

Models of penal policy to explain crime



Reading Assignment One: Understanding the Determinants of Penal Policy:
Crime, Culture, and Comparative Political Economy

Nicola Lacey, David Soskice, and David Hope Vol. 1, 2018, pp. 195-217

The assigned reading focused on four main models of penal policy to explain crime, cultural dynamics, economic structures, and institutional differences in political economies in an effort to convey the interconnectedness of each model. With all of these facets working in conjunction with one another, this article sought to define the key determinants of penal policy with respect to the scope and severity of penal policy in other advanced economies and subjective factors of penal policy in regard to race.

The first model explored in the article focused on penal policies shaped by crime. In this section we can conclude that penal policies regarding crime strongly correlate to the policies implemented by politicians. This implies that penal policies are not being implemented for the betterment of society but rather for electoral advantage. To a degree, we can suggest that politicians use penal policy as an avenue to manipulate voter's perception of incarceration rates compared to the actual rates of violent crime. Over four decades when incarceration rates steadily rose, U. S. crime rates showed no clear trend: the rate of violent crime rose, then fell, rose again, then declined sharply. The best single proximate explanation of the rise in incarceration is not rising crime rates, but the policy choices made by legislators to greatly increase the use of imprisonment as a response to crime (Natl. Res. Council. 2014, p. 24).

Cultural dynamics also help to shape penal policy, the history behind our ideas on culture largely shape how different cultural groups perceive punitive punishments. When exploring these ideals, the article compared Nordic Exceptionalism against U. S and European communities. In Nordic systems, communities are smaller, social discipline is paramount, and mutual responsibility is of higher worth, as Nordic systems value solidarity. In this system cultural attitudes are important in validating the appropriateness of penal policy. In comparison, during modernization, European cultures moved from status degradations as means of punishment to an egalitarian practice that focused on reform. However, the U. S still relies heavily on status degradation as means of punishment and carceral punishment, which includes a continuum confinement, judicial punishment and institutions of discipline as increased means of reprimand. This shift spearheaded the change in the forms of punishment from corporal and capital punishment to carceral punishment. One of the most famous cultural accounts of punishment has been drawn by Garland out of Norbert Elias's *The Civilising Process*, a historical explication of the emergence and diffusion of norms of civility, including the increasing proscription of violence, particularly in public (Lacey, Soskice, & Hope, 2018, pp. 195-217).

As revealed in the readings, penal policies are also shaped by economic and political economic models. In these sections, it is important to understand the effects of social marginality on penal policy. Social marginality, excludes a group of individuals from society due to the lack of social power or acceptability. In this context, this can apply in terms of disadvantaged communities being penalized at a higher rate due to the lack of available

resources (employment, money, food, etc.) thus increasing expendable labor in carceral institutions. This in turn correlates to our variety in capitalism. Rusche & Kirchheimer's [1968 (1939)] *Punishment and Social Structure* combine the Marxian history of the changing forms of punishment in saying that punishment plays a structural role in regulating labor and punishment has a clear ideological function in legitimizing the capitalist system, construing conduct often produced by the injustices of capitalism as moral wrongs deserving of censure and sanction (Lacey, Soskice, & Hope, 2018, pp. 195-217).

On one hand, you have coordinated market economy and on the other we have a liberal market economy. European and Nordic regions perform under a coordinated market economy, this market focuses on reintegration as a tenant of penal policy as these offenders are being re-integrated into society as means for the economy to function as skilled workers are needed.

However, in the U. S. we perform under a liberal market economy which focuses on individualism, flexibility, and radical innovation which creates a populous of unskilled workers and a welfare system that is unable to support this surplus. This in turn, reiterates the idea of social marginality on the premise that unskilled workers are more likely to end up in carceral institutions based on the need for low to no cost labor for individual private institutions. Finally, this sections addresses the effects of voting on penal policy with regard to key voters who are disproportionately home owners, which implies that these voters vote in the best interest of their homes, the area surrounding their homes, and the services in that area which in turn reflects zoning policies.

The final model addressed in the article presented a case study on the history and politics of race. This case study compared penal policy in the United States and New Zealand in regard to race with a focus on African American and Maori populations. Racial inequality, residential segregation, increased incarceration, and socioeconomic segregation has led to what Miller (2016) called “ racialised state failure”. Political Institutions have sustained racial inequalities throughout the history of our nation, and this has had an immense effect on penal policies that target disadvantaged populations.

As with many criminological theories, intensive research is needed to be able to adequately identify the problems faced by our justice system. The reading presents two challenges faced by researchers in relation to penal policy, first we must seek to understand how new forms of populism will affect penal policy in the United States. By gaining this information researcher will be able to assess if the European descend from neoliberalism can be adapted to reduce crime in the U. S. This brings me to the second challenge expressed in the reading, researchers are tasked with finding ways to adapt or create new paradigms to illustrate how penal policies arise in other advanced economies.

References

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