

Is Britain under New Labour becoming a totalitarian state?

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Summary:

Looking at some of New Labour's legislation we ask the question whether this is a move towards a totalitarian state. We focus on New Labour's obsession with 'anti-social' behaviour and draw unavoidable parallels with the Nazi regime's concern with 'a-socials'.

We also look at: the growth in evaluation and monitoring in the implementation of policy, New Labour's hostile attitude to the judiciary, the huge extension of powers to officials, the Criminal Records Bureau check, the Every Child Matters campaign (New Labour's programme to impose its own rather shallow values on how children are brought up), the populism of New Labour which blurs the boundaries between a party campaigning for election and a responsible government in power, and finally its welcoming of the therapy and counselling industry, presumably as another means of encouraging conformity.

We conclude that New Labour looks totalitarian out of necessity; because, having abandoned real politics, it is engaged in a cover-up and a need to appear in control. It has not installed a totalitarian regime which would involve the abolition of elections and more attacks on free speech; nonetheless it is dangerous to have a government which governs in a totalitarian manner because this habituates people to totalitarianism.

Monitoring and targets, granular enforcement of policy

One of the hallmarks of this regime has been the use of targets and monitoring. Workers such as youth workers, teachers, community education tutors and further education lecturers, social workers, and volunteers have become enmeshed increasingly in their day to day working lives in filling in forms to show that they have met certain targets. A youth worker may be required to complete a 'sessional monitoring form' at the end of each club session. Social work departments, until recently, were under pressure to meet targets for the number of children adopted out of care. Until a recent relaxation the police were subject to a demanding targets culture. In community education and indeed in other places of education 'learning logs' have become popular. At the end of each session the teacher is expected to complete a record of what the student has learned during the course of that lesson.

In schools a massive amount of testing has been introduced alongside the traditional exam system of GCSEs and A-Levels. The claim has been that this is about 'driving up standards'. It is obvious that once a testing regime is introduced teachers will 'teach to the tests'. Increasing scores on the tests may mean no more than this; in fact it says little about standards in education. The amount of testing in schools is notorious and led to the UN special rapporteur on the right to education saying that she felt the UK was in breach of Article 29 of the UN Convention on Rights of the Child because the tests were designed to fulfil government objectives rather than meet the needs of the child.¹

The monitoring regime betrays a totally impoverished vision of people. It is a vision which sees people as raw materials. The monitoring is to check that the right inputs have gone into these raw materials. Imagine a supervisor in a factory with a clip-board measuring and recording the output of some machine. The monitoring regime is this applied to human beings. Products in a factory. 'Learners' (no longer students) are seen as products – have they had the right inputs? And the teachers, youth workers and others whose students are being monitored as if they were industrial products are themselves seen as no more than factory operatives. Education, training and youth work are seen as a great machine for producing the right outputs. What exactly are the right outputs for New Labour we examine in the section on the government programme 'Every Child Matters'.

There has been a shift in the level at which the government seeks to control education. In the model prior to New Labour the government influenced what was being taught, and how, by intervention in teacher training colleges and through discussions with the professional organisations in the field; it then allowed teachers to teach. That is teachers were *trusted* and allowed to enter the classroom *as people*. The system was not a free for all; teachers were still bound to follow the approach given them in their training and to teach subjects for national exams. There was a degree of authority in this system. The new approach undermines and bypasses completely any authority which might be exercised outside of government mandate. It overturns tradition. Teachers themselves become more directly agents of government directives rather than this being through the mediated route of the teacher training colleges; at the same time *teachers are not trusted*. The monitoring which teachers have to perform continually reminds them that they are merely instruments of the government. The alternative is not that teachers should be allowed to teach what they want; everyone recognizes that as part of a society one has to bow to tradition, to authority, to accepted ways of doing things. But the system before New Labour re-modelled it allowed teachers (and youth workers and others) to exercise within these broader constraints their fundamental freedom as people. New Labour's system takes this away from people and reduces them to mere instruments of government policy.

The same wretched vision also sees children and adult students as merely empty vessels into which to pour measurable quantities of inputs. The changing of the word from 'student' to 'learner' reflects this; a student is a person who is engaged in learning and is someone who is at a stage of life where they are in many and various ways becoming a person as well as simply 'learning'. But a 'learner' is seen purely in terms of the *function* of 'learning'. Everything that the word student encompasses which is not included in the simple function of 'learning' has been obliterated. New Labour wants productive learners not students. Students think, even rebel. Learners just learn and this become productive economic agents.

All that part of education which was about becoming a rounded person in a free society has been abolished. The 'learner' as she progresses through education will become the consumer and producer who 'enjoys and achieves' and who 'achieves economic well-being'. (These are goals from the Every Child Matters agenda).

Of course the testing regime in schools has been sold to parents on the 'raising standards' grounds. And all parents want the best for their child. The test results are available to parents and those of the school are published. Parents may feel that they, not the teachers, are in control. The tests thus have a kind of populist appeal, over the authority of the teachers.

Changes in the Criminal Justice system

The criminal justice system is an institution (or collection of institutions) which is distinct from the government. As such it has become a target for New Labour.

