

**SOCIAL WELFARE, SOCIAL HARM, CRIME AND CRIMINAL JUSTICE IN THE
UK
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Introduction

Writing this chapter in the autumn of 2021 provides a timely reminder of the interconnections between social welfare and harm, and crime and criminal justice, for it marks a decade since England witnessed widespread social protests that started in Tottenham, London and spread to cities including Birmingham, Bristol, Derby, Leicester, Liverpool, Manchester and Liverpool. Research by *The Guardian* newspaper and the London School Economics (Lewis *et al.* 2011) found that those, primarily young people involved were disproportionately poor and were concerned about various forms of economic and social inequality. The protests demonstrated important relationships between social welfare concerns, and crime and criminal justice, from the heavy-handed policing of poor and racialised neighbourhoods and people, through cuts to financial and social support for young people and families, to the reaction of the then Conservative/Liberal Democrat Coalition government, which placed Britain's social welfare system on trial alongside protestors. The then Prime Minister David Cameron argued:

For years we've had a [social welfare] system that encourages the worst in people – that incites laziness, that excuses bad behaviour, that erodes self-discipline, that discourages hard work... above all that drains responsibility away from people... people thinking they can be as irresponsible as they like because the state will always bail them out.¹

Such arguments were embedded in what Levitas (1998) described earlier as a 'moral underclass discourse' that suggests poverty and social problems, and the dilemmas associated with it, are the consequences of moral and cultural deficiencies among income-poor people and neighbourhoods and the moral hazard of state 'dependency'. It was not surprising that a right-wing government would argue that social welfare policy was problematic during this time because the year before it had signalled its intent to address the 'system' talked about by Cameron through massive cuts to public spending (Grover 2019), which partly informed the dissatisfaction that the protestors expressed in the summer of 2011.

¹ Cameron, Rt Hon David, MP 'PM's speech on the fightback after the riots', available at: <https://www.gov.uk/government/speeches/pms-speech-on-the-fightback-after-the-riots>

While this chapter is not specifically about those protests, they, and those in former textile-producing towns in Lancashire and Yorkshire in 2001; on social housing estates in 1991 and in London and Liverpool in 1981, highlight the importance of connections between social welfare, social harms and crime and criminal justice. It is these relationships on which this chapter focuses. It argues that future research in relation to the interconnections of social welfare and crime needs to adopt an approach that is not rooted in individualising and pathologising explanations. The chapter is divided into three sections focusing on different dimensions of future research explaining a need to understand social harms such as poverty as a ‘*source of crime*’ (Reiman 2004: 7, original italics), rather than on the crimes of individuals; a need to understand how experiences of social harm frame crime; and how recent socio-political events, including the Covid-19 pandemic and constitutional devolution, impact on those research potentialities.

In the space allowed it has not been possible to focus on all areas of social welfare, which encompass a great deal of activity by many institutions, and is framed by various principles and approaches that range from the (nominally) universal (such as, in the UK, the provision of health care and compulsory education/training) through categorical benefits and services that are available to all, providing they meet (non-income-related) qualifying criteria, to highly selective, primarily means-tested, benefits and services.

As its substantive focus, this chapter is focused on the latter, benefits provided for those who are deemed to be in most need of them and which are not provided on a ‘universal’ or categorical basis. It focuses on social security provision, or more precisely, social assistance. This is because it is both the operation of selectivity and the fact that social assistance is reserved for the poorest people that relationships between social welfare and crime and criminal are most clearly expressed and most keenly felt (Grover 2008). This should not be taken to mean that selectivity in other areas of social welfare is unproblematic and is not in need of future research focused on their relationship to crime and crime justice. While, for example, Flint and Nixon’s (2006: 951) claim that social housing ‘is the least universal pillar of the welfare state and has therefore been most subject to rationing and the application of eligibility criteria based on assessments of individual conduct’ is debateable, the thrust of their argument cannot be denied. Housing is an area where behavioural concerns are central to such things as the allocation and keeping of tenancies (Fitzpatrick and Watts 2016) and the policing and criminalisation of homelessness (Carlen 2014).

