



Neoliberal and Neoconservative Discourses on Crime and Punishment

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Abstract:

This essay will analyze the structure of contemporary criminological discourse by illustrating how such discourse breaks down into two complementary discursive strategies bound up by a complex dialectical relationship. It will analyze the different ways of thinking about the criminal question typical of late modern societies by describing on the one hand a criminological discourse calling for harsh and exemplary punishment, a discourse that informs to large extent the rhetoric of the neoconservative political movement, which in recent decades has established its hegemony over the public debate on crime and punishment; on the other hand a criminological discourse that typically informs what has been called advanced liberalism, more attuned to the way the problem of crime tends to be approached by technicians, administrators, and

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penologists, who are more concerned with the question of costs and rewards and are therefore careful to assess the costs that come with an expansion of the penal system. As much as these two strategies stand in contrast to each other in important ways, they nonetheless seem to function in a complementary fashion, considering that neo-conservatism may be thought as the political platform of economic neo-liberalism.

Key-Words:

Neoliberalism – Social Control – Punitive system - Late modern societies

I. - An Introduction

David Garland has recently described the crisis of what he calls *penal welfarism*, with the consequent birth of a complex of theoretical and practical approaches to the question of crime which crystallized into a *new culture of control* (Garland 2001). Penal welfarism he defines as the theoretical and practical complex that characterized the criminological paradigm of the social-democratic political culture of postwar Western democracies, a complex inclusive of an entire range of theoretical options, strategic objectives, and practical instruments.

This complex was grounded in the basic theoretical assumption of positivist human sciences, that is, in the image of the *homo criminalis* typical of classic criminological knowledge (Beirne 1993; Pasquino 1991). Every criminal was conceived as an individual affected by some criminogenetic factor that in some way inclines him or her to crime and deviance. The nature of these criminogenetic factors has been described in different ways by different theoretical traditions, but in the postwar era it was essentially identified by reference to social and psychological determinants. From these theoretical assumptions derived the idea, imbued with the epistemological optimism typical of positivist culture, of blotting out crime by acting on its *etiologic* factors. This strategic objective was to be reached by means of two kinds of public-agency interventions: on the one hand by developing a sort of indirect criminal policy, aimed at what were considered to be the *social* and *economic* determinants of crime, and on the other hand by using penal agencies as rehabilitative instruments intended to affect what were considered to be the *psychological* determinants of crime.

This approach to the criminal question was brought into close connection with the social-democratic culture that hegemonized the political landscape of Western democracies after World War II. This was a political culture that tended to expand the semantic sphere of *security*, broadly understood as the idea of a general improvement in the standards of living. The classic idea of security understood as protecting the private sphere from direct

threat thus shifted toward the broader idea of *social security*, expressing the duty of public agencies to guarantee the socioeconomic and psychological needs of individuals. As is widely known, this political culture has been confronted with a radical crisis in recent decades, a crisis closely connected with the weakening of the nation-state, which provided the political and economic framework within which to develop this ambitious project of social security. This brought about drastic changes in the political landscape of Western democracies, setting off what many consider a proper neoconservative and neoliberal political revolution (Rose 1999; Harvey 2005). This revolution profoundly affected the complex that, with Garland, has been named *penal welfarism*, and it wound up undermining the old optimistic idea of stamping out crime by means of social and rehabilitative programs. Under the slogan *nothing works* (Martinson 1974), a new criminological discourse developed, a criminological discourse that simply emphasizes the need for control and frames *security* as meaning the need for protection from a reality—crime—that cannot be altogether stamped out and so should at least be contained within acceptable limits.

This essay will analyze the structure of contemporary criminological discourse by illustrating how such discourse breaks down into two complementary discursive strategies bound up by a complex dialectical relationship. The focus of attention will thus be confined to the *discursive* sphere, thereby leaving aside the non-discursive area (Foucault 1969), meaning that complex of political, economic, and social transformations that I am assuming here to be the condition of possibility for the epistemic revolution in criminological science which I will be describing. There is no space here to take up the question of the deep transformations that Western societies have undergone from first industrial modernity to second or late post-industrial modernity (Beck 1986; 1999a; 1999b; Giddens 1994; Bauman 1998; Castel 1995; Young 2007): these transformations have already been identified by many as factors explaining the passage from the *welfare state* to the *penal state* (Wacquant 1999a; 1999b; De Giorgi 2006), and so this macro-sociological background will in large part have to be taken for granted, considering that the more-circumscribed purpose of this essay is to offer a detailed analysis of the discursive structure of neoliberal and neoconservative criminological discourse.