One of New Labour's innovations in the Criminal Justice system has been Victim Impact statements. These are statements which are read out by the victim or a representative of the victim concerning how they feel about the crime and its effect on them in cases of manslaughter or murder. They are read out prior to sentencing though judges are not supposed to be influenced by them. Government advice to victims explains under a heading 'What is the point?':

“These statements give the families of murder and manslaughter victims a voice in the criminal justice system. Making a statement enables you to tell the court about how the murder or manslaughter has affected your family. “

In fact prior to this the victims could submit a written statement to the court. It seems then that this change is a gloss leading one to suspect the primary driver of the policy is its calculated media effect. It does however undermine the judicial process. The judicial process is a weighty one with a long tradition. Decisions are based on precedent and on the authority of the judges as well as on sentencing guidelines laid down in law.

By allowing a piece of emotional theatre the government adds a populist touch to the proceedings. The government can't directly take over the judicial process so it does the next best thing; it uses populism to intrude itself into the court. The statements in fact add nothing and offer nothing to the relatives. Their purpose is to alter the character of the proceedings. It is not tradition and authority, the independence of the judiciary, which will be remembered after the day but the public grief, anguish and pain of the relatives. The wigs of the barristers and the judge, the solemnity of their role, is being undermined. The government cannot hold the judiciary to account directly which must be deeply frustrating for a government which likes to control everything but by using weeping relatives they can, at an emotional and populist level, achieve this in a surrogate way. At least the judges are accountable to the emotions of the population. The government has not won but has succeeded in undermining the judges at least.

Another change on similar lines has been the change which allows a defendant's previous convictions to be cited in court. At the time these measures were being introduced the then Home Secretary David Blunkett said “These reforms put victims at the heart of the justice system” . But this too smacks of populism and undermines the notions of an objective trial based on the evidence. The shift has been away from the traditions of the criminal justice system towards a more populist 'peoples' court' type of criminal justice. Again; while this is not a matter of direct government control over sentencing it does represent a shift in the balance of power; away from the judiciary and to public sentiment. The power of the judiciary is reduced even if the government's power is not directly increased.

Another new measure has been the introduction of Indeterminate Sentences for Public Protection which have been used since 2005. Under these sentences an offender will only be released if the authorities decide that he is no longer a danger to the public. By October 2008 there were 4,200 people were serving an indeterminate sentence.² And the numbers are growing rapidly. The legislation (Criminal Justice Act 2003 Section 225) mandates that the court impose an indeterminate sentence in the case of serious offences “if the court is of the opinion that there is a significant risk to members of the public of serious harm

occasioned by the commission by him of further specified offences". Inevitably courts have been imposing these sentences because they are bound to apply the law which leaves them with little choice if a person looks likely to re-offend; many people on serious charges will of course fit this bill.

In 2008 the government modified the legislation in response to widespread criticism from the Prisons and Probations Inspectorate and pressure groups such as NACRO. This significant change (Criminal Justice and Immigration Act 2008 Section 13) changed the requirement so that the court is allowed to use its discretion in imposing an indeterminate sentence. However, according to the BBC numbers are still rising.³

In this case it seems therefore that even when not under a direct obligation to impose an indeterminate sentence courts are still doing so. Possibly there is a concern about a backlash should they not apply such a sentence and an offender commit a particularly ghastly follow-up crime. This policy too can be seen in terms of its populist appeal. The public – and tabloid - nerve about criminals who are released only to commit further horrendous crimes is at stake here. ('Monster freed to rape again'). Courts are inveigled into using these powers to avoid the obvious criticisms if they fail to – now they are available. This policy too is a populist one.

Other measures have included controversial legislation to detain indefinitely foreign nationals suspected of terrorism even where no specific offence was alleged and no conviction obtained. This legislation was over-turned and replaced with a system of control orders.

The overall shift in Criminal Justice system under this government has been towards policies which have a populist appeal. The public pronouncements are that the population should feel that justice is being done. But criminal justice is not intended to be 'democratic'. Indeed the very remoteness from populism (as symbolised perhaps by the wigs) is a kind of bulwark against judges pandering to popular sentiment when making decisions.

By effecting legislation which undermines this and 'brings justice closer to the people' New Labour is seeking to align itself in the mind of the public with the delivery of justice; only Labour can really keep you safe from the mugger, the repeat sex offender, the murderers and villains. It is the creation of a media tale that New Labour is on the side of the public against the villains. The implication is that you (Joe Public) are only *safe* under New Labour. It is a kind of blackmail – using crime as the bait. Of course the judges always have been on the side of the public against the villains; but there was a media gap here ripe for exploitation by New Labour's media strategists. The judiciary cannot advertise that it is 'tough on crime' even though it manifestly is. So the opportunity was there for New Labour to hoodwink the public by filling this gap with its tale. This has been achieved by the populist changes to the criminal justice system outlined above together with a largely unprecedented tendency for government ministers under New Labour to criticise judges publicly. The goal is to align in the public mind New Labour with safety from crime.

Previously governments of any persuasion have accepted that protection from crime was a matter for the criminal justice system. Obviously there were arguments about priorities, changes of emphasis, new laws; but what is new is the way that New Labour has sought to monopolise the field, elbowing out the judges in the process.

As a 'Ministry of Justice spokesman' said on 28/11/08, as reported by the Guardian, "We are committed to the continued transformation of the justice system into a service for

victims and witnesses - one where people know it is on the side of the law-abiding majority” That is, the government has sought to turn the criminal justice system into a government service, like, for example, the Job Centre service. But the independence and traditions of the judiciary are tossed aside.