A research agenda: social welfare, criminal justice and dimensions of social harm

In a recent exercise for the Economic and Social Research Council Richard Sparks (2020) considered future possibilities for crime and justice research. The general thrust of his observations – for instance, the need for inter-disciplinary research and for a focus on harm (albeit in addition to crime) – is to be welcomed. He acknowledges the potential in developing, for example, the connection between crime, criminal justice and public health, particularly around personal violence, and between ideas related to crime, justice and environmental harms. His agenda points to a coming together of ‘old’ and ‘new’ criminological concerns in an approach that acknowledges attempts to decriminalise criminology, but in a way that focuses on harms, rather than on order (as in Shearing 1989).

Sparks’ (2020: 477) observations suggest a need to broaden the criminological enterprise ‘into diverse policy spaces’, although important policy areas of social welfare related to poverty and financial inequality are missing from his list of ‘spaces’ and the focus on harm, particularly that produced by states, is limited to a focus on the environment. The argument of this chapter is that in developing a future research agenda, there needs to be a focus on poverty as a criminogenic situation (Tadros 2009) and the social harms, particularly those which are a consequence of state (in)action, that ‘produce’ such a situation. In brief, there is a research need to move beyond the narrow confines of criminology’s focus on the difficult-to-define concept of ‘crime’ as it reflects the priorities of states’ concerns with order (Hillyard and Tombs 2008; Shearing 1989). And, via individualising concerns with motivation and intent, it legitimates the expansion of crime control that, through selective criminal processes, criminalises poor people (Reiman 2004), while co-opting social policy in an attempt to address and punish a range of criminalised behaviours. Contemporaneously, such individualising approaches ignore social harms that condemn people to live in poverty and destitution.

Crime, social welfare and social harm

Pemberton (2015) argues that understanding social harm is complex and that arguments for focusing on it are problematic for a view of criminology as a discipline that focuses only on actions defined by the state (see Kotzé 2018). The idea of social harm, however, does provide an opportunity to examine acts and events that are difficult to analyse through the concept of crime because of its framing within the ‘individualising tendencies of the criminal law’ (Pemberton 2015: 5). It is difficult in such a framework, for instance, to understand states’

willingness to condemn large numbers of people to live in extremely harmful situations, such as poverty and destitution, because of parsimonious and harsh benefit regimes, and the role of employers in creating such socio-economic circumstance through their demands for low paid and precarious waged-labour. This is because criminal law and criminal justice are geared to prosecuting and punishing poor individuals rather than wealthy institutions (Reiman 2004). Moreover, any intent to harm people by, for example, degrading their mental and physical health, is difficult to prove when such problems are the consequence of what many people see as legitimate activities, for example, states' desire to 'balance the books' and employers' pursuit of profit.

For Pemberton (2015: 24, original italics) social harm can be understood as '*shorthand to reflect the relations, processes, flows, practices, discourse, actions and inactions that constitute the fabric of our societies which serve to compromise the fulfilment of human needs and in doing so result in identifiable harms*'. While such definitions of social harm have been criticised as drawing on an overly-narrow view of zemiology² (Kotzé 2018), their importance for this chapter is their focus on social harms that are 'either foreseeable in nature or result from "alterable" social conditions' (Pemberton 2015: 34), and that impact on a range of human needs, that range from the material to the emotional. As such, the idea of social harm, Hillyard and Tombs (2008) note, frees responsibility from being, as is the case in crime and social welfare discourses, shackled to individuals. It allows a focus on collective responsibility and, in particular 'a sharper focus on political and ministerial responsibility' (Hillyard and Tombs 2008: 18).

Such a focus should be central to future research connecting social welfare and crime, which this section argues should examine two issues. First, how social harms affect individuals by the creation of, or by allowing to exist, poor economic conditions, such as poverty. And second, how people living in such circumstances are punished through criminal justice measures that replicate the harmful circumstances in which crime can thrive (by, for example, detrimentally affecting their employment prospects via imprisonment and imposing financial penalties that disproportionately affect the poorest people).

