

Why does Britain have such a high prison population?

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Various explanations for Britain's high prison population do the rounds among campaigners, commentators and others concerned with our high incarceration rate. Among the more common explanations are:

1. Punitive public attitudes, due to ignorance about the ineffectiveness or cost of prison; and/or ignorance about the effectiveness of alternatives to custody; and/or a base desire for punishment and retribution.

2. Opportunistic politicians who seek to play to punitive public attitudes for electoral advantage.

3. Irresponsible media reporting that stirs up public sentiment, pushing even responsible politicians into ever more symbolic gestures of punitiveness.

4. A judiciary that lacks confidence in the efficacy of alternatives to custody and/or is not fully aware of the available options.

There is an element of truth in some or all of these explanations. Anecdotally, I have met plenty of journalists out to make the big splash headline that boosts circulation by stirring up public sentiment. Crime and punishment is rather more eye-catching than fisheries policy. Unsurprisingly, politicians out to make a name for themselves tend to choose criminal justice policy over cod. Some judges and magistrates probably do have doubts about alternatives to custody. There are some members of the public who probably would gleefully string up a burglar from the nearest lamp post.

But however plausible, in part or when combined, these explanations might be, there is something quite fundamental that is missing from them: any clear explanation for how we have ended up where we have. If punitive public attitudes have driven up prison numbers, why have the public become more punitive? If law and order is a party political issue in the way it used not to be, why is that? If irresponsible journalists have stirred things up, why do the often idiotic stories in our print and broadcast media have traction with the public and our politicians in a way that might not have been the case in the past?

In short, the common explanations for the state we are in might work as a commentary on some of the factors influencing contemporary criminal justice policy

making. But they tell us little about the broad processes that got us to this depressing state of affairs. Understanding these processes is far from being a mere intellectual exercise. The failure of criminal justice reformism over years is in no small part down to its failure to integrate an understanding of these processes into campaigning strategies.

To shed light on this problem, I want to consider some recent research looking at the drivers of prison populations internationally. First is Michael Cavadino and James Dignan's comparative analysis, published in their book *Penal Systems*¹. Their analysis is informed by the highly influential study of welfare state regimes by the Danish sociologist Gøsta Esping-Andersen, whose 1990 book, *The Three Worlds of Welfare Capitalism*, sought to analyse the different welfare state arrangements of advanced capitalist countries according to three 'regime-types': 'liberal', 'corporatist' and 'social democratic'².

The 'liberal' welfare state regime is one in which welfare benefits are minimal and welfare recipients tend to be marginalised and stigmatised. Countries such as the US, Canada and Australia are exemplars of this type of welfare state regime, according to Esping-Andersen. The second regime-type is the 'corporatist' welfare state of countries such as Austria, France, Germany and Italy. Corporatist welfare-state regimes tend towards maintaining a dualism between the capitalist marketplace and the delivery of social rights through state institutions. The third regime-type is the 'social democratic' welfare state, characteristic of the Scandinavian countries. Policies pursued under social democratic welfare-state regimes have tended towards promoting equality and the provision of high quality welfare services. The broad terms of Esping-Andersen's typology do not correlate precisely to any existing country. Many will exhibit aspects of all of these types, to a greater or lesser degree. Moreover, much has changed since he first posited this typology. A number of Scandinavian countries have started to unpick aspects of the social democratic settlement in recent years, for instance. But as a general typology it is useful for understanding different welfare state configurations.

1. Cavadino, M. and Dignan, J. (2006) *Penal Systems: A Comparative Approach*, London: Sage.
2. Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism*, Cambridge: Polity Press.

Cavadino and Dignan adapt Esping-Andersen's analysis, mapping the penal systems of 12 contemporary capitalist countries according to his welfare-state typology. They find a strong correlation. Countries with liberal welfare-state regimes have high imprisonment rates. The US is the exemplar in this regard, with an imprisonment rate of over 700 per 100,000 of its population. Other liberal countries, such as New Zealand, the UK, and Australia also have high imprisonment rates, sitting in the range of some 140 to 200 per 100,000 of the population.

Countries with corporatist welfare-state regimes, such as Italy, Germany, The Netherlands and France have mid-level imprisonment rates, ranging from around 75 to 115 prisoners per 100,000 of the population. Countries with social democratic welfare-state regimes, such as Finland and Sweden, have lower-level imprisonment rates at around 70 per 100,000 of the population.

David Downes and Kirstine Hansen also find a strong correlation between imprisonment rates and welfare state arrangements, although their analysis looks at the correlation between a country's imprisonment rate and the percentage of its gross domestic product (GDP) it spends on the welfare state³. Their figures relate to the situation in 1998 so are now a little out of date, but their conclusions reinforce those of Cavadino and Dignan. Countries that spent a small proportion of GDP on their welfare states — such as the US, New Zealand and the UK — had high rates of imprisonment relative to other countries. Those that devoted much larger proportions of their national wealth to the welfare state — such as Sweden, Finland, and Denmark — had, relative to other capitalist countries, much lower imprisonment rates. Japan is the main outlier here, having both a relatively low imprisonment rate and relatively low expenditure on its welfare state (similar, in fact to the US). This suggests that welfare state regimes or expenditure might not be the only, or indeed strongest, factor influencing prison numbers in capitalist societies.