Extension of powers to local officials

A significant feature of New Labour's administration has been the extension of powers granted to officials. Some examples:

The Regulation of Investigatory Powers Act 2000 allows local authorities, and other public bodies, to mount surveillance operations in a wide-range of circumstances, which in effect cover any desired case, for example "for the purpose of preventing or detecting crime or of preventing disorder" (Section 28) and to request subscriber details relating to individual's communications from phone and internet firms (but not content of messages). These requests can be made direct by the local authority without approval by a judge or magistrate. Cases have arisen of councils using these powers to detect people allegedly trying to get round the rules about school catchment areas and littering. According to the Telegraph in the year to March 2008 154 local authorities made 1,707 requests for communications data.⁴

Under New Labour a very wide range of officials now have powers to issue on the spot penalty fines. Fixed Penalty Notices can be issued by council officers and PSOs (Police Support Officers – another New Labour innovation) to anyone over 10 years old for offences such as littering, graffiti, fly posting, or 'causing so much loud and annoying noise that your neighbours complain' (this from a Home Office Web site). Penalty Notices for Disorder can be issued by police or PSOs to anyone over 16 for offences such as: under age drinking, littering, small value thefts, the ubiquitous anti-social behaviour, and drunk and disorderly. In both cases the idea is for 'quick justice'; accepting the penalty notice makes any possible charges go away.

It is worth noting that in the case of a Penalty Notice for Disorder payment of the order at once removes the chance of a criminal conviction but the details of the order may still be entered onto the Police National Computer and could subsequently re-appear in an ASBO case or on a CRB check form or used as 'bad character' evidence under the new legislation which allows previous convictions to be cited in court. In a sense these are a kind of blackmail since many of the offences which a person might receive a PND for carry quite serious penalties if the matter was heard in a court and the recipient found guilty. In effect who wouldn't want to pay £80.00 rather than risk conviction and perhaps a 3 month prison term (for destroying property)? (Calculate the risk: a 10% chance of getting convicted is still a 10% chance of going to prison, versus £80.00 now and no risk).

Interestingly the legislation in the Clean Neighbourhoods and Environment Act 2005 relating to non-payment of fixed penalty notices states (Section 22): "In any proceedings a certificate which (a) purports to be signed by or on behalf of the chief finance officer of a principal litter authority; and (b) states that payment of a fixed penalty was or was not received by the date specified in the certificate, is evidence of the facts stated." This is in fact very alarming; almost like being in a mad-house and told your claim to be sane is evidence of your insanity. (I.e. there is no escape). It is simply the word of a more or less scrupulous and more or less competent local authority finance officer who will determine your guilt or not. Such is New Labour's attitude to fairness.

Some local authorities are offering children given Fixed Penalty Notices for littering the option to buy their way out of it by doing a 'litter-pick' on a Saturday morning. It is not known if they are made to wear t-shirts stating 'Community Payback'.

Headteachers or educational welfare officers can issue fines of £100.00 (Fixed penalty

notices) to parents for non-attendance of their children at school. This is a surprising change in the role of a headteacher in a local community; from being perhaps a respected figure linked to traditional authority and learning the New Labour headteacher is another government apparatchik with the power to hand out fines. This shows the same contempt for all forms of traditional authority which we saw in our examination of New Labour's attitude to the judiciary.

Environment Agency officers can issue fixed penalties for certain offences relating to the disposal of waste. Parish councils can issue them for certain offences such as dog-fouling.

It is certainly true that there are safeguards in this system of fixed penalties in particular an individual in receipt of a fixed penalty can always choose to go to court. This is not necessarily the case in all European countries; in Belgium for example police can issue on the spot fines with no option for a court hearing. Nonetheless it represents at least at a pragmatic level a shift in the delivery of 'justice' away from the judiciary to a class of officials. This parallels the shift which sees local authorities acting on their own account (rather than through the police and the warrant system of the courts) being able to albeit at a restricted level carry out various kinds of surveillance.

Both new powers, surveillance and fixed penalty notices, then without being final or extreme do reflect a tendency for power to spread its tentacles more closely throughout the network of state and government agencies with less oversight by the courts. This is very much like the state of affairs in a totalitarian state.

The Anti-social behaviour legislation of New Labour

New Labour has made a great deal of its legislation against 'Anti-social behaviour'. The government has achieved the unlikely goal of making what is a largely subjective term (what is fun or 'high-jinks' to some may be anti-social to others) into an objective one, with legal standing, despite the fact that it is still defined in terms of the effects on the 'victims'. The standard definition is given in the Anti-social Behaviour Act 2003: " 'anti-social behaviour' means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person, " (Section 36).

Undoubtedly this is a popular policy. Finally something is being done! It is a new departure though which should not go by with questioning; the power of the state turned against its own citizens, not when they commit crimes, but when the cause 'alarm or distress' to others. Previously this area of behaviour was regulated by mechanisms of social disapproval or it was left to individuals to challenge rowdy youths. Now the state will chase these people up.

The main powers under the raft of ASB legislation include: Anti Social Behaviour Orders, Parenting Orders, powers for local authorities to close down 'nuisance' premises and powers for social landlords to evict tenants for anti-social behaviour. The following is the briefest of summaries of these powers.

Local authorities in particular and also social housing landlords, as well as the police, can apply to the courts to grant ASBOs – civil restraining orders – on people. While an ASBO is a civil matter breach of an ASBO is not and can lead to jail term; 2 years for children or 5 years for adults, very significant jail terms indeed considering the original offence may have been no more than (in the case of young people) being a general nuisance. (In some cases courts can 'top-up' a criminal sentence with an ASBO as well. These are commonly known as CRASBOS). Some 12,675 ASBOS were issued by the courts between April 1999 and December 2006. ⁵ Clearly their use is quite widespread.