By *criminological discourse* is meant here the *theoretic-practical* complex of theoretical options, strategic objectives, and practical tools involved in the construction of different criminal policies. It is thus a heterogeneous complex of discourses, political strategies, and institutional practices that can hardly be compared to scientific discourse proper. This is not to suggest that the concept of criminological discourse is epistemologically unsophisticated, or that it has yet to pass a standard conferring scientific dignity on it: the point is rather to illustrate the constitutive connection that any paradigm will inevitably bear to a set of concrete institutional, social, and political exigencies. So, as much as this kind of discourse may become highly formalized, it is nonetheless framed in language at once

“theoretical and practical, descriptive and institutional, analytical and regulatory,” forming a complex “made up of both inferences and decisions, of both affirmations and decrees” (Foucault 1968: 54).

Criminological discourse should in this sense be understood as a family of discourses cast in an academic or speculative mode and yet arising out of practical needs concerned with political options: it is a kind of discourse that on the whole seems to make up something quite similar to what Michel Foucault (1969: 236ff.) called *knowledge (savoir)* in distinction to *science*, the idea being precisely to point up the indissoluble bond that ties certain fields of knowledge to institutional practices, to the structural and political context in which such knowledge emerges and operates day-to-day.

II.- Economics in Criminology

A new criminological discourse filled the vacuum created by the demise of the rehabilitative ideology: this new discourse consisted in the economic approach to crime and punishment developed by the pioneering work of Gary Becker and the Chicago school of economics (Becker 1968; 1976; Jenny 1977; Cooter and Ulen 1988; Dohnohue 2007). As I will argue, the economic approach to crime and punishment provided the main theoretical backdrop to the radical turn in the criminal policies that characterized the last three decades. The intellectual hegemony of economic knowledge supported what came to be known as the *new culture of control*. Surely, the economic approach to crime and punishment was in some way absorbed into and transformed by different discursive strategies, some of them mostly bent on stressing its symbolic elements, others more interested in the theory’s technocratic status. But these two discursive strategies, for all the differences that set them apart, still shared the same theoretical root.

The economic approach to crime and punishment proceeds from a radically different anthropological model than the one adopted by classic positivist criminology: the latter’s *homo criminalis*, whose action is driven by some psychological or socioeconomic deficit, was replaced with the *rational actor (homo oeconomicus)*, who instead evaluates the costs and rewards deriving from his or her actions. In neoclassic economic thought, economic knowledge provides the theoretical framework within which to study any human action as strategic, or rational (Foucault 2004: 218–19). Even the criminal actor can be transformed into an economic actor, because, from the point of view of the Chicago school of economics, every action can be studied as an economic action, even if at first sight it appears to have no economic rationality at all: every action can be interpreted, in strictly economic terms, as a calculative action devised on the basis of the universal human faculty of choice-making. Choice-making is a faculty of the rational actor who evaluates the costs and rewards a given *investment* will

yield in relation to different environmental contingencies (Rose 1999: 141, 142). Indeed, as Backer explains, every action must in some way take into account the reality of its environmental contingencies: every choice has to move within the framework of opportunities provided by a given environmental reality (Becker 1976).

The *homo oeconomicus* of the Chicago school of economics is in this sense someone who accepts reality, and rational action is any conduct that responds to environmental variables in a systematic fashion. Economics can thus be defined, according to this approach, as the science that studies the actor's systematic mode of responding to environmental variables (Foucault 2004: 219). On the economic theory of crime and punishment, the action of social-control agencies should not be aimed at making up for the psychological and socioeconomic deficits characterizing the criminal: if such action is to have any real impact on criminal behaviour, it must instead affect the balance between gains and losses deriving from criminal action. The main objective of criminal policy thus becomes, in the words of the economic approach, to mould the *environment* within which the criminal actor provides a *criminal supply* in response to a *negative* or *positive demand* (Foucault 2004: 214). Here, criminal supply consists in the entire supply of criminal action, while negative demand is what criminal-law enforcement provides in seeking to decrease the incentive to criminal action by increasing the costs and risks associated with a choice to engage in such action.