² Zemiology gets its name from the Greek word ζῆμία *zēmía*, meaning "harm". It originated as a critique of criminology and the notion of crime.

Poverty and destitution are perennial social harms in the UK, and the state's role in their production has been noted for many years (Jones and Novak 1999). However, the post-2010 'age of austerity' is arguably different to previous ones because of the scale of cuts and the heightened role of benefit withdrawals and sanctioning (Edmiston 2017). Austerity can be understood as social harm because its impacts were both foreseeable (evidence of harms wrought by poverty, low income and poorly paid work, which much social security was designed to force people into) has been available for many years (Birn 2009) and evidence was soon available that post-2010 austerity was having a detrimental impact on the material and emotional needs and situations of income-poor people (Fawcett Society 2012; Kaye *et al.* 2012). The Conservative government, however, rather than altering course away from austerity chose to deepen it through further cuts that were announced in 2015, including a four year cash freeze in benefit levels, a reduction in the level at which benefits were limited (the benefit cap) and the restriction of social assistance payments to two children per household (Grover 2019).

Despite discourses employed by policy elites, which suggest that poverty, as well as crime, are a consequence of individual pathology, it is clear from empirical work that poverty and crime are framed by the decisions taken by such elites (c.f. Reiner 2021). So, for example, there is evidence of the criminogenic effects of toughening benefit regimes (e.g., Machin and Marie (2007) on Jobseeker's Allowance) and impoverishing people through new administrative devices (e.g., d'este and Harvey (2020) on the roll-out of the UK's new social assistance benefit, Universal Credit (UC)).

Such observations, alongside the non-crime harms that poverty causes (e.g., social and cultural exclusion and stigma; poor health and poor educational outcomes), raises several potentialities for research, focused on the creation of social harm. There is, for instance, a need to understand why there is, at best, indifference among policy elites to the harms created by responses to poverty and, at worst, an enthusiasm for the infliction of such harms (Pemberton 2004). Redman and Fletcher's (2021) analysis of bureaucratic violence in Britain's public employment service is an excellent recent example, demonstrating the potential of qualitative research to explore institutional violence inflicted the poorest people. Their focus on street-level bureaucrats, however, tells only part of the story, neglecting those elites (including politicians) who make policy although they are aware of its harmful impacts. Research with such people is not unknown and, despite discussion in the literature on ethics and the use of

evidence (e.g., Dwyer 2020), issues related to harms caused by policy are noticeable by their absence, something that future research needs to address.

A second and related area of future research should focus on issues concerned with the way in which the state exacerbates social harms through its insistence that crime is something for which individuals must be held responsible and how, through punishment, such harms are reproduced. The issue here is how the socio-economic situation of offenders might be more clearly considered in criminal justice. There are some important foundations on which such research might be built. Most notably, Barbara Hudson's (1998) work points to the fact that criminal justice systems punish individuals as though they live in circumstances in which they have freedom to exercise their agency in ways that are consistent with the criminal law. In contrast, Hudson (1999) argues that there should be a defence of economic coercion in criminal law that would be analogous to a defence of physical coercion. Her main argument is that such a defence is not allowed because criminal justice is offence-orientated, rather than offender-orientated, and because of the operation of a liberal law in a deeply unequal society, it merely reflects the position of those operating the system (essentially middle-aged, white males) who have little perception or understanding of most of those (income poor and racialised people) who are its main targets.

Tadros (2009) focuses on state culpability in the offences of income-poor people. His argument rests on recognising that people are poor because of distributional injustices and, because they are poorer than they need to be, they are more likely to engage in crime than if they were not poor. Because people are poor due to redistributive injustice (or social harm), Tadros (2009) argues that the state is complicit in their crimes. While he accepts that it is difficult to sustain the idea that poor people should never be held responsible for offences they commit (on the grounds that not to do so might be unjust to the victims of crime), his claim that it is possible to understand the state being complicit in their crime, alongside Hudson's argument about the nature of criminal justice, points to a need for further theoretical exploration and explanation of how states and other institutions (such as employers) might be held responsible for their role in creating the social harms that contextualise the crimes of poor people. The implications of such arguments for understanding criminal law and criminal justice processes; how such a development would impact on selection in criminal justice, which means the poorest people end up being tried and punished, and what philosophically and in practice prevents both an acceptance of the impact of social harms (such as poverty and unemployment) on offending

and the ways in such issues might be taken into account in criminal justice processes, need to be explored.