Parenting orders require parents of children who have been in trouble to attend a course to improve their parenting skills. Parenting Orders can be imposed by the courts in a wide range of circumstances including: in conjunction with an ASBO on their child, in connection with a conviction for non-attendance at school, when a child is referred to a Youth Offending team following a Final Warning, or a school can apply in the case of the child engaging in 'serious misbehaviour' . Schools as well as Youth Offending Teams can apply.

With both Parenting Orders and ASBOs authorities who are legally able to apply to the courts for an Order can also seek to 'agree' a contract with the malefactor instead. In the case of ASBOs these are called ABCs – Acceptable Behaviour Contracts. The terms are similar to the main order and the main advantage for the authority in question is that no court case has to be prepared. In both cases refusal to accept the contract can be cited in court as evidence in support of an application for an order. Thus there is a certain amount of arm-twisting here; if you don't agree to this ABC we'll get an ASBO.

These initiatives in particular ASBOs and ABCs represent a huge extension of the powers of local authorities, schools and the police over the day to day lives of ordinary citizens. It is important to be clear here: that 'anti-social behaviour' is a problem especially in some areas is the case, that politicians are entitled to become concerned about it is also the case. Nonetheless the solution of giving local officials very significant powers to apply for

these civil orders which can nonetheless have very serious criminal consequences, for example more than 1000 children have already been sent to prison for breaching an ASBO, is unprecedented.⁶ It also represents a new and cynical way of using the courts.

Other powers under the ASB banner include powers for local authorities to close premises, for up to three months, regardless of tenure. Such powers are can be used to close premises which are 'a serious nuisance to the community'. (Criminal Justice and Immigration Act 2008). Presumably houses where drug-dealing or prostitution takes place are the primary targets but as with all Anti-social behaviour legislation the net is potentially quite wide; a series of loud parties could perhaps be sufficient?

The 2003 Anti-social behaviour Act widened the grounds on which an eviction could be sought against a social tenant specifically to include Anti-social behaviour.

Dispersal Zones are a mechanism which allows the police working with local authorities to designate an area as a dispersal zone for a period of 6 months (renewable). In this zone officers and PSOs can order groups of 2 or more people behaving 'anti-socially' to disperse. The usual mechanism applies; failure to follow the order is a criminal matter. Additional powers to take home children out in a dispersal zone between 9pm and 6am were thrown out by the High Court.

Then there is the fireworks curfew law – under which it is illegal to let off fireworks between 11pm and 7am except certain occasions such as bonfire night and New Year's Eve.

What we see with the Anti-social behaviour legislation is the government giving the state and other agencies such as local authorities powers to act to protect the public from the nuisance behaviour of other people. It is an involvement of 'the authorities' in the field of anti-social, not criminal, behaviour; a new concern of the state with social order.

It also creates a new enemy of society. The message is that the state is with you in your struggle against those selfish people who behave Anti-socially. The reality in the case of ASBOs is mostly that of misbehaving children and pathetic adults. But they will do; the need is to tell a story; the government is doing something about anti-social behaviour. The government has organised public awards and ceremonies where people who have 'stood up' against anti-social behaviour in their neighbourhoods are praised. Awards are given for people who have collected evidence to be used in ASBO cases, as well as for actions like starting a youth club. At one such event Home Office minister Hazel Blears said: "Tackling disrespect is a priority for this Government. Our aim is to encourage decent behaviour in schools, in communities, in our towns and villages. We all have the right to live our lives free from harassment. Yet with those rights come responsibilities. We must all work alongside the police and local authorities to tackle disrespect and unacceptable behaviour."⁷ The emphasis on working 'alongside the police and local authorities' is interesting. These measures are fundamentally authoritarian. They need not be; much 'Anti-social behaviour' is associated with young people, approximately half of ASBOs are awarded to young people. It is quite conceivable to imagine a programme for tackling disruptive behaviour by children in public places without the heavy use of criminal sanctions. Much of what else is covered by Anti-social behaviour legislation was already potentially covered by criminal law. That which isn't criminal could be covered by existing social care arrangements. So the ASB legislation is not so much about solutions but about a particular approach; the emphasis on Orders which control peoples' behaviour is the new element. Essentially this represents not a 'strengthening of communities' but a top-down punitive, controlling, intervention by the state, an extension of its powers over

people. ASBO conditions are the best example of this; people can be banned from being in certain places, associating with certain people, wearing certain clothes. Another example is parenting orders; a parent whose child misbehaves at school could find themselves on a compulsory course in how to parent their child. As a level of granular control this is far deeper and more insidious than a model of wrong-doing, conviction and a standard punishment. It is also, apparently, quite popular.

One aspect of the ASBO legislation is that the government has actively encouraged courts and local authorities to publicise information about people who have been given ASBOs. In the case of children the law has been modified so that children given an ASBO in a youth court can now be named. Local authorities often gleefully publish photos of children who have been given ASBOs on web sites and other literature.

This is not to say that 'anti-social behaviour' is not a problem or that the government should not be involved. It is to note that the approach taken is authoritarian and involves the creation of a new apparatus of social control and a new invasive principal; that the authorities can intervene in the detail of someone's life, where you go, who you see, how you discipline your children.

The government has an obsession with asocial behaviour. The Nazi's were another party who were obsessed about a-socials. It is a strange concern for a government, covering as it does areas of life more traditionally regarded as covered by morality or religion or dealt with at a local level. The Nazi's were concerned amongst other things to displace the Church, to show that they could govern all aspects of life from cradle to grave. The involvement of government in this area of civic and community life sees the government taking on a moral and supervisory role reminiscent to some extent of Church law in medieval times. As such it has a definite totalitarian feel to it. (Some might feel that governments should be concerned with macro-economic policy or international relations rather than naughty children).

