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Exploring the Relationship between Inequality, Crime and Punishment: Some Afterthoughts on Method

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This volume has sought to advance scholarship on the ways in which inequality, crime and punishment –or, to be more precise, *different forms* of inequality, crime and punishment– relate to one another. As well as discussing the broader substantive contributions the volume makes in this regard, the introduction by our co-editors, Nicola Lacey and David Soskice, raises an array of methodological issues with which pertinent research typically grapples. In this brief concluding commentary, we offer some further thoughts both about the significance of those methodological issues as such, and about how they might be taken up in future work.

Generally speaking, efforts to assess the relationship between socio-economic inequality and crime have faced various methodological obstacles, from the limited availability and quality of relevant data, to the distortive effect of exogenous factors on such data themselves. On one hand, there have been questions as to which measures can best capture the scope of, and over-time trends in, socio-economic inequality; and, on the other hand, concerns have been raised with regard to the impact that the criminalisation of given behaviours and heightened investigative and prosecutorial activity at certain junctures may have on gauging the timing and prevalence of crime (see further Shover, 2000; Van Dijk, 2008; Levi, 2010; Huisman, 2011). These challenges appear unavoidable, no matter the particular focus of the study or, indeed, its level of analysis. As the contributions to this volume attest, however, it remains possible to collect and analyse pertinent data in ways that help advance our knowledge in this area. Our own chapter on the US case, for instance, highlights the importance of using self-reported victimisation data as a means of gauging levels and patterns of crime (see further Baumer *et al.*, 2018; Lauritsen *et al.*, 2016).

At the same time, it is worth acknowledging and reflecting on the fact that scholarly description and explanation of the relationship between inequality –or, to be more accurate, socio-economic inequality– and crime have to date been shaped by a very specific consideration of criminal activity. That is to say, efforts to examine the relationship have overwhelmingly approached it through the prism of common property and violent offences. Yet, over recent decades, there has been a growth in research into the relationship between inequality and different levels and patterns of white-collar crime, from conditions of rampant petty corruption to the recidivist trends in state-corporate illegality. To a lesser degree, recent years have seen sporadic attention being paid to the connections between economic inequality and political violence, the latter particularly by non-state actors. These bodies of research, however, have commonly remained distinct, their relative insularity being reflective in large part of the disciplinary boundaries within which they are produced: the former is usually the preserve of criminology, the second of development studies, and the third of political science. To this extent, there remains scope for exploring whether a more holistic approach to crime as such might generate new insights into the relationship between inequality and crime. Indeed, a more encompassing approach to crime might also lead to advances in terms of understanding the broader, tripartite relationship between inequality, crime and punishment.

Similar observations can be made with regard to the study of punishment itself. To start with, research into the relationship between inequality and punishment has usually approached the latter through the prism of imprisonment. This focus has in no small part been driven by the greater availability of pertinent data, particularly for the purposes of

international comparative analysis, than has been the case with measures of other forms of punishment. As has been pointed out by a growing throng of scholars (e.g., Hamilton, 2014; Tonry, 2007; Karstedt, 2013), however, there are good reasons to avoid restricting the study of state punishment to the study of imprisonment.

Most obviously, there are other state activities which may share the capacity to assume punitive forms and bring about punitive effects. In addition to the breath of civil and criminal penalties states explicitly employ beyond imprisonment in order to punish, there are practices of policing, surveillance and administrative detention that arguably merit consideration as punitive instruments of the state insofar as they are excessively harsh or otherwise intimidatory, whether against segments of the population or the populace in its entirety (see, e.g., Harkin, 2015; Fassin, 2019). Indeed, the same may hold for penal policies and practices of an avowedly welfarist orientation, such as the rise of restorative justice and the proliferation of prison programmes that claim to ‘empower’ and ‘rehabilitate’ prisoners (see, e.g., Hannah-Moffat, 2001; Cheliotis, 2014), and even for forms of social welfare provision in the context of poverty governance, as we shall see shortly.