Experiencing harms

In their critique of criminology's focus on crime, Hillyard and Tombs (2008: 16) argue that defining harm must, at least in part, involve peoples' understandings and experiences of it. This is to get away from the predefined concerns of the state in its classification of particular behaviours as criminal. This is an area where there is also potential for future research that focuses on the creation of harm in the inter-connections between crime and criminal justice and social welfare.

Quantitative literature points to relationships between crime and social harms. In his rehabilitation of political economy as a criminological approach, for instance, Reiner (2021) highlights the association of social democracy, exemplified by greater levels of equality and inclusion, and social welfare provision with lower levels of crime-related harms, compared to the 'explosion' of such harms with neoliberal trends towards greater inequality, exclusion and the destruction of social welfare. More specifically, quantitative research highlights connections between crime and unemployment (Wu and Wu 2012), low and unequal wages (Hansen and Machin 2002; Machin and Meghir 2004) and, as noted above, impoverishing changes to benefit regimes. Such literature is limited because it reproduces the difficulties with the datasets on which it draws. The problems with crime data are well known (in particular, due to the fact that they reflect only recorded crime or expressed victimisation). Data recording social harms – for example, the unemployment and social assistance statistics – are also socially constructed. They reflect, for instance, the qualifying criteria for benefits, which do not remain consistent over time, and the take-up of benefits that is never 100 per cent. Such observations mean that quantitative analyses tend to be based on partial measures of crime and social welfare-related harms, and they are problematic for this reason.

In addition, the quantitative literature cannot explain why socio-economic harms are related to crime. Often, they draw on econometric approaches that locate crime in rational decision-making and assume that people weigh up the costs and benefits of engaging in criminal activity (for the classic text see Becker 1968). This essentially suggests that the impoverishing and/or unemployment of people leads to their engagement in crime, because they have more to gain than to lose from engaging in crime in a material and, possibly, emotional sense.,

However, people living with social harms have a range of potential responses – for example, by engaging in freeganism³ (an expression of anti-capitalist and anti-consumerist relations), informal forms of labour, begging, self-sufficiency, support from kin and families – that may or may not be criminalised. In brief, there is nothing inevitable about people living in poverty engaging in criminal activity, particularly in that related to relieving their absolute and relative needs. As Webster and Kingston (2014) note, it is difficult to establish casual relationships between crime, poverty and such harms as unemployment that are often used as its proxy. Despite this, they argue that, as a socially harmful situation ‘poverty generates conditions that make delinquent and criminal solutions’ more likely than would otherwise be the case’ (Webster and Kingston 2014: 32).

Given these observations, it is important that the experiences of market and state failures in creating social harm are understood in a general sense, but, in light of the focus of this chapter, how, more specifically, they are related to crime. Qualitative research examining the immiseration of people via social welfare provision, for example, points to its potential impacts for crime and criminal justice. While such research demonstrates the complexities of crime/poverty relationships, it also shows how poor economic circumstances undoubtedly frame crimes related to both absolute deprivation (a need for ‘essentials’, such as food and housing) and relative deprivation (being able to participate in society’s activities):

- Carlen (1988: 114) quotes from the trial of one of her research participants, Donna, who told the judge at her trial for sex work-related offences: ‘I don’t do this just for money or to buy myself gold and clothes. I do it to be able to eat and sleep somewhere for the night’;
- a piloting of the withdrawal of benefits from people who did not comply with community sentences led in some cases to people re-engaging in crime: ‘I just thought “[f]uck] it, I’m going back to burglary. I’d stopped, I hadn’t done one for ages’ (cited in Knight *et al* 2003: 57);
- the evaluation of the early version of Scottish Welfare Fund pointed to the fact that, following delayed payments, a minority of participants alluded or admitted to having

