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**Punishment, Political Economy and Crisis: Disciplining Labour through State-
Corporate Surveillance in the ‘Neoliberal Heartlands’**

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The appeal of political economy approaches to the study of punishment has been notably uneven over time, often emerging during times of crisis or change and falling out of favour during times of stability. After a small flurry of political economy scholarship on punishment in the early decades of the 20th century, stagnant imprisonment rates over ensuing decades in a number of the world’s stronger economies persuaded many that the state’s use of punishment was essentially homeostatic, independent of both crime rates and the economy (see Zimring, 2010; Blumstein and Cohen, 1973). The 1970s then saw a series of ruptures take place: the end of the gold standard and the Bretton Woods system of fixed exchange rates, followed by the oil crisis and recession, ushering in an era of both neoliberalism and rising imprisonment. These parallel developments were particularly pronounced in the UK and even more so the US – the core ‘neoliberal heartlands’, as they have been characterised by Bob Jessop (2016) — with the US’ postwar dominance of the international economic order beginning to loosen at the same time that the country rapidly became a global outlier in terms of imprisonment rates (Zimring, 2010). In the wake of this moment of upheaval, scholarly attention returned to the relationship between politics, the economy, and punishment. Rolling politico-economic tensions in the intervening years have appeared to sustain a stream of attention to this theme. Yet, as a variety of crises have successively

reconfigured political landscapes, the relationship between capital and labour, and the deployment of state punishment, the question arises as to the continued purchase in the post-2008 period of politico-economic theorisations of penalty that were used to frame accounts of the use of punishment over preceding decades.

In seeking to answer this question, some attention is required at the outset to broader debates about what exactly the concept of ‘crisis’ entails. Should a crisis only be considered an epoch-making juncture, “a strategic moment in the structural transformation of the state”, as International Relations scholar Colin Hay (1999) has put it? Or should it be accepted that not all crises produce great transformations (Neep, 2018)? The very variety of interpretations that are in use underscores the contingency of understandings of ‘crisis’ (Brassett, 2018). An acknowledgement therefore of both the constructed nature of crises and the range of their potential impact – from superficial to transformative – is the starting point here for evaluating how tenable politico-economic theorisations of penalty remain over timeframes marked by tumultuous political, economic and social developments.

This article reflects more specifically on elements of broad transformations over recent decades that have, according to some interpretations, merited the designation of a multidimensional crisis in some advanced economies, affecting their economic, social and political realities, and considers the ramifications of these shifts for the politico-economic theorisation of penalty. After offering a review of the role played by crisis and the treatment accorded to concepts of continuity and rupture in scholarship on the political economy of punishment, the article goes on to explore the degree to which pertinent analytical frameworks are able to speak to the widespread changes that have occurred to the systems and practices of disciplining labour in the UK and the US. The article draws on the treatment of socio-

economically embedded undocumented migrants to explore more particularly the increasingly diffuse punitive repercussions generated by the rise of multi-sectoral, corporate-facilitated surveillance of the labour force. Finally, the article considers what this effective expansion of the state's punitive and disciplinary repertoire might mean for politico-economic approaches to the study of punishment going forward.

Crisis in the Political Economy of Punishment

Crises, broadly conceived, have regularly been an integral component of scholarship on the political economy of punishment. Many scholars have determined there to have been sufficient continuity preceding and ensuing crises to legitimate the persistence of models of explanation bar slight modifications. For others, however, the deeper changes they identify have demanded more innovative theorisation in response.

For the first scholarly publications associated with the rise of the political economy of punishment, epochal change was a key backdrop to their theorisation. Rusche and Kirchheimer's work (1968 [1939]), often seen as the launch of scholarship focused on the political economy of punishment, provides a paradigmatic example. Rusche and Kirchheimer explored the emergence of the prison as an integral mode of discipline for the competitive capitalism that arose from the ruins of feudal society. They examined the reduction in the use of imprisonment that occurred during the growth of a working-class movement amidst the huge social and economic transformations that brought about monopoly capitalism. More particularly, Rusche and Kirchheimer argued that the form and degree of state punishment in a society are largely determined, not by crime trends, but by economic and fiscal forces, and that trends in state punishment would therefore tend to reflect the internal relationships of a

society's dominant system of production (see further Melossi, 2014). This contention produced a thesis that has continued to fuel scholarship on the political economy of punishment: that, ultimately, the severity of punishment in a state will depend on the size of surplus labour in the society at issue, and that as and when a society's pool of surplus labour increases, harsher punishment will ensue (see further De Giorgi, 2012).