There are two ways that the economic approach to crime conceives of exerting negative demand, or two enforcement strategies available, each having its own inconveniences that must be taken into account (Dohnohue 2007: 382). One strategy is *symbolic*, and it seeks to increase the cost of criminal action by attaching a harsher punishment to such action. This strategy relies in large part on the *publicity* of punishment, or on its being publicly known to be harsh: this public knowledge acts as a deterrent, and the strategy is accordingly described as symbolic, in the sense of its counting on the *message* carried by such knowledge, a message sent out to all citizens as potential criminals. For this reason, because the strategy is essentially based on the power of a message, and so does not, at least in theory, entail any extensive enforcement of penalties, its economic costs are expected to remain within bounds. On the other hand, the strategy faces the problem that criminal action usually does not vary proportionately to penal response, or at least it does not do so as closely as the theoretical model seems to assume: it does not automatically decrease simply by virtue of the corresponding penal response being harsher (or, conversely, it does not increase simply by virtue of the corresponding punishment being softer). The second strategy is by contrast more *technocratic*, and it seeks to increase the cost of criminal action by instead increasing the actual risks associated with such action, or by making social-control agencies more effective and endowing them with a wider range of action. This strategy may to some extent overcome the problem of criminal

action being elastic with respect to punishment (criminal action failing to correspond proportionately to punishment): it does so by making criminal acts in effect riskier, if not impossible to carry out. But, on the downside, this entails the high costs that come with an indefinite expansion in the action of social-control agencies.

These two possible strategies for criminal policy put forward by the economic approach to crime reflect the different ways of thinking about the criminal question typical of late modern societies (Garland 2001; Beckett 1999; Young 1999). The *symbolic* strategy seems attuned to the way the problem of crime is approached by politicians, whose discourse tends to focus on repression, tough justice, and the war on crime. Here we have a sort of *populist* criminological discourse calling for harsh and exemplary punishment, a discourse that informs to large extent the rhetoric of the neoconservative political movement, which in recent decades has established its hegemony over the public debate on crime and punishment. The *technocratic* strategy, for its part, seems instead more attuned to the way the problem of crime tends to be approached by technicians, administrators, and penologists, who are more concerned with the question of costs and rewards and are therefore careful to assess the costs that come with an expansion of the penal system. Here we have a sort of *administrative* criminological discourse calling for a more selective and economical criminal policy capable increasing its effectiveness at the lowest possible cost, a discourse that, where criminal policy is concerned, typically informs what has been called *advanced liberalism* (Rose 1999).

We are therefore looking at a single theoretical proposal that branches out into two strategies originating in two different political cultures, the neoconservative and the neoliberal. But these two different strategies, just like the political culture they arise out of, present many points of contact beyond their common theoretical root. Aside from sharing an anti-government and anti-fiscal rhetoric, they converge in their effort to make central to the political debate the need to eradicate the so-called *culture of dependence*, calling on individuals to take responsibility for their own lives and solve their problems on their own. As Mitchel Dean has said, “neoliberalism and neo-conservatorism share this same diagnosis of the problem of the corruption of the people and the need to lead them to accept their responsibilities and become virtuous citizenry again” (Dean 1999: 163).

These political cultures thus share a common aim: to restore a culture of individual autonomy and responsibility, encouraging the spread of an entrepreneurial ethos across society. This is the basic idea behind the process of institutional change whereby what used to be called the *welfare state* is being replaced with the *enabling state* of advanced liberalism and neoconservative politics (Rose 1999: 142). But beyond this, it is two radically different sets of implications that this common political project has under the social-control strategies proposed by the two political cultures. On the one hand, the neoconservatives continue to call for greater

strictness in bringing to bear classic *juridical techniques*, using the rhetoric of repression and punishment as correctional means by which to control individual erring. In the theoretical framework of this discursive strategy, more liberty entails more responsibility, and it therefore also entails a duty for individuals to pay for their own wrong choices. The discourse of advanced liberalism, on the other hand, is developing a complex of new *actuarial techniques* that concretize what has recently been described as *new prudentialism* (O'Malley 1992: 260; Dean 1999: 166; Rose 1999: 159), a complex that uses the language of insurance and security and seeks, within tolerable limits, to govern the inevitable costs of liberty.