In their 2007 study Richard Wilkinson and Kate Pickett take a different tack from Cavadino and Dignan

and from Downes and Hansen, examining the correlation between levels of relative income inequality and a range of negative social outcomes, including the imprisonment rate⁴. They find a strong correlation. Countries such as Japan, Sweden and Norway, which have low levels of income inequality, have correspondingly low imprisonment rates. Countries with high levels of income inequality — such as the US, Singapore, the UK, Portugal and New Zealand — have high rates of imprisonment.

A number of implications flow from these three studies. First of all, capitalist countries are not consistent in the degree to which they resort to imprisonment. But the resort to mass imprisonment does appear to be a consistent feature.

Second, where there is variation in the *degree* to which capitalist countries resort to imprisonment, this appears to be correlated with a wider array of a country's social, economic and political arrangements. Capitalist countries with strong welfare state arrangements have, generally speaking, lower prison populations. Those with weak welfare state arrangements have, generally speaking, higher prison populations. But the correlation is not precise, as the example of Japan makes clear. Though the role of welfare state arrangements as a means of addressing underlying inequalities

is important, the stronger fit appears to be between levels of income inequality, rather than particular welfare state regimes *per se*. Countries that are less equal have higher rates of imprisonment.

Third, regardless of the variation in prison populations between capitalist countries, the general trend in the use of imprisonment within capitalist countries is an upward one. Most capitalist countries have witnessed significant growth in their prison populations. The US prison population has doubled in the past twenty years. The UK population has nearly doubled in the same period. Even those countries with historically low prison populations, such as Norway and The Netherlands, have seen marked growth over the past two decades. This suggests that the shift towards neoliberal forms of governance that have reduced

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3. Downes, D. and Hansen, K. (2006) *Welfare and punishment: The relationship between welfare spending and imprisonment*, London: Centre for Crime and Justice Studies.
4. Wilkinson, R. and Pickett, K. (2007) 'The problems of relative deprivation: Why some societies do better than others', *Social Sciences and Medicine*, vol 65, pp.1965-1978.

welfare support and led to increases in poverty and inequality — exemplified by Thatcherism and Blairism in the UK — is intimately linked to the rise prison population over recent years.

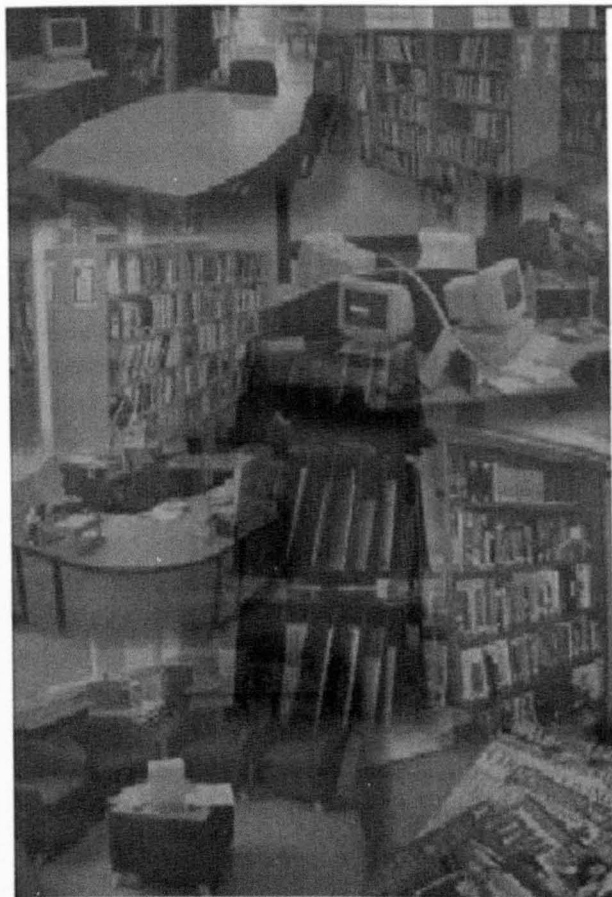
In many ways these observations are simply to restate the point, made many years ago by Rusche and Kirchheimer in their 1939 study *Punishment and Social Structure*, that the dominant economic and social relationships of any given society will determine the nature and scope of penal interventions⁵. But it is an observation worth repeating if only because it seems to be a point so often forgotten.

So, what are the implications for contemporary criminal justice reform strategies? It means taking seriously the relationship between penal regimes and wider social structures and economic inequalities. Welfare-state regimes and penal regimes are ultimately different mechanisms for addressing (to a greater or

lesser degree of success) underlying social antagonisms, inequalities and the problems that they give rise to.

Campaigning to control and reduce the prison population therefore requires serious thought being given the role of the welfare state in regulating and addressing social problems, as well as serious thought being given to the means by which poverty can be tackled and unequal societies be made more equal. Criminal justice reformers, in other words, need to articulate a vision for a broader range of social arrangements rather than merely digging around in the narrow terrain of penal policy. The cause of criminal justice reformism is intimately tied up with a wider set of social and political questions. Criminal justice reformists need to step out of their narrow and siloed frame of reference if they wish to be relevant and make an impact in the coming years.⁶

This article originally appeared in 'Transforming Justice: New approaches to the criminal justice system', published by the Criminal Justice Alliance and available at <http://www.criminaljusticealliance.org/transformingjustice.pdf>



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5. Rusche, G. and Kirchheimer, O. (1939/2003) *Punishment and Social Structure*, Piscataway, NJ: Transaction.

6. This contribution is based on an article that originally appeared in *Criminal Justice Matters* magazine in December 2008. See <http://www.crimeandjustice.org.uk/cjm.html> for more information.