After a hiatus, Foucault's (1977) *Discipline and Punish: The Birth of the Prison* and Melossi and Pavarini's (1981) *The Prison and the Factory* reinvigorated the analytical political economy approach to the study of state punishment, training it on the origins of the prison as an institution of confinement in late 18th-century Europe; again, a time of intense social and political upheaval. Both works focus on imprisonment as a means by which individuals – and more particularly, for Melossi and Pavarini, workers – would be disciplined for the ends of the emergent industrial capitalist economy (see further Simon, 2013). While *Discipline and Punish* identifies the prison as one of the various disciplinary institutions that arose to manage the changing utility of the populace within a growing capitalist economy, *The Prison and the Factory* draws attention to the rise of the prison as an accompaniment to the factory more specifically, to control a rising proletariat by inducing subjection, and aiding the reproduction of the labour force by turning prisoners into docile workers.

Between the 1970s and mid-2000s, the theme of crisis was embedded in many of the studies that went on to be conducted in Europe and the US testing the relationship between the economy and punishment. Much of the pertinent literature of the era took as its starting point the oil crisis and the consequent international economic crash of the mid-1970s, which triggered the roll-back of Fordism and ushered in its stead the financialisation of the world economy and the increasing adoption of policies that advocated an unfettered market, the privatisation of public assets and the weakening of state social provision. While the US saw its imprisonment rate steeply ascend over the intervening period, transforming the country into a

stark outlier as the world's top incarcerator, its unemployment rate oscillated. As Melossi (2003a) has pointed out, this evident disjuncture between imprisonment and unemployment rates in the US was used by some scholars to issue wholesale rejections of the Rusche and Kirchheimer thesis.

Despite the major restructuring of capitalist economies embarked upon in the 1970s, some scholars have still seen scope for retaining the Rusche-Kirchheimer thesis, albeit with moderation. In the 1980s, for instance, Box and Hale (1982) argued that since growing levels of imprisonment were tied neither to crime nor to unemployment rates, it was necessary to consider the roles of ideology and culture in any functionalist interpretation of the use of punishment by the state. For them, the relationship between unemployment and imprisonment was not mediated by an increase in crime, but instead by the representation of social marginality as a threat to the social order. Lynch (2010), meanwhile, applying a measure of the 'rate of surplus value' rather than of unemployment, concluded that crime mediated the relationship between the economy and imprisonment.

Melossi (2003a, 2014), for his part, argued that developments beyond the scope of Rusche and Kirschheimer's work do not invalidate its core thesis, insofar as the latter relates not to the magnitude of punishment but rather to its character and function as connected to a society's dominant system of production and the state of the labour market, and as embedded within broader processes of social control. For this reason, Melossi argued with regard to the US context, the restructuring of the labour market from the 1970s onwards provides a better measure of the (declining) value of the workforce than levels of unemployment, against the backdrop of which the renewed utility of the prison in this timeframe can be explained. In Melossi and Pavarini's ([1977] 1981) revisiting of the Rusche-Kirchheimer thesis, furthermore, the fundamental contention is that beyond the labour market itself, it is the concept of 'discipline' that best encapsulates the continuing essential relationship between the evolution

of capitalist economies and the deployment of state punishment through the prison (amongst other institutions of social control), thereby supporting the maintained utility of the thesis broadly understood (see further Brandariz-García, Melossi and Sozzo, 2018).

Although not engaging directly with the Ruche-Kirchheimer thesis, Gilmore's California-focused book *Golden Gulag: Prisons, Surplus, Crisis and Opposition in Globalizing California* (2007) might also be regarded as advancing and broadening out their principal claim by the way in which she centres capitalist crisis as the key driver behind the state's use of imprisonment. In so doing, Gilmore goes beyond Ruche and Kirchheimer in demonstrating the importance of other surpluses beyond that of labour – of capital, and of state capacity – which she argues together shape the politico-economic utility of the prison. Placing politico-economic crisis at the heart of her analysis, she also underscores the capacity of such upheaval to engender highly differentiated spatial, racialised and classed impacts within a single jurisdiction.

