Penal policy in comparative perspective

James Dignan and **Michael Cavadino** look at how political economy impacts on penal policy.

Globalisation notwithstanding, the severity of punishment – as measured by the admittedly crude but nevertheless useful measure of rates of imprisonment – and also the methods by which offenders are punished, continue to vary considerably in different societies. A recent study of comparative penal policy in 12 different countries (Cavadino and Dignan, 2006a and b) suggests that these variations are not arbitrary but may be related to significant differences in the political economies to which those countries belong.

For the purposes of the study the twelve countries were grouped into four families of political economy: neo-conservative (the USA, Australia, England and Wales, New Zealand and South Africa); conservative corporatist (Germany, France, Italy and the Netherlands), social democratic corporatist (Sweden and Finland) and oriental corporatist (Japan).

As can be seen from Table 1, these four 'family groups' are strongly differentiated with regard to a range of criteria including their form of economic and welfare state organisation, extent of income and status differentials, degree of protection afforded to social rights, political orientation and degree of social inclusivity.

In brief, neo-liberal societies are characterised by their strong support for free market capitalism, a minimalist and residual welfare state, marked disparities of income and wealth, and high levels of social exclusion, a term which encompasses the denial of full *effective* rights of citizenship and participation in civil, political and social life.

The general ethos is thus one of individualism rather than communitarianism or collectivism.

Conservative corporatist societies tend to offer their citizens somewhat greater protection against the vagaries of market forces; but the social rights they bestow are both conditional and hierarchical rather than egalitarian since they enshrine and perpetuate traditional class, status and economic divisions between different groups of citizens. The overall philosophy and ethos of conservative corporatism is a *communitarian* one which seeks to *include* and integrate all citizens within the nation, with individuals' membership of interest groups and other social groupings providing a vital link between the individual and the nation state. Another typical feature of the conservative corporatist state is its strong support for, and reliance upon, other traditional institutions such as church and family.

The social democratic version of corporatism is characterised by an egalitarian ethos and its generous system of universal welfare benefits goes furthest in acknowledging unrestricted rights of social citizenship. One of the most distinctive features is the extent to which the state itself has assumed responsibility for discharging welfare functions that in other polities are left to other social organisations (in the case of conservative corporatist societies) or private employers (in the case of Japan) to undertake.

The oriental version of corporatism exemplified by Japan displays a form of authoritarian communitarianism in which individuals are expected to behave in accordance with the informal obligations that stem from the dense network of hierarchical relationships to which they belong. Although status

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TABLE 1: Typology of political economies and their penal tendencies

	Régime types			
Socio-economic & penal indices	**Neo-liberalism**	**Conservative corporatism**	**Social democratic corporatism**	**Oriental corporatism**
Economic and social policy organization	Free market, minimalist or residual welfare state	Status-related, moderately generous welfare state	Universalistic, generous welfare state	Private sector based 'welfare corporatism'; bureaucratic, paternalistic
Income differentials	Extreme	Pronounced but not extreme	Relatively limited	Very limited
Status differentials	Formally egalitarian	Moderately hierarchical, based on traditional occupational rankings	Broadly egalitarian; only limited occupational status differentials	Markedly hierarchical, based on traditional patriarchal ranking
Citizen-state relations	Individualised, atomised, limited social rights	Conditional & moderate social rights	Relatively unconditional & generous social rights	Quasi-feudal corporatism; strong sense of duty
Political orientation	Right-wing	Centrist	Left-wing	Centre-right
Imprisonment rate	High	Medium	Low	Low
Archetypal examples	United States	Germany	Sweden	Japan
Other examples	England & Wales, Australia, New Zealand, South Africa	France, Italy, Netherlands	Finland	

differentials are far more marked than with other types of polities, materially there is much less disparity in terms of wealth and income distribution. To some extent the relatively modest investment in welfare spending by the state has traditionally been offset by the willingness of large scale private employers to adopt a relatively generous form of corporate paternalism with regard to their employees and their families.

Interestingly, these 'family traits' also appear to be associated with some striking and enduring differences in penal policy terms. Although the study examined a range of policy indicators including youth justice policy, attitudes towards prison privatisation and also comparative rates of imprisonment, we concentrate here on this latter aspect. Table 2 sets out the rates of imprisonment for the twelve countries surveyed and suggests a significant association between these different types of political economy and penal severity.

TABLE 2: Political economy and imprisonment rates

	IMPRISONMENT RATE (per 100,00 population) 2005-6
NEO-LIBERAL COUNTRIES	
USA	**736**
South Africa	**335**
New Zealand	**186**
England and Wales	**148**
Australia	**126**
CONSERVATIVE CORPORATIST COUNTRIES	
Netherlands	**128**
Italy	**104**
Germany	**95**
France	**85**
SOCIAL DEMOCRACIES	
Sweden	**82**
Finland	**75**
ORIENTAL CORPORATISM	
Japan	**62**

Source: Walmsley (2007)

At the beginning of the 21st century there are almost watertight dividing lines between the different types of political economy as regards imprisonment rates in these countries. With only one exception (the Netherlands), all the neo-liberal countries have higher rates than all the conservative corporatist countries; next come the Nordic social democracies, with the single oriental corporatist country (Japan) having the lowest imprisonment rate of all.

What is also noticeable is a general tendency for *changes* in these countries' punishment levels over time to fit the same pattern. We tend to find that as a society moves in the direction of neo-liberalism, its punishment becomes harsher. The Netherlands, whose imprisonment rate has gone from 17 prisoners per 100,000 population in 1975 to 128 in 2006, is the most dramatic example. Conversely, it is possible that a move in the direction of corporatism or social democracy (not that many countries have experienced strong developments like this recently) might make punishment more lenient or at least mitigate trends towards greater harshness.

How are we to explain such a striking relationship between severity in the recourse to imprisonment and the type of political economy with which a country is associated? We suggest that part of the explanation has to do with the cultural attitudes towards our deviant and marginalised fellow citizens which are *embodied* in the political economy (and as a result, to some extent *embedded* in society, helping to reinforce and reproduce the same cultural attitudes).

Neo-liberal societies tend to exclude both those who fail in the economic marketplace and those who fail to abide by the law – in the latter case by means of imprisonment, or even more radically in some instances by execution, which is in line with their highly *individualistic* social ethos. On the other hand, corporatist societies – and to an even greater extent, social democratic ones – have traditionally had a different culture and a different attitude towards the failing or deviant citizen. Their more communitarian ethos regards the offender not as an isolated culpable individual who must be rejected and excluded from law-abiding society, but as a social being who should still be included in society but who needs rehabilitation and *resocialisation*, which is the responsibility of the community as a whole. Although the Japanese picture is somewhat mixed, its broadly inclusionary approach, at least with regard to offenders who are not deemed to be incorrigible, reflects a willingness to rely more heavily on informal measures of social control rather than the use of 'exclusionary' penalties. The result, as can be seen from Table 2, is an imprisonment rate which even undercuts those of social democracies such as Sweden and Finland.

To conclude: this article has sought to establish, firstly that differences in penality are likely to persist despite globalisation, and secondly that one important reason for such differences is strongly linked to differing types of political economy. The good news for penal reformers is that fears of an inevitable drift towards a dystopian 'culture of control' may have been exaggerated (Zedner, 2002). The bad news is that it may be difficult to achieve a more lenient shift in penal policy without attending to other more entrenched aspects of the wider political economy.

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