The CRB check

Labour has brought in the Criminal Records Bureau check, a system which obliges people working with children to show prospective employers details about their criminal records. In some cases the check can also give information from the Police National Computer. Initially only child-minders were legally required to have a 'police check', though it quickly became standard for anyone working professionally with children. With the Safeguarding Vulnerable Groups Act 2006 it has now become a legal requirement that anyone with any contact (often referred to as 'access') with children, even if only a parent volunteering to help on a school-trip, be police checked first. (There are rules in the legislation that refer to frequent contact – such as once per month. In practice it is going to effect anyone with any kind of formal contact with children).

The culture that has gone along with this has swept the nation. It is now normal to see a story like this reported in the press: a school made some mistakes and new teachers were not police checked by the start of term. After some heart-searching the new teachers were allowed to start but each one had to be accompanied at all times by a learning assistant who had been checked. This is the height of absurdity, not least because of the blind faith that it placed in the police-checking system to magically weed-out any abusers. In fact a police check simply shows (assuming that no one has been able to subvert the system and no mistakes have been made) a person's prior record. A child molester always has to be caught for the first time...

But what is being encouraged is a reliance on an official system operated by the government. It is the height of naivety that a license from the government makes someone safe. The best check against child abuse taking place in an institution or voluntary club setting is some sensible awareness (in a quiet almost unthinking manner) by responsible adults. But this does not involve the government. The CRB system allows the government to be involved as a licensing authority in all youth work, teaching, voluntary work, sports clubs, social clubs, wherever children and adults come into contact. It *extends the reach of government deep into the voluntary sector*. Thus the mind-set of volunteer working, doing something for oneself and a community with no regard for government or commercial reward, which is so dangerously close to anarchism, is eradicated, though, of course, the government still welcomes volunteers.

The other way that the CRB culture ('child protection' which has now mutated into 'safeguarding') is being played is to teach children that the only adults they can trust are officials such as social workers; a dream for a totalitarian state. This is not a spurious point. The childrens' charity Childline has produced a web site aimed at children. Using 'real life' stories it manages to spread suspicion about all adults in a child's life, a mother, a gay school teacher being two examples. (This latter a nicety of political correctness; we are so right-on that we accept the gay teacher and note that he too could abuse his position). While children may occasionally be abused by their mothers and by teachers it is not the normal experience of children in the UK and in our view it is unnecessary to get children (as young as 10) to be thinking along these lines.

The NSPCC works with sports clubs in the UK to develop their 'child protection' policies. This author belongs to a local amateur sports club. This club now displays a poster aimed at children telling them that if they are upset about anything they can talk to the club's child welfare officer, their parents, or call Childline. The club coaches who give up hours of their time to help children for nothing and who should obviously be the first person a child in the club should tell about a problem are not mentioned anywhere. The implication is that the

club coach is an object of suspicion.

This links in with compulsory parenting classes. It is moving towards a situation where the state, not parents, takes the primary responsibility for bringing up children. In the Communist Manifesto Marx envisaged something along these lines, with children educated in state boarding schools.

The irony of course is that judging from reports in the media over the last few years the most dangerous place for a child at least until very recent times was probably in the care of their local authority social services department.

Thus in a two-fold way New Labour is using the Child Protection card to extend its power – over the voluntary sector hitherto independent of government, and over children, seeking to sow mistrust between them and their parents. This is an especially insidious extension of power and another attack on forms of authority and tradition outside the control of government, in this case parents and local voluntary organisations.

It is of course difficult to argue against a mechanism which in some rare cases may prevent repeat child molesters from gaining access to children. But the scheme has not been handled as if this were its objective. At every turn the emphasis is on the suspicious nature of all adults who want to work with children.

Every child matters

The Every Child Matters agenda is a government policy which aims to shape the development of the nation's children and young people up to the age of 19. There are 5 outcomes (not unlike the 5-a-day 'portions' of fruit and veg one should be eating). These are:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

The last point is interesting; the link is explicitly made between economic factors and well-being. The implication being that 'well-being' is a result of economic 'well-being' (or wealth?). This is in fact a highly charged political statement in defence of a system which in the last few months of 2008 has shown itself to be dangerously close to collapse. Many will argue that well-being is not really connected to 'economic well-being', once a certain level of adequate provision has been reached. Certainly the emphasis on material 'well-being' in this society is viewed by many as linked to problems of environment, health and happiness.

The list is most notable for the absence of anything to do with critical thinking or autonomy. The model child or young person (and note that a 19 year old is a child for New Labour) under New Labour is blissfully unaware of the possibility of dissent. There is nothing here about a critical engagement in politics. The New Labour child or young person is apolitical; happy, wealthy, joining in, but not criticising anything. A sort of eunuch. A consumer/producer. An economic factor. Qualities vital to development as a person are air-brushed out of this asinine and apolitical vision of child development.

This is a national strategy for 'outcomes' for children and young people, itself something of a departure. Again; we see the state seeing its role as encompassing child-rearing. Under each of the 5 Outcomes are 5 Aims. For example (continuing the obsession with child abuse) under Stay Safe is the aim 'safe from maltreatment, neglect, violence and sexual exploitation'. Under 'Enjoy and Achieve' there is, for example, 'Achieve stretching national educational standards at secondary school' (a justification for the tests which many think are harming children) or 'develop enterprising behaviour', which latter is tantalising but probably in effect means nothing since it is open to any kind of interpretation.