For some observers, however, the crises of the mid-1970s and the punitive turn witnessed in many jurisdictions, but especially in the US, constituted a rupture that merited a new analytic framework from that applicable to previous eras. Wacquant (2009a), for example, proposed that 'neoliberal penalty' be considered a category distinct from that of state punishment in prior or other forms of capitalism, as the use of imprisonment was, and continues to be, at its most acute within jurisdictions in which neoliberalism has advanced fastest and furthest.¹ According to Wacquant (2009a, 200b), from the 1970s onwards, the introduction of neoliberal government made the relationship between the prison and the labour market less direct than had been the case prior to that juncture. For Wacquant, state punishment under

¹ Contemporaneously, Cavadino and Dignan (2006) also drew attention to the relationship between punishment, levels of socio-economic inequality, and welfare provision, across a range of national jurisdictions, arguing that higher rates of imprisonment were indeed to be found in (neo-)liberal jurisdictions with higher levels of socio-economic inequality and lower levels of welfare provision (see also, e.g., Downes & Hansen 2006; Zimring & Johnson 2006; Lappi-Seppälä, 2011; Sutton 2013).

neoliberalism is, on the one hand, designed to contain the low-level ‘disorders’ (namely, minor forms of deviance) stoked by the ‘objective insecurity’ of the unemployed poor and a flexibilised and welfare-lite workforce at the bottom of the class structure. On the other hand, punishment directed against the poor is meant to provide a convenient expressive outlet for the ‘subjective’ insecurity experienced by the middle classes, “whose prospects for smooth reproduction or upward mobility have dimmed as competition for valued social positions has intensified and the state has reduced its provision of public goods” (Wacquant, 2009b: 300). Wacquant argues that, in turn, this deployment of penalty provides a means by which political leaders can compensate for legitimacy lost in pursuit of other neoliberal social and economic policy goals that stoke socio-economic anxieties (see also Cheliotis, 2013).²

Other scholars, meanwhile, have increasingly taken issue with the dominant narrow focus on imprisonment in scholarship on the political economy of punishment, and indeed on scholarship on punishment more broadly. There has been a steady stream of calls for penologists to consider the multidimensionality of state punitiveness (Hamilton, 2014): from acknowledging the diversity of forms and levels of punitiveness found within imprisonment practices themselves – for instance, subject to offence type, prisoner ethnicity, age and gender, or conditions of imprisonment (Cavadino and Dignan, 2006; Tonry 2007; Karstedt, 2013; Cheliotis, this issue); to looking beyond imprisonment to other forms of punishment, such as the use of monetary fines, the death penalty, and disciplinary forms of electronic and other surveillance imposed on former prisoners post-release (see, e.g., Kilgore, 2013; Cheliotis and

² Other influential accounts have also argued that the qualities of state punishment in advanced economies shifted significantly from the 1970s onwards, becoming increasingly driven by expressive and symbolic socio-political impetuses (see, e.g., Garland, 2001; Sparks, 2003). Such accounts – inspired more by Durkheim and Weber than by Rusche and Kirchheimer – have at the same time tended to accord expressive and symbolic forces causal primacy in shaping levels and patterns of penalty, rather than modes of production and labour market relations. In any case, however, the notion of any novelty in the expressive and symbolic functioning of punishment since the 1970s has in turn been roundly questioned by scholars pointing out that expressive and symbolic functions of punishment are age-old means by which social stratification has been engineered and maintained within societies (see, e.g., further discussion in Sutton, 2000; Coleman and Sim, 2013).

Xenakis, 2016); to recognising the multiplicity of punitive disciplinary state strategies as effectively comprising a ‘carceral continuum’ that is itself deeply embedded within the logics of the turbulent dynamics of neoliberalism, and which serves to ensure continued flows of racially and socially marginalised populations into prisons (see, indicatively, Gilmore, 2007; Wang, 2018).

Relatedly, many scholars have urged that the administrative detention of irregular migrants be recognised as a form of state punishment, increasingly prevalent and profoundly shaped by shifting local, national and international politico-economic pressures. To support the characterisation of immigration detention as a form of state punishment, studies point to its growing convergence with conventional imprisonment, both in terms of similarities in practices and experiences and in terms of legislative and functional intersections that have emerged between the two forms of confinement in multiple jurisdictions over recent decades (see, e.g., Welch, 1996; Simon, 1998; De Giorgi, 2006; Lloyd et al., 2012; Franko Aas 2014; Hasselberg, 2014; Melossi, 2015; Peters and Turner, 2017; Xenakis and Cheliotis, 2019; Evans, 2021). At the same time, politico-economic analyses have demonstrated the close association between the expansion in the use of detention for undocumented migrants, the transformation of labour markets, and an ensuing shift in the composition and disciplining of socially marginalised populations in such jurisdictions (e.g., Michalowski and Carlson; 1999; De Giorgi, 2006; Cheliotis, 2016).