³ The practice of taking and using food or other items that other people, shops, or organisations have thrown away, so that they are not wasted.

engaged in crime: *'I had no food for two days. This is quite bad to say but I shoplifted from a garage. Not proud of it but I had to.'* (cited in Sosenko *et. al.* 2014, para. 9.35, original italics);

- Patrick's (2017: 69-70) longitudinal research with 15 people who experienced 'welfare reform' between 2011 and 2013 was told by Chloe: 'This is going to sound really bad but sometimes, for my kids' clothes or even for myself, I actually steal them... but that's the only way I can see to get things ... for my kids. And that's just general things like – because they grow too quick';
- through qualitative interviews with people living with benefit sanctions, the Welfare Conditionality Project (2018: 4) found that, for a 'substantial minority', conditionality led to a range of 'negative behaviour changes and outcomes' that included 'survival crime'.

Such research is important because, in addition to avoiding trying to establish causal connections between social harm and crime, it demonstrates that, for some people, crime is a potential way of relieving the harms with which they live. There is, however, a greater need for research that examines how people manage those harms and how they relate to crime, and this needs to be through an intersectional gaze that acknowledges the cumulative impact of such harms through the prisms of class, gender and 'race'. In some senses, Carlen's (1988) work did this through a conceptualisation of her female participants in the class and gender 'binds', although she later criticised her focus on gender above other such issues as 'race' (Carlen 1994). Her work is, however, now more than 30 years old and, while it is still relevant, the expectations and experiences of women regarding wage-labour and the social welfare system, have both changed. Benefits, for example, are more parsimonious; more heavily framed by conditionality and more concerned with supplementing poorly paid and part-time wage labour than with unemployment and (wage) worklessness.

While more recent research points to the impact of social harms on criminalised behaviour, it has been gleaned from studies where the focus is not the inter-connections between such harms and crime. It mostly comes from understanding the experiences of living with social security change (Knight *et. al.* 2003; Patrick 2017; Sosenko *et al.* 2014) or with deepening conditionality (Welfare Conditionality Project 2018). It is not possible through this literature to examine the nuances of relationships between social harms and crime. As Webster and

Kingston's (2014) literature review demonstrates, such relationships are complex, shaped not only by social harms, but also by individual and community-level factors that may (or may not) inhibit crime. Only through further qualitative research focused on the experiences of income-poor people of social harm and crime and criminal justice can the nuances and complexities of these relationships be examined, and the issues outlined above regarding the culpability of states in creating social crime-related harm be explored.

Further dimensions

So far, this chapter has pointed to the need for research to focus on policy making and social harm, and the experiences of such harms that frame criminalised behaviour. Future research examining social harm and crime must also reflect recent socio-political change. Most notably, it needs to take account of the reactions of the state to the Covid-19 pandemic and the potential impact of constitutional devolution.

Reacting to Covid-19

The impact of the state's reactions to Covid-19 has been devastating in health-terms. In the UK, by the spring 2022, it was estimated there had been 185,000 Covid-related deaths⁴ and an estimated two million people living with 'long covid'⁵. Because of such facts, and drawing on the ideas of Friedrich Engels (1993, 1845), an editorial in the British Medical Journal (Abassi 2021) argues that the UK government's reaction to the pandemic is a case of 'social murder'. That, in other words, the deaths of many people from Covid-19 were foreseeable and avoidable (or in Pemberton's (2015) terms 'alterable'), a consequence, for instance, of a known lack of preparedness for pandemics (Public Health England 2017); poor and unclear decision-making (Nickson *et al.* 2020) and the introduction of legislation (the Coronavirus Act 2020) that reduced the rights and safeguards of disabled people, and did not protect them adequately from Covid-19.⁶

⁴ UK Health Security Agency (2022) 'Coronavirus (COVID-19) Deaths in the UK': <https://coronavirus.data.gov.uk/details/deaths>.