I will now describe in detail the discursive structure that holds up the two social-control strategies in question, analyzing them separately at first and then illustrating, in the last section, the complex dialectical interplay they are bound by. Indeed, as much as these two strategies stand in contrast to each other in important ways, they nonetheless seem to function in a complementary fashion, considering that the neoconservative culture acts in large part as the platform on which economic neoliberalism operates: neoconservatism may be thought of in this sense as the *political* platform of economic neoliberalism.

III.- Penal Populism

The crime question became a central issue in the political debate of the 1980s, this owing in large part to neoconservative politics, which made this question the centerpiece of British and American electoral campaigns. It was this political climate that definitely undermined the rehabilitative ideal and made it possible to construct the criminal question as a social-control problem rather than a public-health or socioeconomic problem (Beckett 1999; Hall et. al., 1978; Sheingold 1984). The core issue became that of street crime, and neoconservative rhetoric, which became hegemonic in the political debate of the 1980s—the decade of the neoliberal revolution—went back to an explicitly punitive discourse centered on ideas such as responsibility and retribution. A clear example of this political rhetoric can be found in this speech by President Reagan: “We can begin by acknowledging some absolute truths [...] two of those truths are: men are basically good but prone to evil; some men are very prone to evil—and society has the right to be protected from them [...] the war on crime will be won when an attitude of mind and a change of heart takes place in America—when certain truths take hold again [...] like: right and wrong matters; individuals are responsible for their actions; retribution should be swift and sure for those who prey on the innocent” (Reagan, quoted in Beckett 1999: 48).

In fact, the neoconservative proposal for reforming criminal policies called for a firm and speedy application of criminal penalties, mandatory sentences for certain types of crimes (especially drug-related ones), and an

increased use of the death penalty. But, what is more interesting, it explicitly rejected the whole of criminological positivism and the rehabilitative ideal that had long explained crime as the outcome of a psychological or socioeconomic deficit: this current of thought was denounced as an expression of the “liberal leniency and pseudo-intellectual apologies for crime” (Reagan, quoted in Beckett 1999: 49). As part of the general crisis of social-democratic discourse, the idea came under attack that the root cause of crime and social disorder was to be found within society itself: “We must raise our voices to correct an insidious tendency—the tendency to blame crime on society rather than the criminal [...]. I, like most Americans, believe that we can start building a safer society by first agreeing that society itself doesn’t cause the crime—criminals cause the crime” (G. Bush, quoted in Becket 1999: 48). As in the theoretical framework of the economic approach to crime and punishment, so here crime came to be seen as a choice, a choice that still looked attractive in proportion as the criminal system was lenient: “*Choosing* a career in crime is not the result of poverty or of an unhappy childhood or of a misunderstood adolescence; it is the result of a conscious, willful choice made by some who consider themselves above the law, who seek to exploit the hard work and, sometimes, the very lives of their fellow” (Reagan, quoted in Beckett 1999: 48). In keeping with the economic approach to crime, neoconservative campaigns stressed the need for enhanced law enforcement and punishment aimed at increasing the costs of *choosing* evil.

Almost at the same time, in the late 1970s and early 1980s, a *revanchist* criminological discourse developed (Melossi 2008: 218), anticipating most of the neoconservative arguments, but setting them on a more plausible theoretical foundation. The most prominent of these criminologists, James Q. Wilson, was a consultant on crime and security in the Reagan administration. These criminologists owe (and acknowledged) a clear debt to the economic approach to crime. This can be appreciated in the words of Edward Banfield, who was Wilson’s professor at university, and who wrote a study on urban crisis that to some extent anticipated Wilson’s work: “There is an element of calculation—indeed a very considerable one—in practically all criminal behaviour [...] to be sure, impulse characteristically enters into some types of crime more than into others, but an element of rationality is hardly ever absent” (Banfield 1974: 181). This revanchist criminology proceeded on the economic approach to crime, but sought to refine and correct this approach by bringing into the theory those individual characteristics, tastes, and attitudes that economists normally do not consider. They developed in this way the notion of a *propensity to commit crime*. As Wilson and Herrnstein state in their treatise on crime and human nature, the economic approach to crime needed to be enriched: “Economists, concerned chiefly with estimating the marginal effects of employment opportunities or judicial sanctions on criminal behaviour, concede that people differ in these ways (risk-aversion, competence at making calculations, present-orientedness), but dismiss such differences as

'tastes' that lie outside econometric models of how behaviour changes in response to changes in the net value of alternative courses of action" (Wilson and Herrnstein 1985: 516).