For De Giorgi (2016), as set out in his influential book on this theme *Rethinking the Political Economy of Punishment*, these developments constitute a change whose level and nature has rendered the Ruche-Kirchheimer framework inapplicable to contemporary conditions. Alongside scholars such as Michalowski and Carlson (1999), De Giorgi (2006: 33) underscores the point that the radical increase in the flexibilization of the workforce, and the heightened opportunities for worker exploitation – including the criminalisation of

undocumented migration –, have left official unemployment statistics an unreliable guide to a growing underclass in neoliberal societies that faces the risk of punishment by the state. Conditions of neoliberalism, he has concluded, mean therefore that the unemployment rate is no longer a sufficient means to measure the surplus pool of labour in a society; nor, it follows, is it any longer an adequate medium to gauge the relationship between the economy and the use of imprisonment.

Evidently, considerations of crisis, continuity and rupture have long driven forward advances in politico-economic scholarship on punishment, and there has been a major broadening of pertinent analytical frameworks precisely for the purposes of adapting to significant penal developments that have emerged in tandem with such upheavals. Before seeking to ascertain whether these frameworks have been able to keep pace with the depth and range of economic and political challenges experienced in the ‘neoliberal heartlands’ since the early 2000s, however, it is necessary to first set out the parameters of these challenges in and of themselves.

Multifaceted crises and changes to disciplinary and punitive landscapes in the ‘neoliberal heartlands’

In 2008, the crash of the international financial system, following a stream of major corporate bankruptcies in the US, triggered the most severe postwar recession amongst leading western economies, the US and UK prominent amongst them (Gamble, 2014). Much has been written of the stability bias of the field of mainstream economics and the overriding conviction it has spread in the essential efficiency and rationality of the market, thereby contributing to widespread failure to anticipate the crash and consequent recession (indicatively, see the influential critique by Colander et al., 2014). Expectations of cyclical or terminal crisis nevertheless feature across many well-known and influential theories of capitalism, not only

those of Marx and Engels, but also of Ricardo, Mill, Keynes, Polanyi and Schumpeter, amongst others (see Streeck, 2016). Some writers have considered neoliberal capitalism as particularly prone to crisis, arguing that it has promoted an especially finance-dominated form of accumulation whose unprecedented high rates of return by comparison with prior forms of capital rely on massively leveraging debt featuring precariously fictitious (i.e., speculative or future-oriented) credit and capital. Neoliberalism has thereby been argued to contain its own inherent crisis-generating mechanism, independent of those associated with the broader cycles of capitalism (see, e.g., Jessop, 2016). As one might therefore expect, there is little consensus about just how much of a rupture the 2008 crisis and its reverberations have proved to be, and whether it was symptomatic merely of cyclical strains since resolved, or a product of structural strains that guarantee further turbulence ahead in the international neoliberal order.

Whilst ‘business as usual’ appeared in some respects to have largely returned within a few short years, keeping contained many of the economic, political and ideological challenges that had arisen, other challenges have continued to mount and to contribute to ongoing political and socio-economic instability, indicative to many observers of a deeper unfolding transformation (Gamble, 2014). Indeed, for some taking a long *durée* perspective, the very era of financial capitalism that has predominated since the 1970s is reflective of a fundamental problem of difficult-to-absorb surplus alongside the constant pressure for profit, risking the stagnation of the economy, and a problem characteristically manifesting in capitalist systems when the state that is the hegemon of such a system is in decline (see further Lapavistas, 2013).

This proposition resonates with what has been charted in literature from a range of disciplinary perspectives and with regard to a host of Western economies, but especially as concerns the experiences of the core ‘neoliberal heartlands’, the US and UK, over the last half century, as their power in the international arena has appeared to wane (see, e.g., Streeck, 2016; Reich and Lebow, 2014; Gamble, 2014). Domestically, these countries have also seen the

steady roll-back of the institutions and compromises associated with the post-war settlement between labour and capital: the promotion of capital, and mostly of finance capital, above labour; and the propelling of inequality by engineering the privatisation of gains and the socialisation of losses in their economies. Neoliberalism's system of 'accumulation through dispossession', as David Harvey (2007) has famously termed it, would go on to receive a boost in the wake of the 2008 crash, when governments ploughed massive investment into banks and businesses that were 'too big to fail', whilst tightening and prolonging austerity budgets (Seymour, 2014; Jessop, 2016).