⁵ Long covid: Prevalence of ongoing symptoms following coronavirus (COVID-19) infection in the UK: 3 February 2022: [https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/bulletins/prevalenceofongoingsymptomsfollowingcoronaviruscovid19infectionintheuk/3february2022#:~:text=An%20estimated%201.3%20million%20people,2%20January%202022%20\(see%20Figure](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/bulletins/prevalenceofongoingsymptomsfollowingcoronaviruscovid19infectionintheuk/3february2022#:~:text=An%20estimated%201.3%20million%20people,2%20January%202022%20(see%20Figure).

⁶ Disability Rights UK (2020) 'Scrap the Coronavirus Act provisions': <https://www.disabilityrightsuk.org/news/2020/september/scrap-coronavirus-act-provisionshttps://www.disabilityrightsuk.org/news/2020/september/scrap-Covid-19-act-provisions#>

The economic consequences of Covid-19 would have been much more severe had action not been taken to protect the economy, through schemes, e.g. the Coronavirus Job Retention Scheme (CJRS) and Self Employment Income Support Scheme (SEISS), that protected employers' finances by helping to pay the wages and related costs of workers who would otherwise have been made redundant, and protected the incomes of self-employed people who were unable to work. To avoid politically problematic levels of unemployment and even greater economic crises, at its peak in the spring of 2020 the CJRS supported 8.9 million jobs (about a third of the workforce in the UK) (Wiggan and Grover, forthcoming). In addition, UC claimants were given a temporary uplift of £20 per week, although because UC is means-tested and the maximum payable was restricted by a 'benefit cap', recipients often did not see or experience the benefit of the full uplift, or, in some cases, any of it (Griffiths, 2021). There was also a temporary suspension of conditionality in 2020.

As a means of denoting its temporary and exceptional nature, the CJRS and SEISS were kept separate from social security provision, which the Westminster government was keen to return to pre-pandemic levels and forms as quickly as possible (Wiggan and Grover, forthcoming). In a Keynesian kind of way, however, such developments helped reduce the potential economic damage. Even with this, however, Gross Domestic Product (GDP) fell by 25 percent during the first 'lockdown' in Spring 2020 and had not recovered to pre-pandemic levels by the winter of 2021 (Harai and Keep 2021). In the summer of 2020 the Bank of England's Monetary Policy Committee predicted a doubling of unemployment (according to the ILO definition) to 7.5 percent by the end of the year (Bank of England 2020). As it turned out, it was 4.9 percent⁷, although claimant count unemployment⁸ more than doubled between January and May 2020.⁹ These figures suggest the CJRS and SEISS protected some people from the harms of unemployment and from catastrophically falling incomes. It was, however, not designed to

⁷ Office of National Statistics (2020) 'Employment in the UK: December 2020': <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/employmentintheuk/december2020#:~:text=The%20UK%20unemployment%20rate%20was,higher%20than%20the%20previous%20quarter>

⁸ The number of people receiving unemployment-related benefits.

⁹ 'Alternative Claimant Count statistics January 2013 to August 2021': [https://www.gov.uk/government/statistics/alternative-claimant-count-statistics-january-2013-to-august-2021#:~:text=The%20claimant%20unemployment%20rate%20\(as,increased%20by%201.7%20percentage%20points](https://www.gov.uk/government/statistics/alternative-claimant-count-statistics-january-2013-to-august-2021#:~:text=The%20claimant%20unemployment%20rate%20(as,increased%20by%201.7%20percentage%20points).

protect all workers, as demonstrated by the doubling of the number of UC recipients in the spring of 2020.

These observations suggest many potential areas for future research, some of which are related specifically to the Covid-19 pandemic and others to the arguments made above about possible avenues for future research focused on relationships between social welfare and crime and criminal justice. First, the impact of the reaction to Covid-19 needs to be understood, for, as noted above, the British state acted to reduce the social harms that are a source of crime, but also created conditions for higher levels of criminological harm (for instance, a great incidence of domestic violence¹⁰) and for further criminalisation through new offences, such as for breaking ‘lockdown’ rules (Fleetwood *et. al.* 2020). Given what is known about the selectivity of criminal justice and punishment, such criminalisation is likely to have been disproportionately felt by income-poor people. Future research will need to explore such issues and the issue of how people experienced and managed the pandemic in relation to crime, and the relationship of these to social welfare measures taken during it.