The first attempt to enrich the economic analysis of crime came from Edward Banfield, who developed the notion of a *lower-class individual*, understood as someone incapable of fully assessing the costs and rewards deriving from his or her actions. Banfield accordingly described the lower-class individual as normally improvident, unable to govern his or her impulses, aggressive and dependent, and unable to maintain stable social and familial relations or a stable employment (Banfield 1974: 61). These individuals are in this sense present-oriented, and this makes them more prone to commit crimes: "Since the benefits of crime tend to become immediate and its costs (such as imprisonment or loss of reputation) stand in the future, the present orientated individual is ipso facto more disposed toward crime than others" (Banfield 1974: 183). The core idea was, briefly, that in order for the economic analysis of crime and punishment to develop a truly predictive theory of crime and an effective criminal policy, it needed to take into account the simple fact that some individuals and some groups have different moral values, tastes, and attitudes. Wilson later developed these insights in his work on human nature and on the constitutive characteristics affecting the individuals' capacity to evaluate different options available: "Wicked people exist. Nothing avails except to set them apart from innocent people" (Wilson 1975: 209).

These discourses about present-orientedness and lower-class individuals reject a criminology calling for rehabilitative projects. Individual characteristics are assumed to be of an unalterable nature, and so policymakers must focus on the environment and on inducements rather than on class and propensity. As Banfield comments, "the policy maker usually must take certain cultural and psychological traits as given [...] if he has to change a city's potential for crime it must be by manipulating situational factors, which is to say inducements" (Banfield 1974: 180, 195). Wilson, in particular, strongly advocated a criminal policy designed to modify situational factors that allow or encourage crime, stressing the need for stiffer criminal penalties and going back to their pure deterrent function by introducing a system of mandatory sentencing (Wilson 1975). But, more importantly, he and George Kelling came out with a popular proposal to reform police activity based on the idea of *order-maintenance policing* or, as this has otherwise been called, *zero-tolerance policing*—the idea that the police should make it their priority not so much to do crime detection as to go back to its traditional function of maintaining order in the community (Wilson and Kelling 1982; Kelling 1996; Bratton and Dennis 1998).

This proposal was outlined in a paper that influenced policymakers all over the world, making it what is arguably the most influential criminological paper of last two decades (Donnes and Morgan 1997; Wacquant 1999; De Giorgi 2000; Harcourt 2001). The *Broken Windows* paper stressed

orderliness as a crucial factor in determining social behaviour within a given community. Wilson and Kelling argued that the spread of disorder in a given area sends the message that disorder is to some extent tolerated, thus paving the way for urban decay, with the situation spiraling into more-serious and rampant crime. The paper presents an aesthetic of order and decorum perceived as ever threatened by the incipient decay of urban areas, but even here the fundamental assumption is that order and disorder affect individuals' behaviour differently depending on their personal characteristics (Harcourt 2001, 17). The broken-windows theory is based on a fundamental distinction between "committed law-abiders" and "individuals who are otherwise inclined to engage in crime," between "decent folk" and "disorderly people," meaning all "disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed" (Wilson and Kelling 1982: 30). The spread of disorder induces honest citizens to leave the neighborhood or to lock themselves within their private sphere, setting off a spiral of decay that attracts disorderly and disreputable people to the affected area, rapidly transforming "a stable neighborhood" into an "inhospitable and frightening jungle" (Wilson and Kelling 1982: 32).