Within the UK, although wealth inequality declined over the larger part of the 20th century, it rose in its last decades and increased starkly following the 2008 crash. Most gains amongst wealthier households in this period can be traced to rising financial asset prices (Advani et al, 2000).³ Similarly, within the US, the wealth gap has increased in recent years. Although the incomes of American households overall increased from the 1970s until the 2000s, the share of the country's aggregate income going to middle- and lower-income households has since fallen, whilst households in the top 5% have seen greatest gains. The broader measure of wealth indicates that whilst households saw overall increases between the mid-1990s and mid-2000s, the 2008 crisis triggered a fall in wealth, particularly for middle-income households, whilst upper-income households were the only to see their wealth increase between 2001 and 2016 (Horowitz et al., 2020).

Since the 2008 crash, as Piketty (2014) has argued in his landmark book *Capital in the Twenty-First Century*, a general tendency towards income divergence has had a corrosive impact on democracy, with financial elites increasingly deploying their enormous wealth to fund politicians and platforms that protect and promote their own discrete interests. While

³ As Advani et al. (2000) explain, measurements of wealth inequality significantly under-capture the holdings of the wealthiest, but still offer a more accurate measurement of inequality than income inequality data.

social mobility has steered decisively downward, particularly for the middle classes, and political disaffection has risen, wealthy business elites have invested in political parties and movements, aiming to channel the frustrations emanating from those on the losing side of the decline in social mobility. Since the 2000s, both the UK and the US have seen the growth of millionaire-bankrolled nationalistic and xenophobic political movements, exemplified by UKIP – proponents of Britain exiting Europe (Brexit) – in the UK, and by the Tea Party movement and subsequently the rise of Trumpism in the US. These have whipped up pressure for the evermore punitive management of immigration by governments, ostensibly as part of an effort to combat anti-populist, cosmopolitan ‘elites’ and their policy priorities, even if the platforms such movements pursue would essentially create more rather than less exposure to rapacious neoliberal market logics (Lee, 2019; Hay, 2019).

In addition, government efforts to facilitate capital and enforce the flexibilisation of the workforce have been vastly extended by the rise of what has been pithily termed by Shoshana Zuboff (2019) as ‘surveillance capitalism’. Whereas in the 1990s governments’ aspirations for mass surveillance tended to be frustrated by an inability to cope with information overload and inadequate systems interoperability, this predicament shifted in the mid-2000s. Tech companies started to offer highly sophisticated and more extensively networked surveillance tools to governments and businesses, as well as predictive assessments of the future behaviour of surveilled populations, and even held out the promise of shaping the behaviour of such populations. This development proceeded to give unprecedented scope to surveil and discipline labour to not only central government agencies, but to local government and public service providers, private employers, and landlords, whether individually or in combination with one another.

Whether or not these developments may be judged transformative rather than simply a continuation of the familiarly tumultuous path of late modern capitalism, it is evident that in

recent years the combined impact of economic and technological changes has been to deepen socio-economic and political inequalities, empower governments and corporate interests over labour, and generate greater prominence for movements calling for punitive immigration measures, as part of broader increases in political disaffection and polarisation amongst citizenries (see further, e.g., Dean, 2020; Flinders, 2020). Below, the implications of these developments for the evolving relationship between the disciplining of labour and the use of imprisonment, and their relevance for the politico-economic theorisation of penalty in the contemporary period, are teased out. Singled out for particular scrutiny is the dramatic expansion of what can be termed ‘state-corporate surveillance’, and its disciplinary and punitive efficacy in relation to the labour market, including its spectacular deployment against hitherto socio-economically embedded undocumented migrants.

Redrawing the contours of discipline and punishment?

In the early 2010s, evidence of reductions in the use of imprisonment in the United States and Europe fuelled optimistic assessments that punitive governance was on the wane in advanced economies, driven by rising pressures for fiscal restraint on the part of governments (see Aviram, 2015). Yet much of the decline proved to be more apparent than real, as it reflected more the diffusion and decentralisation of incarceration to local and private authorities, and was accompanied by the increasing use of incarceration against undocumented migrants (see further, e.g., Xenakis and Cheliotis, 2019).