In studying state punishment solely by reference to imprisonment, there is not only a risk that the punitive consequences other state policies and practices may have in their own right are overlooked; as a corollary of this, it is also likely that the magnitude of a state’s punitiveness may be undermined as a whole (see, e.g., Feeley, 1979), and that over-time continuities in levels of state punishment may be missed or otherwise understated (irrespective of whether the composition of those targeted by punitive state policies and practices changes or not). This latter pitfall is precisely what Harcourt (2010) seeks to avoid in his well-known account of varying forms of detention in the US from the 1930s onwards, where he shows that the rapid rise in the use of imprisonment as of the 1970s was preceded by comparably high rates of confinement in mental institutions.

Another key reason why it is important to not restrict the study of state punishment to imprisonment is that recognition of the diversity of forms of punishment meted out by the state allows scope for ascertaining the degree to which, and ways in which, they may be enmeshed in a web of mutual influence in terms of organisational discourse, financial and other resources, or practical procedures and operations. To take only one example here, as Natapoff (2015) explains in her work on the US case, a rise in the use of fines can function to preserve and strengthen a penal system, including imprisonment.

Even within the field of prison-focused scholarship itself, however, and although it is known that the nature of imprisonment tends to vary across spatial and temporal spans (see, e.g., Birkbeck, 2011), attention has been centred on levels of imprisonment and the composition of prisoner populations (with unduly disproportionate emphasis on male prisoners), more so than on indicators of the quality of life behind bars and related human rights considerations. And here, too, measurement is not unproblematic. Most notably, reports of the use of imprisonment that rely either on one-day snapshot censuses of the prison population or on annual totals of admissions to prison are liable to understating the overall scale and severity of imprisonment insofar as they obscure the number of lawbreakers held in custody over the course of a year (the ‘prisoner caseload’) and the length of their stay in prison (as this is determined both by the length of sentence and the occurrence of early release).

As in the case of crime, so too in the case of punishment, more comprehensive measurements of the phenomenon are absolutely vital to enhancing our understanding of its relationship to structures, policies and practices of socio-economic inequality. The long-term continuity Harcourt’s aforementioned study traces in overall levels of confinement in the US, for example, leads him to challenge the idea that the latest, neoliberal iteration of capitalism is necessarily more punitive than its predecessors; the capitalist state, Harcourt argues

instead, has always sought to maintain order in society and especially the marketplace by criminalising deviators from the market and locking them away in one site or another. This brings us to the issue of identifying the politico-economic origins of inequality as this relates to punishment.

Much of the contemporary literature on the relationship between inequality and punishment –and, to some degree, also crime– has sought to highlight the role that political economy plays both in terms of the range and relative size of pertinent forms of socio-economic inequality and in terms of the directions penal policy takes and the functions it assumes, including the inequalities that it reflects and serves to reproduce. In light of the rise of neoliberal dogma and policy over recent decades, it comes as no surprise that a good part of this body of literature has identified what appears to have been a strong connection between neoliberalism and punishment, especially in the form of imprisonment and its disproportionate targeting of the poorest segments of the population. In the remainder of our commentary, we offer a set of reflections on the concept of neoliberalism as applied to issues of punishment, our aim being to flag risks raised by any attempt to pinpoint the politico-economic determinants of inequality and its links to punishment.

To start with, the very character of neoliberalism is more contested and pluralistic than is typically acknowledged in studies that seek to identify its relationship to punishment. In particular, whilst it has generally been contended, in line with Wacquant's (2009) influential work, that higher imprisonment rates constitute an integral dimension of state punishment under neoliberalism, O'Malley (2015) has argued that the expanded use of fines in lieu of imprisonment is what would actually align with the neoliberal precept of minimal state intervention in social life. A similar argument is raised by Soss et al. (2011) in relation to social welfare provision under neoliberalism, at least with regard to the US case. Here, too, the state is thought not to have abandoned its traditional interventionist role, despite its rhetoric effectively suggesting otherwise. In fact, Soss et al. contend, the neoliberal state has expanded social programmes that target the poor, albeit with subtle conditionality aimed to force recipients into exploitative low-wage work. Thus, Soss et al. conclude that the neoliberal agenda of disciplining the poor has entailed not only penal but also, in tandem, welfarist forms of regulation, with logics of the former having increasingly infiltrated the latter (in the sense, for example, that state authorities employ close supervision and sanctions to control welfare recipients' conduct).

