

Capitalism and penal policy

Richard Garside argues for the need to take seriously the relationship between penal regimes and wider social structures.

'Capitalism' has a number of different possible meanings. By capitalism I mean a mode of production based on distinct social relations in which certain individuals sell their labour for a wage to the owners of the means of production. The genius of capitalism lies in the fact that more value is produced through the act of labouring than the workers receive in wages. It is from this 'surplus value' that capitalist profits come and capitalism as a whole develops and expands. Capitalism, in other words, is a mode of production based on systematic exploitation (Fine and Saad-Filho 2004).

Capitalism is also, however, a historically specific mode of production. For most of human history it has not existed. It is reasonable to conclude that capitalism will not always be the means by which human societies are organised. The question is one of when capitalism will come to an end, rather than if (Meiksins Wood, 2002).

It is the historically specific nature of capitalism that is particularly relevant to this discussion, for prisons and the penal system as a whole, at least in their current configuration, are very much a product of capitalism. I take it as axiomatic that the current phase of penal expansion and mass imprisonment is intimately related to the workings of capitalism at a national and global level.

In this short article I reflect on three recent attempts to understand the relationship between capitalism and penal policy. First Michael Cavadino and James Dignan's comparative analysis, published in their book *Penal Systems* (Cavadino and Dignan, 2006). 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' (Esping-Andersen, 1990).

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 United States, 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.

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 United States 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.

Downes and Hansen (2006) 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 GDP it spends on the welfare state. Their figures relate to the situation in 1998 so are now a

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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 USA, 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 USA). 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 Downes and Hansen, examining the correlation between levels of relative income inequality and a range of negative social outcomes, including the imprisonment rate (Wilkinson and Pickett, 2007). 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 USA, 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 the various 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. This suggests that the role of welfare state arrangements as a mean of addressing underlying inequalities is important. For 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.

So, if there is nothing uniquely capitalist about the use of imprisonment as a punitive sanction, the phenomenon of mass imprisonment does appear to be a quintessentially capitalist feature. And while different

forms of capitalism might exhibit differential resort to imprisonment as a punitive sanction, all contemporary, and indeed historical, forms of capitalism appear to have resorted to imprisonment to some degree.

In many ways this observation is simply to repeat the point made many years ago by Rusche and Kirchheimer in the 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 interventions (Rusche and Kirchheimer, 2003). 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 this? First of all, it means taking seriously the relationship between penal regimes and wider social structures and economic inequalities. Welfare 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. A call to reduce and end the use of prison will also involve serious thought being given the role of the welfare state in regulating and addressing social problems. It will also require serious thought being given to the means by which unequal societies could be made more equal. The benefits of greater equality would be much more far-reaching than simply the issue of the size and scope of the prison system. But it seems unlikely that the prison reductionist and abolitionist agenda will have much impact without sustained action on income inequality.

Second, it means taking seriously the relationship between mass imprisonment and capitalism. Genuine reforms and improvements in the penal system would probably result from general social and economic reform within a capitalist framework. Given the degradations of the current prison system these would be no small victories. But if the aim is a radical reduction of the prison population, or outright prison abolition, the challenge becomes one of thinking beyond capitalism and not merely seeking incremental reforms from within it. ■

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