One conundrum in seeking to utilise the extant politico-economic framework so as to explain this shift in the structure and deployment of punishment is that the pool of ‘surplus labour’ did not undergo any significant change. Rather, the process of increasing the flexibilisation of the workforce that had been pursued since the mid-1970s continued, and unemployment rates fell. Was it the case, as De Giorgi (2006: 76) diagnosed in the mid-2000s,

that flexibilised workforces were becoming less easily ‘known’ and controlled precisely because of their fluidity, in that “the multitude defies power’s technologies of knowledge and capitalist rationality’? As set out below, the rise of state-corporate surveillance in the intervening years suggests instead that a host of new techniques have grown to supplement and increasingly overshadow the role of imprisonment as a means of disciplining labour.

Critical approaches to work have long placed waged labour at the epicentre of the exploitation and disciplining of the labour force within capitalist societies, around which all other institutions and processes are gathered in supporting roles (Weeks, 2011). Recent years have nevertheless seen an accumulation of studies contending that the management of labour – both that residing within and that situated beyond the state’s borders – has been hugely amplified by the spread of advanced, networked surveillance technologies with unprecedented reach to exact labour force discipline, far beyond that meted out via factories under Fordism. From ‘Total Quality Management’ consumer satisfaction monitoring meant to support ‘Just in Time’ supply strategies (see, e.g., Sewell and Wilkinson, 1992), to ‘Electronic Performance Monitoring’ intended to chart and increase worker productivity (see e.g., Kalischko and Riedl, 2021), such systems have become very widely used, and are designed to maximise the efficiency of labour disciplining all the way down to the most granular level.

For highly flexibilised sections of the labour force, that operate under especially intense contract-related controls embodied in ‘zero-hours contracts’ or ‘day labour’ arrangements (as they are respectively known in the UK and US), such surveillance compounds the pressure on workers. Prisoners, former prisoners, and irregular migrants, are amongst the most vulnerable in this regard (see further, e.g., Zatz, 2019; Hatton, 2020, Hatton 2018; Cheliotis, 2017). Indeed, as Golash-Boza (2016) has demonstrated, there is a remarkable continuity of labour exploitation and disciplining experienced by irregular migrants in the US at the hands of businesses before arrest, through incarceration, and even after deportation, when

their stigmatised status can lead them into low-paid jobs outsourced from the US to neighbouring jurisdictions, such as positions within international call centres. It is pertinent to underscore in this regard that a great proportion of the poorest members of affluent societies today are those that are employed: the destitute working poor, who rely on food banks and suffer homelessness. They are by no means ‘surplus’ labour, ‘excluded’ from the labour market in the way that marginalised poor were subjected to punishment in previous eras scrutinised in political economy scholarship; rather, their position is one of ‘subordinated inclusion’ (on which see further Zatz, 2020; Cheliotis, 2017; De Giorgi, 2010; Melossi, 2003b).

In today’s most advanced surveillance societies, public-private collaboration is increasingly recognised as having produced a step change in the data-gathering and data-sharing practices of disparate state agencies seeking to enhance networked interventions amongst the most marginalised communities in societies, with swifter punitive repercussions a common conclusion. Information about individuals’ work status, indebtedness, social assistance provision, healthcare arrangements, child protection agency experiences, and encounters with the criminal justice system, for instance, are ever more rapidly and efficiently accessed and cross-referenced between public and private data repositories to produce conveniently comprehensive personal history files on the basis of which further intersecting public sector interventions are produced (see, e.g., Brydolf-Horwitz and Beckett, 2021).

Evidence continues to mount of the punitive impact of corporate-facilitated, multi-sectoral surveillance. From the UK, for example, there are accumulating studies of young men from socio-economically disadvantaged ethnic minority backgrounds whose profile was caught up into the ‘Gangs Violence Matrix’ intelligence tool developed in the late 2010s by London’s Metropolitan Police Service. As a consequence of being flagged as a ‘risk’ by that system, individuals were turned down for jobs, rejected from education programmes, and declined rental agreements (see, e.g., Williams, 2018; Amnesty International, 2018). Similarly,

from the US there is a growing body of scholarship on how working practices, welfare conditionality, child support debts and experiences with the criminal justice system, combine to reproduce socio-economic disadvantages for families of colour from deprived backgrounds, who find themselves at ever greater jeopardy of being pulled into the criminal justice system (indicatively: Bach, 2014; Roberts, 2014; Haney, 2018; Cheliotis and McKay, 2018).

