

# Globalisation as convergence?

## Comparative perspectives on the political economy of punishment

Nicola Lacey argues for a more nuanced understanding of political economy and criminal justice.

In the last decade, there has been a welcome increase in criminal justice scholarship addressing the political-economic forces which are shaping criminal justice policy in western democracies. Perhaps the most influential example is David Garland's 'The Culture of Control' (Garland, 2001). Garland's account is rooted in the global changes which began in the 1970s – recession, the contraction or even collapse of manufacturing industries, the growth of unemployment and the creation of a large sector of people either long-term unemployed or insecurely employed. As rising recorded crime across western countries gradually produced a situation in which the experience, risk and fear of criminal victimisation became normal features of everyday life for the economically secure, crime became an increasingly politicised issue. And adaptations at the social level issued in a broad 'culture of control', were characterised by a combination of repressive and managerial criminal justice strategies.

Garland's argument refined the classical Marxist account deriving from Rusche and Kirchheimer with an analysis of broadly cultural factors, thus avoiding the pitfalls of economic reductionism. This conception of political-economic factors as refracted through the lens of an accompanying cultural/ideological superstructure, also characterises Alessandro De Giorgi's 'Rethinking the Political Economy of Punishment' (2006). Yet in each case, the fundamental explanatory hypothesis rests at the level of political-economic changes characterised, respectively, in terms of 'late modern society' or 'post-Fordism'. And this emphasis on macro-level structural forces tends to direct attention away from differences in the institutional framework through which those forces are mediated in different countries.

There is reason to regret this non-comparative tendency in analyses of the political economy of punishment. For there are striking differences in the extent to which even countries fitting most closely Garland's or De Giorgi's explanatory models have responded in terms of a severe penal populism. Even between Britain and the US, the differences in terms of the overall scale of punishment are striking. Countries like Denmark, Sweden or Germany embody the prophecy of penal populism,

yet less accurately. Not all 'late modern', 'post-Fordist' democracies have plumped for a neo-liberal politics; many have managed to sustain relatively moderate criminal justice systems during the period in which the British and American systems have, albeit at different speeds and to different degrees, been moving towards ever-greater penal severity.

Michael Cavadino's and James Dignan's (2006) recent comparative analysis of imprisonment rates, youth justice arrangements and privatisation policies in 12 advanced economies, both sharpen our sense of the differences and move the argument on by developing a fourfold typology of criminal justice systems, nested within different kinds of political economy: neo-liberal, conservative-corporatist, oriental-corporatist and social-democratic. The social-democratic systems of Scandinavia have succeeded in sustaining relatively humane and moderate penal policies in the period during which some of the neo-liberal countries have been moving in the direction of mass incarceration, with corporatist economies also showing striking differences from the neo-liberal ones.

But how, precisely, do political-economic and institutional variables coalesce to produce 'family' resemblances at the level of punishment? Without some sense of this, and of why these family resemblances across types of political economy form and hold together over time, we are not in a good position to address the crucial question of whether existing differences are likely to survive the internationalisation of economic and social relations.

In an attempt to move from a diagnostic typology towards an explanatory model, we can make progress by drawing on recent political-economic analysis of comparative institutional advantage, and of the capacities for strategic co-ordination inherent in differently ordered systems. My analysis builds on structural theories inspired by Marxism, but argues that political-economic forces at the macro level are mediated not only by cultural filters, but also by economic, political and social institutions. It is this institutional stabilisation and mediation of cultural and structural forces, and the impact which this has on the perceived interests of relevant groups of social

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actors, which produce the significant and persistent variation across systems at similar stages of capitalist development.

This sort of comparative institutional analysis is illustrated by David Downes' classic study of Dutch penal moderation in the 1980s (Downes, 1988). In the Netherlands, as analysed by Downes, penal moderation was premised on key features of the prevailing institutional organisation of the political economy. This institutional organisation depended on the stable integration of all social groups, albeit *via* a pillarised social structure: it amounted, in short, to what has been termed by political scientists Peter Hall and David Soskice (2001) a 'co-ordinated market economy'. Such an economy – mapping onto Cavadino's and Dignan's 'corporatist' and 'social democratic' systems – functions primarily in terms of long-term relationships and stable structures of investment, not least in education and training oriented to company- or sector-specific skills which provide a reliable bridge to employment. And such economies typically incorporate a wide range of social groups and institutions into a highly co-ordinated governmental structure. They are systems premised on incorporation, and hence on the need to reintegrate offenders into society and economy. Such systems are, I argue, structurally less likely to opt for degradation or exclusionary stigmatisation in punishment.

Britain, by contrast, falls into the model of a 'liberal market economy'. Such economies – of which the purest form, significantly for any argument about criminal justice is the USA – are more individualistic in structure, less interventionist in regulatory stance, and depend less strongly on the co-ordinating institutions which are needed to sustain long-term economic and social relations. In these economies – Cavadino's and Dignan's 'neo-liberal' systems – flexibility and innovation, rather than stability and investment – underpin comparative institutional advantage. It follows that, particularly under conditions of surplus unskilled labour (conditions which liberal market economies are also more likely to produce), the costs of a harsh, exclusionary criminal justice system are less than they would be in a co-ordinated market economy. Most theories of increasing penal severity, I argue, are based on an account primarily applicable to liberal as opposed to coordinated market economies.

Through analysis of systematic differences between institutions such as welfare states, professional bureaucracies, electoral systems and labour market and training structures in two broad families of advanced capitalism, we can move towards an explanatory account of the varying dynamics of contemporary punishment. The relatively disorganised, individualistic 'liberal market economies' such as the USA and the UK are particularly vulnerable to the hold of 'penal populism', while the 'co-ordinated market economies' of Northern Europe and Scandinavia, with their proportionally representative political systems and economies focusing on long term investment in specialist skills, are better placed to resist pressures for penal expansion. The co-ordinated market economies with relatively stable rates of imprisonment share a range of features which underpin their capacities for social integration: lower social inequality, higher literacy rates and higher levels of social trust and informal social control. But they have an 'achilles heel', and one which is of particular significance in the context of increasing migration. For they may well face significant challenges in terms of integrating newcomers into the representative and decision-making structures which have helped to sustain a relatively moderate criminal justice policy

and high institutional capacity for reintegration.

If we need to understand institutional structure in order to assess opportunities for and barriers to criminal justice reform, it follows that we should be very cautious about universalistic narratives about 'late modernity' or 'post-Fordism'. That political, economic, environmental and technological developments at a trans-national level affect national policy to a perhaps more significant degree than ever before, can be conceded. But the ways in which different kinds of capitalist states do, and can, respond to this 'global' environment are varied, and the path to convergence – whether a welcome or a feared convergence – is far from inevitable. If the challenge of resisting mass imprisonment can only be met by effective incorporation of 'outsiders' into the structures of the political economy – through education, work, political inclusion – it is nonetheless crucial to understand that both the nature of these 'outsider' challenges and the strategic capacities for addressing them vary across capitalist systems.

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