Like other government policies the ECM agenda is being implemented through tactics of 'evaluation and monitoring'. In practice what is happening is that at the ground level where the money is spent practitioners are often being asked to complete monitoring forms after an activity. These forms then feed into a process whereby the local authority can justify to the public (in its annual report) or to the government, that ECM outcomes are being achieved. This author has encountered this recently; in the context of doing some voluntary mentoring work with young people. The charity running the scheme on behalf of the local authority asks its volunteers after each meeting with a young person to complete an ECM checklist form. This lists various possible activities under each of the 5 headings and the volunteer has to tick those that were engaged in. This then provides statistical evidence that the ECM outcomes are being met.

Very similar monitoring and counting practices are in use in youth work and community education projects run by the local authority.

Gone are the days when a local authority could hire a professional and leave them to get

on with the job. It is about surveillance and control. We can conjecture that the government is afraid even paranoid about what will happen if things are allowed to go on outside its field of view. What takes place between teacher and student, youth worker and young person, volunteer and child is from beginning to end controlled by the government and is carried out according to a script written by the government. It is about more power to the authorities. The act of making someone surveil themselves is an act of power; as he fills in the form the teacher/youth worker/volunteer is reminded that he is under the watch of the authorities and in the grip of their power. He is precisely not himself. And this is why it is so draining; teaching, youth work and youth mentoring are all roles which precisely need someone to be themselves. At one and the same time the worker is having to be himself to deliver the service as best he can and then not be himself as he fills in this alienating form. There are areas where government simply should not tread; the intimacy of relationships between teachers and students and volunteers working with children and children are destroyed by being used in a political game. Government is over-reaching itself. It is also about plain old electoral advantage. New Labour can play a game of inventing measuring yardsticks and then claiming that standards have been raised. More likely; people have just learned how to tick boxes.

There is a philosophy behind this. It is a mechanistic and reductionist way of thinking that if a box can be checked a child has 'received' that dose of input; as if the inputs were discrete lumps of goo which can be transferred to a child anyhow (by machine, by person, whatever). This is similar to what the educational critic Paulo Freire calls 'the banking concept of education'.⁸ Children are seen in this way of thinking as empty vessels into which measurable blocks of 'knowledge' can be transferred. With Every Child Matters New Labour extends this concept to the realm of 'social skills'. Of course this is reductionist; a volunteer doesn't carry around with them a bag containing items labelled 'self-confidence, one unit' or 'self-esteem, two units' which they can inject into the young person and then tick a box; the 'self-confidence' target under 'Being healthy' was met today. Rather; those indefinable attributes which make up a person which are sometimes referred to as 'social skills' may grow and develop in the context of a relationship over time. Relationships which precisely need privacy and autonomy to grow. A system which was actually concerned to measure how well money was being spent on a young person might be more concerned a) with the overall qualifications and experience of the volunteers and any training they received and b) the contact time spent with a young person and c) any systems in place for line-management, professional development etc. Such a system of measurement/assessment would be holistic, non-interfering, and more realistic as to what actually can be measured. But New Labour is not concerned with actual outcomes; it is concerned with producing figures which can show improvements.

And this is not simply a case of the government becoming more involved with the nation's children than previously. The values of Every Child Matters are precisely New Labour values. (The old-style conservative party would not have produced a policy like this but if they had we might have expected to see headings such as 'respect tradition', 'obey authority', perhaps something about families rather than 'sexually healthy'.). The emphasis on economic well-being, the materialism which shines through the document, the vapidness of its aims, such as 'engage in decision making and support the community and environment', the references to anti-social behaviour, the self-promotion of Labour's own school targets, the emphasis on emotional and sexual health, are all pure New Labour. What a dream; if every child in the country can be brought up to share the values of the governing party in time to re-elect them in 10 years time.

A new scheme, launched in December 2008, will see the government paying for counselling and 'peer mentoring' for children whose parents have separated.⁹ The service

will be delivered through schools. Ed Balls, the children's Secretary was reported as saying: "We are pioneering a new approach here in thinking about this particular group of vulnerable children ". It is this emphasis on the *vulnerability* of children which is alarming, because it is this which gives the government the excuse to intervene. It is the alleged vulnerability of children which is used to justify the intrusion of the child-protection policies. This intervention into the lives of children whose parents have separated represents a further extension of the long arm of government into how children live and are brought up.

One of the more chilling proposals under the heading of New Labour's interference with children was the proposal in 2007 by the Children's Minister Beverley Hughes for national secular coming of age ceremonies for young people as a 'rite of passage' into adulthood. The resemblance to the Rites of Passage ceremonies for youth developed by the Nazis is unmistakable. This policy has not as of today been taken forward but that the government was even seriously considering it is a sign of the times.

The Every Child Matters agenda is a case of government interference in an area where it's intervention can only do harm. Bringing up and educating children requires a degree of autonomy on the part of the adults; reducing adults to apparatchiks of government policy doesn't just destroy the adults it makes the relationships non-viable and thus harms the children. The primary motivation may well be simply to set targets which can be measured so that claims of success can be made. Though there is also a worrying ideological belief at work here; that the state is best placed to bring up children, better than teachers and parents with all their suspect baggage. This belief, communist in origin, reminds us of how many New Labour ministers were in their youth involved with the Communist Party.

Again we see an attack on tradition and authority which is independent of government.