Given these developments, it seems difficult to sustain the characterisation of the flexibilised labour force as either unknowable or beyond the reach of the state's enhanced regulatory and disciplinary grasp. On the contrary, it appears that this grasp has become for the most part inescapable due to the awesome reach and disciplinary potential of what essentially is governance through an advanced form of state-corporate surveillance (see, e.g., Zuboff, 2019; Tréguer, 2019).

The reach and punitive ramifications of multi-sectoral corporate-facilitated surveillance is perhaps no more tellingly encapsulated than in the state's treatment of undocumented migrants. Not so much those seeking asylum or those working in the most marginalised and flexibilised of labour pools in black and grey economies (on which see, e.g., Madianou, 2019); but rather those long embedded in labour pools where other, regularised workers predominate. Although, as reviewed above, there is now a rich seam of politico-economic literature on punishment that draws attention to the panoply of punitive measures taken by advanced economies against highly exploited undocumented migrants over recent decades, the late 2000s have seen the emergence of a pattern in which criminalisation and the harshening of punitive sanctions have been targeted not only at those newly arriving or seeking entry to those states, but also at individuals embedded and rooted for generations within such societies, who – prior to the point of state-corporate punitive intervention - were neither uniformly nor even predominantly marginalised.

Two examples that illustrate this development are the 2018 scandal over the ‘hostile environment’ policy in the UK, which involved the targeting of the Windrush generation, and the expansion of the operation of Immigration and Enforcement (ICE) in the US under the Trump presidency. In the UK, immigrants arriving in the mid-20th century from Caribbean countries became known as the ‘Windrush generation’. In 1948, the British Nationality Act accorded citizenship and the right to settle in the UK to everyone who was at that time a British subject by virtue of having been born in a British colony. At the same time, the British government ran publicity campaigns in Caribbean countries to encourage workers to move to Britain, as the UK faced severe labour shortages in the aftermath of the Second World War. Combined, these efforts stimulated a wave of migration to the UK: between 1948 and 1970, nearly half a million people moved from the Caribbean to Britain. Since the Windrush generation had a legal right to settle in the UK, they neither needed nor were given any documents upon entry to the country, nor was this situation changed by the revision of immigration laws in the early 1970s. Since their right was automatic, many were never given or asked to provide documentary evidence of their right to remain, either at that time, or over the following decades, during which many continued to live and work in the UK. They were also specifically protected from enforced removal by the UK’s 1999 Immigration Act.

In the 2010s, however, the ‘Hostile Environment’ policy was launched and new legislation rolled out that introduced obligations for landlords, employment agencies, banks, schools, the driving and vehicle license authority (DVLA), and healthcare providers amongst a raft of other public officials and private bodies to verify citizenship before supplying services. To secure verifiable citizenship, members of the Windrush generation had to prove continuous residence in the UK since 1973. Lacking adequate evidence or sufficient assistance to gather it, many of the Windrush generation were threatened with deportation, and a total of 164 may have been wrongly removed or detained according to analysis by the UK Home Office of

almost 12,000 cases. Many others lost their jobs as a consequence of being disenfranchised, were denied the opportunity to work, and were refused access to healthcare from the country's National Health Service (see further, e.g., Griffiths and Yeo, 2021). Despite a public apology from the government, many reports have indicated that the policy to all intents and purposes continued and indeed broadened in impact to affect other populations. There have been growing allegations that other descendants of residents from Britain's former colonies who came to live in the UK under comparable arrangements – from Ghana, India and Pakistan – have been subjected to similar treatment (see, e.g., *The Independent*, 2018).

In the US, meanwhile, irregular entry and re-entry into the country have over recent years come to account for roughly half of all federal criminal prosecutions, and the increase in foreign-born prisoner numbers appears to have made a disproportionately large contribution to the expansion of the federal prison population over this time (Macías-Rojas, 2016). Whilst immigration law enforcement in the US had already become far tighter under the Obama presidency, the Trump administration went further still. An Executive Order issued in January 2017, for instance, introduced an array of measures to strengthen the enforcement of federal immigration laws (White House, 2017), and a subsequent memo by the US Department of Justice directed federal prosecutors to prioritise criminal immigration enforcement (DOJ, 2017a). The first few months of 2017 saw the volume of immigrants detained rise by 38%; not, however, due to border crossings from Mexico, which fell by 40% over the same period, but rather due to ICE agents criss-crossing the country seizing people who had long made the US their home (USA Today, 2017). As the American Civil Liberties Union (ACLU) has put it, “[m]any of ICE’s removal tactics take away the right to a fair hearing in court, as well as imposing heavy social costs, tearing American families apart and undermining community trust in law enforcement.” ICE’s work has also been bolstered by the Border Patrol federal police (USBP) and by the Customs and Border Protection Agency (CBP), which operate in a zone

stretching 100 miles from any land or sea border, so broad a range that it includes entire states, such as Florida and Maine, as well as almost all the country's largest metropolitan areas, and uses checkpoints and roving patrols to apprehend those who did not immigrate recently (see, e.g, *LA Times*, 2018).