Zero tolerance policing reflects in some way the same political culture that called for the stiffening of criminal penalties, invoking stricter controls of incivilities and so-called *soft crimes* as a way of restoring morality and order to the communities. But aside from this unisonous appeal to deterrence, there is a clear image underlying these neoconservative and revanchist criminological discourses, namely, the image of the *demoralized other*. All these discourses express the conservative obsession with a segment of the population perceived as extremely threatening and incapable of fulfilling the duty and responsibility established under the neoliberal idea of active citizenry. This segment of the population is seen as an *underclass*, at this point mired in a culture of dependence and laxity nurtured by years of welfare and indulgent criminal policies (Katz 1993; Wacquant 1999; Young 1999; Morris 1999). As Ronald Reagan put it, "generous welfare provisions and soft criminal justice policies are entwined in their detrimental effect upon morality and responsibility for the increasing crime problem" (Reagan, quoted in Beckett 1999: 50). This neoconservative obsession with the emergent *underclass* was perfectly reflected in the work of Charles Murray, who inspired the social policy of the Reagan administration. His work on welfare reform (Murray 1984), and even more explicitly his work with Richard Herrnstein (Murray and Herrnstein 1994) on the deterrent and incapacitative function of prisons (Murray 1997), were developed around this image of the depraved and demoralized poor who needs to be forced to work (Wacquant 1999).

Neoconservative criminal policies, with the parallel and concurrent dismantling of the welfare state, were devoted precisely to the symbolic purpose of reinforcing the moral maxim that people must take individual responsibility for the wrong choices they make. Mandatory sentencing,

three-strikes laws, the war on drugs, and order-maintenance policing, which were part of the neoconservative manifesto of penal populism, surely had this symbolic and, let us say, moral, function (Beckett 1999; Zimring, Hawkins, and Kamin 2001; Tonry 1996 and 2001; Shichor and Schrest 1996; Jones and Newburn 2006; Dunbar and Langdon 1998; Clarkson and Morgan 1995). The call for harsher punishment and zero tolerance were part of a culture war undertaken to restore a sense of morality and individual responsibility. No longer would an individual failure, a crime, be excused on the basis of arguments pointing out the individuals' socioeconomic and psychological needs. But these same instruments of criminal policy also had another internal logic, serving in a complementary role to their symbolic logic. Which is to say that, while they certainly did rely on a powerful symbolic charge, when this deterrent logic proved ineffective, they could still function as instruments by which to remove from sight those who were perceived as a source of ungovernable dangers. These instruments operated as well on an incapacitative logic, sometimes quite similar to the one that underpins the more technocratic, or *actuarial*, social-control strategies.

IV.- New Prudentialism

The first academic and criminologist to speak about actuarial or insurance techniques of social control was Stanley Cohen (1985), who described how the old *homo criminalis* disappeared from the landscape of control strategies and criminological discourse. As Cohen explained, the new focus was on criminal *behaviour*, in its physical dimension and its relations with the external environment: "The talk now is about spatial and temporal aspects of crime, about systems, behaviour sequences, ecology, defensible space, target hardening" (Cohen 1985: 148). The point of this focus on criminal behaviours, and on their spatial and temporal distribution, was to determine the way in which security levels would be affected. *Actuarial social control* can thus be defined as the complex of techniques designed to manipulate and manage risky behaviours, populations, and situations so as to achieve a given standard of security. The term *actuarial* derives from the wide use that these new social-control strategies make of statistics and insurance techniques. This emphasis on statistics is intended to evaluate and distribute risk factors among the population and over the territory so as to more selectively direct social-control actions.

Social-control agencies are no longer called on to eliminate the *causes* of crime but to reduce and redistribute risks: "The new practices [...] target something very different, that is the crime rate, understood as the distribution of behaviours in the population as a whole" (Feeley and Simon 1994: 178). The criminological discourse that grounds actuarial strategies was appropriately defined as a *criminology of the self* (Garland 1996; Melossi 2008), because in a sense it removes the criminal from the

theoretical framework, taking as a central point of investigation the *self* to be protected and made secure from the general and abstract figure of a potential attacker. As Malcom Feeley and Jonathan Simon put it, “actuarial justice is not concerned with the identity of the offender, and by implication it accepts that anyone can be an offender: crime in this sense is normal. It may certainly define some individuals as presenting a higher risk for security [...] but their risk is merely the attribution to the person of the characteristics of a risk category to which they are assigned” (Feeley and Simon 1994: 173; O’Malley 1998: xii).