The common touch

Another new theme to New Labour's method of government is for government ministers, even the Prime Minister, to comment on matters of public interest wholly outside the remit of government. Gordon Brown was reported by ITN as having written personal letters to contestants on a TV Talent show. During the 2006 Football World Cup some school-children were caught up in a ticket scam. Tony Blair said on a radio talk-show that it was 'something we need to work on' and tickets were duly arranged.¹⁰ Home Office Minister John Reid publicly criticized a sentence given to a paedophile. Tony Blair defended him saying it was right for John Reid to "to articulate the concern the public has".¹¹

It would be possible to find many other examples.

In all these cases government ministers are associating themselves quite carefully and deliberately with matters in the public eye which have a lot of public support (harsher sentences for paedophiles, children disappointed by a ticket-scam, contestants in a TV talent show). This is not the business of governing.

It is impossible to distinguish in these actions between the electorally motivated behaviour of politicians, who would normally be expected to associate themselves with popular causes in an attempt to win votes while canvassing, or the actions of concerned government ministers. It is in this sense schizophrenic. It completely blurs the boundaries between government ministers and vote-canvassing politicians.

The effect is to make people feel 'elect the government, (this one)'.

Given that it is the levers of power which are being exercised, for example in the case of the children effected by the football ticket scam, it is a clear case of New Labour manipulating the machinery of government for political advantage.

The use of therapy and counselling

Psychotherapy and counselling have grown enormously in recent years into a large cottage industry. Most of the qualifications in this area are paper-thin, issued by self-appointed 'schools' with no formal academic requirements for either trainees or teachers, operating outside of any external quality control system. The theories of psychotherapy usually derive one way or another from Freud, whose work has been largely debunked from various quarters, and are in any case so varied and confused as to be self-contradictory.¹² Psychotherapy is essentially a folk movement involving payment for a listening ear.

The fear of emotions and the process by which private passions are discredited in favour of a shallow public sharing of emotions has been well documented by the sociologist Frank Furedi.¹³ There is no end to the number of stories on the BBC concerning any kind of trauma which end with the stock phrase. "...have been offered counselling". As Furedi shows we are moving towards a culture where it is expected that people cannot get through inevitable life traumas without the 'support' of paid professionals. The apologists for therapy and counselling invariably argue that therapy is about developing greater emotional awareness and equally invariably try to disguise or minimise the fact that it is essentially a commercial exchange; money for attention, an exchange which is inherently demeaning for the 'client'.

Nonetheless the government has embraced it uncritically. We have seen how the government is promoting a scheme to provide counselling for children whose parents have separated. The parenting programmes provided as part of compulsory parenting orders sometimes contain elements drawn from the counselling world. The government uses the language of therapy referring for example to 'dysfunctional families' and favours early interventions for these families. This support can include counselling. Youth Offending Teams and other 'experts' can put people under pressure to accept such 'support' by threats of ASBOs and Parenting Orders. The government would like to make such support mandatory.

The programmes provided in fact offer in many cases a phoney kind of support. Research by the government leaning Policy Research Bureau in 2002 into Parenting Orders did not find any convincing evidence that these programmes reduced offending in young people whose parents were undergoing them. Some shaky figures were produced, though no control group was used thus making their interpretation largely guess-work; the small drop in re-convictions discovered in a very small group could thus well have occurred without the programmes - given that there is a natural fall-off rate anyway in youth offending as the child grows out of it. Nonetheless the Youth Justice Board was happy to cite this research as evidence that Parenting Orders work. The fact that so many young people on ASBOs breach them (around half) is often taken as evidence by campaigners that children do not understand them and that they are not working.

While we are not yet at the stage of compulsory psychiatric treatments for 'enemies of the state' equally we are not totally free of this disquieting tendency. The expansion of programmes offering 'support' and various forms of behaviour re-training on a compulsory basis to people who are socially deviant in minor ways is a worrying step. It is worrying when 'support' becomes compulsory because then it is no longer support but something more insidious.

The Anti-social behaviour legislation is merging with the therapy industry to tackle minor

social dis-order and anything which disrupts the peace, such as strong emotions.

A totalitarian state?

Does all this amount to the installation of a totalitarian state?

A totalitarian state seeks to control every aspect of its citizens' lives. New Labour has undoubtedly sought to control more of people's lives than previous administrations. The anti-social behaviour programmes, the early interventions, the Every Child Matters agenda, the massive extension of powers to local authority officials, the granular control of what goes on in the classroom and the youth club all represent an extension of governance of people at the expense of non-governmental structures of civil society.

New Labour has also developed a methodology of appearing to be intimately concerned in the lives of citizens; it has a sure sense of the popular touch. Carried on when in government this has led to a blurring of the boundaries between party and state. Labour has not respected the traditional rules of the political game and has used its hold on power to extend its influence. A vociferous and continual use of the media, for example making announcements to the media rather than to parliament, has been a characteristic of New Labour. The suspicion must be that policies have been calculated more for their media impact than from any principal. And New Labour has sought to extend power to officials and 'experts', and away from the judiciary.

But, a tendency to spread the extent of power, to use the media with the acumen of advertising executives, to control at a granular level the lives of individuals does not represent a final move towards totalitarianism. New Labour has not issued laws to restrict the freedom of the press nor have they abolished elections. Thus while their actions have the flavour of totalitarianism it cannot be said that New Labour has installed a totalitarian regime.