To identify targets for deportation action, ICE has relied heavily on evidence gathered from databases recording historical misdemeanours, minor traffic violations and administrative offences. The reported outcomes of ICE tactics and operations on local communities have been notable for their disciplinary features: a year-long Migration Policy Institute study in 2017 found evidence from across the US that a climate of fear fuelled by ICE operations was leading immigrant communities to reduce engagement with local businesses and public services (from the police, to healthcare, education and social service providers), to curtail their participation in community activities and to limit vehicle use, all contributing to a decline of economic activity in immigrant neighbourhoods (Martinez-Aranda, 2020; Capps et al., 2018). Meanwhile, a rash of reports told of the desolation and shock equally left in the wake of raids, as 'friends are deported and schoolmates disappear', as members of broader communities sought to come to terms with the economic and emotional consequences of ICE actions (see, e.g., *BBC News*, 2018).

The above suggests that despite wide acknowledgement of the political capital to be made by governments from unleashing the punitive power of the state on undocumented migrants, the punitive removal of socio-economically embedded individuals in the advanced economies of the 'neoliberal heartlands' may also have a broader disciplinary impact on communities and, in turn, the labour force, beyond those intimately affected by the removal operations themselves. The targeting of undocumented migrants in the UK and the US over recent years may directly concern only a fraction of the broader population, but the consequent turbulence wrought on broader communities underscores the way that the state's punitive

operations can exert discipline through disruption of the labour force; a point that can sometimes be overshadowed by concerns about the state's use of disciplinary power to quash disorder amongst targeted populations.

More generally, recent years have seen more scholarly attention given to the multiplicity of forms that state punishment can take, and to the punitive impact of disciplinary interventions by public sector services above and beyond those affiliated with the criminal justice system itself (especially in combination with one another). To date, however, the step change in punitive state practices fuelled by the rise of a system of multi-sectoral, corporate-facilitated surveillance of the labour force, has not yet received the attention that it appears to warrant. Whilst there are points of continuity in this development with patterns of punitiveness that have previously been associated with cross-sectoral interventions, the unprecedented sophistication, reach and efficacy of current state interventions with punitive ramifications raises questions about the continued purchase of more narrowly-drawn theoretical frameworks to present conditions.

Implications for the politico-economic theorisation of punishment

Over the past century, crises have repeatedly served to stimulate politico-economic scholarship on the use of punishment by states. A key challenge for such scholarship has been to gauge the extent of ruptures or continuities in political, economic, and penal trends. There have been successive efforts to reformulate the theoretical framework for politico-economic analysis of punishment in advanced economies in such a way as to reflect changes in the functioning of the economic system, in the structure and management of the labour force, and in the use of punishment by states. As Melossi's (2003a, 2014) defence of the enduring relevance of the Rusche-Kirschheimer thesis argues, crises and smaller-scale changes need not, in and of

themselves, be considered to pose a fundamental problem for an analytical framework which posits that the character and function of punishment in a country will reflect its dominant economic system and mode of labour force management, as embedded within broader processes of social control. Navigating broad debates about whether economic systems and labour force management practices have radically changed, whilst at the same time evaluating the extent of changes to the character and function of penal practices, nevertheless amounts to a significant hurdle for a reflexive approach to the politico-economic study of punishment (relatedly, see Rubin, 2021). Studies looking beyond imprisonment as such to explore the complex cross-sectoral surveillance-based interventions that underpin the punitive reach of the contemporary state present a fertile opportunity in this regard.

This article has sought to highlight an important development that has become particularly evident in the UK and the US since 2008: a vast increase in the sophistication, scope and efficacy of state-corporate surveillance that has enabled a major extension in the disciplinary power of the state over labour forces, including by supporting punitive measures that include – but are not limited to - incarceration. As such, the new configuration of capital, labour and penalty that this article describes in the context of advanced economies seems set to be of central importance to scholarship on the political economy of contemporary punishment.

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