Second, there are a number of longer-term issues related to a potentially deteriorating economic situation. So, for example, the collapse of GDP and its sluggish recovery raises issues of how this will impact on future employment and wage levels. Such issues are made more pertinent in the context of the predicted longer-term economic impacts of Britain leaving the European Union, which in pre-Covid analyses included modest increases in unemployment (0.2 per cent), a more substantial holding back of real wage levels (between 2.2 and 6.3 per cent) and falling GDP of between 2.4 and 5.4 per cent (Ebell and Warren 2016). The implication of these predictions is that, while people are likely to keep their jobs, they will be paid less in real terms and without further tax rises there will be less funding for social welfare purposes. The potential for further austerity has been increased by the financial cost of the state’s response to the Covid pandemic, which by the winter of 2021 was estimated to be between £315 and £410 billion (Brien and Keep, 2021) and, in 2020/21, the British government borrowed around £300 billion to help pay for it¹¹. It has been denied that such spending and borrowing will mean a return to

¹⁰ Havard, Tirion (2021) ‘Domestic Abuse ad Covid 19: A year into the Pandemic’, House of Commons Library: <https://commonslibrary.parliament.uk/domestic-abuse-and-covid-19-a-year-into-the-pandemic/>

¹¹ <https://www.ons.gov.uk/economy/governmentpublicsectorandtaxes/publicsectorfinance/bulletins/publicsectorfinances/june2021>

austerity¹², but a pay freeze for non-NHS public sector workers in 2021/22, does not bode well as, in the past, comparisons between benefits and wages have been used to justify cuts to the former. This suggests a need for further research focused on relationships between public spending and crime in the context of the potential harmful impacts of both leaving the EU and the response to Covid-19, notably their impact on unemployment, wages and benefits.

Third, there are several issues related to the actions of the state in relation to Covid that require further research. Consistent with the arguments in the preceding sections, there is a need for a socio-legal exploration of how the UK Government could be held responsible for the harms it created by its lack of preparedness and its poor decision making in its initial response to the Covid pandemic. And compared to other economic crises, how the economic action taken during the pandemic impacted on crime and criminal justice? How did the protection of some incomes and jobs interact with community and individual level factors to affect criminological harms?

Devolution

Devolution provides a further dimension to understanding the interconnections between social welfare, social harms and crime. As Mark Simpson notes in this volume, with a few ‘excepted’ powers, social security provision has been devolved to Northern Ireland since the 1920s, but the ‘principle of parity’ means social security provision there has been broadly similar to the policies of Westminster governments. However, some policies have been introduced in Northern Ireland as a means of off-setting some of the social security cuts introduced during the ‘age of austerity’ dating back to 2010 (for example, administrative payments to counter the effects of the household benefit cap that limits overall benefit income, restricting social assistance benefits to two children), and addressing some of the structural deficiencies of UC, such as paying benefit fortnightly, rather than monthly, and making discretionary grants (rather than loans as in England) for those facing hardship caused by UC (Mackley 2020).

Since 2010 the Scottish Parliament has taken on a range of devolved responsibilities for social security provision, replacing, for example, loans with grants under the Social Welfare Fund for people in crisis because of a disaster (like a fire or flood), or an emergency (like losing their money or a job, or an unexpected expense). A similar system exists in Wales. And following

¹² <https://www.bbc.co.uk/news/uk-53207700>

the Social Security (Scotland) Act 2018 it also has powers to provide supplements to reserved benefits (for instance, the Scottish Child Payment), and for taking on responsibility for devolved benefits (mainly disability-related additional cost benefits and the regulated elements – provision for maternity, funeral and heating – of the former Social Fund (which was abolished in 2013)). The UK, therefore, is facing, to varying degrees, social security divergence informed, among other things, by welfare ideologies that are different to the market-liberalism in England (see Mark Simpson’s chapter in this volume). Scotland best exemplifies this. The aim of the Scottish National Party (SNP) government there, using (albeit limited) devolved responsibilities is to develop a social security system rooted in human rights, treating benefit recipients with ‘dignity, fairness and respect’ (Social Security Scotland 2020).