One of New Labour's media skills has been to avoid unpopular or controversial policies, such as wealth redistribution, and choose instead populist policies; the anti-social behaviour legislation which Tony Blair claimed to be his main success in office can be seen as the old fashioned law and order card dressed up. The capitalist economy has not in any way been challenged by New Labour. But in place of economic policies has been a very considerable amount of social legislation: all of it extending the power of officials over peoples' lives. In this sense the New Labour agenda is very similar to the Chinese model: free-market economics coinciding with repressive social control.

Essentially New Labour is a clever wheeze to stay in power, stopping short of abolishing elections. A lot of the involvement in matters previously outside the range of politicians can be understood as an attempt to make the government appear indispensable. The anti-social behaviour legislation is designed to touch a raw nerve in the population. It is also virtually impossible to argue against as no one wants to be seen to be taking the side of people who behave anti-socially. What is a concern is that the parliamentary opposition has not had the courage to confront Labour head-on. Because the opposition has not challenged New Labour on major matters of policy such as the ASB campaign the character of politics has changed. As matters stand government is seen as the upper tier of social management in the country, with the basics of the economy accepted as an absolute and not up for discussion. Economic policy has already been decided, somewhere else. Making the Bank of England rather than politicians responsible for setting interest rates is a sign of how New Labour has sought to avoid any involvement in the economy.

Thus New Labour has avoided economic policies and made government into something it has not been previously: a top-level management of social aspects of society. Government under New Labour has been about issuing diktat after diktat concerning peoples' *behaviour*. Tony Blair as head prefect. But of course; no government can afford to be seen to be idle and once you have opted out of doing anything economic (and thus political) what else is left but behaviour management?

The reason that New Labour looks totalitarian is that it has the same unhealthy concern as other totalitarian regimes do with how its citizens behave. What other government could regard it as its major achievement to bring in legislation which allows children to be sent to jail for boisterous behaviour or to develop a system of fixed fines which give powers to officials and bypass the courts, or to bring in compulsory parenting classes of dubious efficacy which can be enforced on parents even when no more has happened than their child has been naughty at school? This is a government which is obsessed with *punishing the population for minor deviancies*.

One possible explanation for that is paranoia. By continually creating scapegoats (anti-social children, bad parents, litter louts etc.) the government shows that it is afraid. It is afraid of anyone who does not 100% toe the line. The attention of the population is diverted towards these people who in fact are rarely more than slightly disorderly or, sometimes, pathetic. But this raging campaign which is continually being kept alive with new initiatives serves to make the government appear, to itself and to the population, to be in control. It creates (just like the Nazis) the fiction of a social menace. Having abdicated the actual role of parliamentary government in a capitalist society; to be concerned with implementing economic policies which support the interests of the class which elected it, New Labour must at some level feel paranoid; be continually afraid of exposure of its own emptiness. The irrationality of the anti-social behaviour campaign is a testament to its foundation in paranoia. Just one example; despite all the rhetoric about 'gangs of youths' and the strongest possible legislation which has overtones of martial law e.g. dispersal orders, even the government routinely admits in its publicly available case studies that in fact nothing more is needed to solve the problem on most estates that suitable youth club type provision. The image of gangs of reckless youths and dangerous parents is largely a *chimera*. Or rather; it is not that there are not rowdy teenagers and some parents who struggle to control their children, but that the explanation is false and paranoiac. The explanation offered is that of social malevolence. The reality is much more prosaic and down to earth; bored teenagers, busy parents. In as much as there is a real problem here which government could be concerned with it is the dangerous combination of a society with high levels of relative poverty and a wholly materialist outlook; the alleged groups of wild youths and the feckless parents are usually to be found on run-down estates in areas of social and economic deprivation. But economic deprivation is precisely what New Labour won't tackle at a structural level. So it offers a false reading and false remedies for social problems; but then is paranoid about being exposed in its valueless emptiness.

New Labour talks about Respect; but then tries to instil 'respect' by punitive measures. In fact there is nothing like the feeling of respect that comes from having a decent job with real skills which is well-paid and feeling that you are a valued member of the community – in one way or another. For example; why should a teenage boy whose father is long-term unemployed, who has no prospects himself beyond a low-paid, unskilled job, at best, and who has no means to gain respect by belonging say to a club (because clubs cost money), yet all around him can see the most excessive conspicuous consumption and unrestrained enjoyment going on, feel 'respect' ? (No amount of voucher schemes for free leisure actives are going to address the fundamental issues for this young man. That really adds

insult to injury). New Labour would not like to but if pressed in private might be willing to explain that capitalism is the best economic system there is and that unfortunately a 'free labour market' does mean that some people will be unemployed, even that there will be regions of permanently high unemployment. But that is an argument unlikely to make much sense or to be acceptable to an unemployed school or college leaver on Merseyside. At some level New Labour must know its Anti-social behaviour campaign is false.

In short then; New Labour's obsession with social malevolence and with punishing people which gives its governance a totalitarian feel is a distraction (or 'displacement') covering up its inner emptiness. Empty because it has completely abandoned real politics and economic policies, which it has done because engagement with real politics carries the risk of election defeat, and instead relied on low-cost gimmicky policies in the field of social policy and an addiction to media manipulation. The people paying the price for this are, with some irony, precisely the people who one might have expected a Labour government to care about; the very poor and the most marginalised.

New Labour isn't really totalitarian but it looks like it. Partly this is the result of an ideological conviction that the state knows best, partly a result of an unrelenting concern with staying in power at all costs and partly perhaps a need to make themselves relevant when by their political cowardice they have in fact made themselves irrelevant. The concern must be that as people become habituated to a totalitarian style of government it would make it much easier for a real totalitarian regime to emerge.

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