, parole was justified on the basis of a 'recognisable peak' in an individual's rehabilitation and only later became associated with actuarial risk management strategies. Now, there are signs that the aims and techniques of parole may be evolving once again to resemble something closer to a re-sentencing exercise that draws explicitly upon the punitive logics of fear, blame, vengeance and incapacitation.

Here, the apparent arbitrariness of ministerial oversight can usefully be compared with the proposals set out in a recent JUSTICE report *A Parole System Fit for Purpose*.[14] While accepting that parole functions to protect the public from serious criminal offending, JUSTICE also recognises that parole must be understood as a coercive power that confers wide-ranging discretion upon the state to deprive individuals of their liberty. Accordingly, the denial of parole must be both morally and legally justified and determined by a

[13]T. Heppell, 'The Conservative Party and Johnsonian conservatism', *Political Insight*, vol. 11, no. 2, 2020, pp. 15–17; https://doi.org/10.1177/2041905820933368 (accessed 11 May 2022).

[14]N. Padfield, et al., *A Parole System Fit for Purpose*, London, JUSTICE, 2022; https://files.justice.org.uk/wp-content/uploads/2022/03/22164155/JUSTICE-A-Parole-System-fit-for-Purpose-20-Jan-2022.pdf (accessed 4 July 2022).

decision-making body with the necessary legal protections to carry out this role fairly and independently. While acknowledging the incremental improvements that have been made to re-position the Parole Board as a more 'court-like body', JUSTICE concludes that recent policy pronouncements raise a 'multitude of human rights concerns around effective participation and procedural fairness.'

From this normative point of departure JUSTICE outlines a number of proposals for reform of the parole system in England and Wales. First, that the Parole Board should be reconstituted as a 'well-resourced' tribunal with equivalent procedural rules and case management powers to other higher tribunals. Second, that there should be clearer lines of accountability for addressing the chronic delays that beset the parole system and cause significant distress to prisoners, families, friends and victims. Third, that steps should be taken to improve prisoner participation—and expression of agency—in the parole process. This could include the provision of information to individuals about the parole process and their legal rights, support to articulate evidence of rehabilitation to the Parole Board and greater awareness of the distinct needs of individual prisoners. Fourth, JUSTICE argues that reform and rehabilitation are amongst the primary aims of the current sentencing framework and notes that overcrowded prisons, a lack of education and training and poor healthcare in custody are likely to worsen a prisoner's risk profile—and thus decrease public safety—rather than improve it.

Conclusion: are conservatives forgetting the lessons of good governance?

These competing visions neatly encapsulate the key ideological fault-lines that now define the political contestation of parole in England and Wales, and elsewhere. On the one hand, the JUSTICE report is closely associated with what we might characterise as a legal liberalism that is attentive to the dynamic relationship between citizen and state, and seeks to constrain political action within the parameters set by the rule of law. On the other hand, the *Root and Branch Review* is synonymous with a populist and authoritarian conservatism that is said to speak on behalf of the people, not of the system, seeking to dismantle established norms and human rights protections in their name.

It is difficult to see a swift resolution to these intense normative debates. Nor is it clear that a compromise settlement would be desirable given the fundamental principles at stake here. Rather than simply bemoan the current politics of parole or the long march of populism in many parts of the English-speaking world, we conclude this article by drawing attention to the unfulfilled promise of one further, largely underdeveloped, line of political critique that is centred upon notions of practical wisdom, prudence and the art of good government. While current political debate has rightly centred on the relationship between state and citizen, we argue that a renewed focus on the art of good government could galvanise cross-party support by drawing out the shortcomings of a policy framework that is likely to erode public trust, to make management of the parole system even more difficult in the years ahead and thus to fail even on its own terms.

As regards penal policy, it may be that the Conservative Party is now in danger of forgetting the lessons of a British conservative tradition that is deeply sceptical of executive overreach and rejects radical departures in favour of incremental change marked by organicism, and traditionalism.[15] It is noteworthy that after twelve years in power, the Conservative Party has been far more successful in building a broad (if increasingly precarious) coalition of support for punitive penal policies than it has in exercising the policy levers available to the state in order to drive substantive policy change. In this respect, current government policy appears vulnerable to a conservative critique that it has prioritised ideological radicalism over practical wisdom: that a reforming zeal has undermined established institutions which have stood the test of time and fails to recognise the long-term benefits to be gained by removing politically toxic decisions from a minister's in-tray.

[15]I. Loader, 'Crime, order and the two faces of conservatism: an encounter with criminology's other', *British Journal of Criminology*, vol. 60, no. 5, 2020, pp. 1181–1200; https://doi.org/10.1093/bjc/azaa025 (accessed 11 May 2022).

Indeed, it should not be forgotten that the historical roots of parole have as much to do with questions of statecraft and the emergence of the modern nation-state as they do with shifting attitudes towards punishment. Early systems of prison release, such as the marks system and ticket for leave, were explicitly designed to address the arbitrariness of sovereign power and the importance of voluntary rule compliance in even the most highly controlled and authoritarian penal institutions. As reforming Conservative ministers such as R. A. Butler and Douglas Hurd have long recognised, there are limits to state command and control, and prison disturbances do have the potential to cause significant and ongoing damage to the government's reputation for governing competence.

It is right to critique the *Root and Branch Review* proposals on the grounds that they undermine human rights and introduce intolerable arbitrariness into the criminal justice system. However, the analysis presented here suggests that the *Root and Branch Review*, if implemented, is likely to fail on its own terms and generate major policy difficulties for future Justice Secretaries. When viewed through the lens of practical wisdom these proposals are likely to undermine voluntary rule compliance in prison and, over time, will almost certainly undergo a Weberian process of bureaucratisation that demands precisely the kind of codification, standardisation and procedural regularity that the review finds so objectionable. More generally, we are concerned that the review prioritises a soundbite-friendly, public protection narrative, over the slow and difficult work of nurturing the people, systems and cultures that are required to deliver substantive public safety and strengthen public confidence in the penal system.

If correct, the analysis presented here indicates that the *Root and Branch Review* is highly unlikely to draw a line under the current cycle of crisis, review and reform that has caused significant damage to public confidence in the parole system in England and Wales. Instead, we see clear synergies with a long-standing tradition of executive interference in the work of the Parole Board of England and Wales and a populist playbook that continues to undermine human rights and fetter parole board discretion in many English-speaking countries. While we remain pessimistic about the short-term prospects of a return to moderation in the penal field, we have argued here that a critique that draws upon notions of practical wisdom, prudence and the art of good government could be effective in forging a new coalition of support in the short term—one that unites liberal penal reformers, moderate one nation Conservatives and the many communities of interest working to temper the state's most punitive impulses by drawing attention to the shortcomings of a policy framework that is likely to erode public trust and make management of the parole system even more difficult in the years ahead.

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