While there are difficulties with defining such human rights in this context (Simpson *et. al.* 2019), it has been observed (e.g., Simpson 2017; Wiggan 2017) that a differentiating of social security provision in Scotland, rooted in various conceptions of social democracy, from those of the UK government, has been central to the politics of devolution in Scotland. Simpson (2017: 673), for instance, suggests that the ideas of TH Marshall are visible in supporting ‘a civilized standard of living and... a less disciplinary stance towards claimants. Wiggan (2017) points to other ideas, such as the social wage and social investment rooted in UK and overseas (mainly Nordic) notions of social democracy that have informed the SNP’s social security agenda.

Such observations suggest a potential off-setting of at least some of the material and cultural contexts that frame the social harming of the poorest people in the UK. However, the potential should not be over-stated, for even at an ideological level, appeals to social democratic traditions are not unproblematic. White (2003), for instance, notes that TH Marshall was not just concerned with rights, but also with the obligation to undertake waged work, while Dobrowsky and Lister (2008: 132) note that social investment essentially means that social policy remains the ‘handmaiden’ of economic policy. Such observations point to the extent to which devolved responsibilities and the development of alternatives to UK government policy jar with such things as the deeply ingrained social security imperatives related to incentivising or enforcing labour discipline that exist, for different reasons, in both market-liberal and social democratic approaches to social security. Moreover, as we have seen, Reiner (2021) highlights the importance of solidaristic political economy, like social democracy, in lowering levels of

crime-related harm, which is not something that can be secured by reference to ideas alone. It needs to be backed up by a material commitment to greater levels of social protection.

Whether the so-far modest developments in social security policy in Scotland can afford such protection by addressing the material harms that frame crime is yet to be established. While limited additions to benefits for some (households with children) and the replacement of loans with grants for people in financial crises and emergencies should not be dismissed, their constrained scope and level undermines appeals to social democratic notions of social justice and equality, and the potential for addressing such harms. They do, however, raise important research questions regarding the extent to which divergence in social assistance might affect the harms framing, and the harmful consequences of, crime and how they are experienced by people in the various nations of the UK. And, more specifically, they provide an opportunity to examine relationships between social and crime-related harms and social democratic discourse and practice in Scotland. Hence, any future research that is focused on the connections between crime, social welfare and harms will need to take a four-nation approach (assuming they are all still part of the UK) to examine how ideological differences and the way they impact on social assistance in the various nations affect criminological and social harms.

Conclusion

This chapter has focused on inter-connections between social welfare and crime through a focus on social assistance. It has argued that future research in this area needs to focus on social harms that are a source of crime, and the role of the state in their production and reproduction via criminal justice. The aim of this research focus is to get away from individualised and pathologised notions and explanations of crime and, rather, to focus on how it can be located in social structures, processes and power relationships. And to understand how the institutions and actors that create such harms might be held accountable for their actions. The chapter, therefore, is arguing for:

- an updating of research on the nature and incidence of social harms;
- further research on the complex ways social harms relate to criminalised behaviour;
and
- further research on the (in)effectiveness of law and policy in limiting those relationships.

These research foci will need to be framed by recent socio-political events and upheavals, including the Covid-19 pandemic, the UK's departure from the EU and to diverging social security policies across the nations of the UK. Such changes point to the breadth of research needed to understand the complex relationships between social and crime-related harms and social welfare policy. As the colloquially described 'cost of living crisis' currently demonstrates, a combination of factors, including post-Covid lockdown-related demand and factors related to leaving the EU, are driving disproportionate increases in the daily living expenses of the poorest people across the UK. This is exacerbating a range of social harms with which they were already living, and provides the material and emotional contexts for crime, and consequently, for the harms it creates. Understanding the inter-connections of such issues is central to future research focused on social welfare, crime and criminal justice. The experiences of those people living with such harms must be central to the research agenda linking social welfare concerns with crime.

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