Such observations do not discredit the utility of general categorisations of politico-economic systems for the purposes of studying punishment. They do imply, however, that one can neither properly speak of a system's penal efficacy as such, nor ascertain its scope and degree, without first accurately grasping what it concretely entails in socio-economic terms. Unless this prior analytic task is performed, one risks falling into *reductionism* and *reification*: reductionism, in the sense of missing variations that may obtain within generic types of systems (on which see, e.g., Lacey, 2008; Hall and Soskice, 2001); and reification, in the sense of treating any particular system as an unavoidable or unchanging reality and, on this basis, employing an ideal-typical conceptualisation of it as the referent with which penal trends are to be interpreted. Reflecting and reproducing such reductionism and reification is often *occidentalism*, as when US-style neoliberalism is presumed to have been effectively exported in various parts of the world and, as such, to account for rising levels of state punitiveness in the jurisdictions concerned. Yet, as we explain in some detail elsewhere (Cheliotis and Xenakis, 2010), American (or, for that matter, Western) modes of economic development are not directly transposable to states with very different social and economic trajectories (see also Nelken, 2010).

This brings us to a further point. Indiscriminate use of generic conceptualisations of given politico-economic systems can all too easily encourage *ahistoricism*; an approach, that

is, whereby one constructs or otherwise exaggerates the novelty of present conditions, be they penal or socio-economic, whilst missing or otherwise undermining crucial continuities they may bear with the past. In our own previous work on the case of Greece, for example, we accept that the introduction of neoliberal policies (such as credit liberalisation) has brought in its wake an intensification of state punishment as a means of dealing with the rise in various socio-economic insecurities that neoliberal policies themselves aggravated amongst lower- and middle-class segments of the population. Yet we proceed to argue that the directions Greek penal policy has taken in its pursuit of neoliberal agendas cannot be properly understood without reference to the country's authoritarian past and the legacy this has left behind. Similarly, we caution against ignoring the fact that the roots of the insecurities punishment serves to manage in large part actually predate the introduction of neoliberal policies, and rather lie in the social, political, and economic tensions typical of semi-peripheral societies (e.g., the particularly strained dynamics of social rights and mobility, political representation and state provision, and labour relations and profit-making) (see further Cheliotis and Xenakis, 2010, 2016).

To avoid presuming the effective convergence of policies and practices around the world should not lead one to methodological *nationalism*, however. That is to say, no account of national-level developments can be complete without examining the influence that international-level trends may exert upon and inside nation-states. We have previously developed this point in critiquing the way in which neoliberalism has thus far been approached in politico-economic studies of punishment. Our argument is that lack of attention to international-level trends has risked overlooking the potential for fundamental economic and political change within and beyond Western states, which in its turn jeopardises an accurate reading of the macro-level forces that lie behind the evolution of punishment. Indeed, as is argued by a growing number of economists and political scientists, such change may be on the horizon, not only because core Western states are increasingly moving away from neoliberal policy-making themselves, but also because, in so doing, they are undermining the neoliberal tenets of the present international order, thus ultimately challenging the prospects of neoliberalism in other countries around the globe. To this extent, the analytic purchase of neoliberalism as a concept for penology may soon be confined to a past phase in the relationship between economic conditions and punishment (see further Xenakis and Cheliotis, 2019).

Insofar as this volume avoids the above pitfalls and, more generally, helps to promote a better understanding of the links between inequality, crime and punishment, it is in good part because it brings together contributions from scholars who are at once committed to combining theoretical models and substantive arguments from a diverse array of disciplines, attentive to the interplay between different levels of analysis, persistent in their engagement with various empirical data, and sensitive to insights from disparate parts of the world. Future scholarship on the trilateral relationship between inequality, crime and punishment cannot afford not to practise such methodological openness; the problem at stake is both too complicated and too urgent.

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