The *new prudentialism* is grounded in an expansion of these insurance techniques that multiplies the social spheres to be monitored and governed. Surely, there are situations and groups that present a higher level of dangerousness and may need particular attention, but it is generally speaking the entire social environment that should be considered always *at risk*. This prudentialism is *new* in the sense that it considers the entire social body as responsible for the dangers and risks attendant on its own lifestyle and different social environments. The basic distinction is no longer between risky and non-risky subjects and situations but between those who are capable of dealing with their own risks—the new active and responsible citizen—and those who still have to rely on the government’s intervention (O’Malley 1992: 260, 261; Dean 1999: 167). This new prudentialism can be distinguished into two spheres depending essentially on what is taken to be the main target of social-control techniques: the *environment* or the *governed*.

1. Action on the Environment

This kind of actuarial action is quintessentially economic in its approach to crime in the sense that it seeks to modify the environment of criminal action by making it so that such action will entail greater effort and risk and fewer rewards: “While the disciplinary regime attempts to alter individual behaviour and motivation, the actuarial regime alters the physical and social structures within which individuals behave” (Simon 1988: 773). Actuarial action on the environment has its theoretical foundation in a complex of approaches to the study of crime that to some extent elaborated on neoclassical economics. This complex has been called *criminologies of everyday life* (Garland 1996; 2000) because these approaches all look at criminal behaviour as an event related to the characteristics of our day-to-day environment and lifestyle. The founders of this type of criminology, Ronald V. Clark and Marcus Felson, worked for a long time as consultants at the British Home Office, where they developed their theory.

Crime is thus reduced to the mere *physical event* of the encounter between offender and victim. In the *chemistry for crime* outlined by Marcus Felson (1998; see also Clarke and Felson 1993; Selmini 2004), crime is analyzed

into an interplay among three different factors. First, the *likely offender*, meaning anybody who—for whatever reason: the motivation and causes of crime are not important here—might commit a crime. Everybody is in this sense considered capable of committing a crime: criminals are *situational individuals*, people capable of calculating the costs and rewards deriving from their action in a given environmental situation. Second, the *suitable target*, meaning whatever object or person can suitably be targeted for attack. This suitability will simply depend on the target's physical features (such as its inertia, visibility, and accessibility, all of which are factored into the target's value), or it will depend on different environmental conditions (or spatiotemporal circumstances) that could facilitate the commission of crimes. And, finally, there is the *absence of guardians*, meaning the complex of “informal” guardians (neighbors, friends, relatives, bystanders, the potential target's owner, and so on) who could eliminate most of the *criminogenic situations* that lead to a crime. What is most interesting here is how the approach takes into account a full range of behaviours and lifestyles as factors contributing to create good opportunities for crime by lowering the informal controls.

The two-pronged aim of reducing opportunities for criminal behaviour while increasing its risk is thus achieved by studying so-called *criminogenic situations*, meaning the environment in which actors select their targets, with their physical and personal characteristics, their lifestyles, and everything that is supposed to affect the risk of victimization. This criminological paradigm developed a complex of social-control strategies that was named *situational crime prevention*, that is, “a whole of measures directed against highly specific forms of crimes, which involves the systematic and permanent management, organization and manipulation of their environment as a way to reduce opportunity for crime and increase risks as they are perceived by a wide series of potential offenders” (Clarke 1983: 225; 1995). This is a purely technocratic approach to crime prevention, the typical expression of an administrative criminological culture that instead of fighting the causes of crime seeks to reduce crime by giving priority to the environment and to the structure of opportunities that increase the risk inherent in a given situation.

This criminological paradigm involves a theoretical and strategic turn that calls for a substantial change with respect to social-control instruments and actors. Indeed, these techniques of situational crime prevention tend to develop different types of intervention, coupling classic police work with a wide range of urban-planning interventions designed to change the so-called structure of opportunities. But this change in social-control instruments makes it necessary to redefine in part the role played by classic public control agencies, considering that there is a trend toward involving other types of public agencies (such as urban planning and local authorities) and multiplying the enclaves managed by private control agencies (gated communities, commercial facilities, and the like).

2. Action on the Governed

The spread of actuarial techniques makes it necessary to also redefine in part the action that social-control agencies exercise on the governed. This redefinition is effected by drawing a distinction between two broad kinds of actions and techniques, assuming a distinction between two different kinds of people or social types: on the one hand are the techniques aimed at encouraging the population to deal on its own with its own risks, and at forging the kind of active citizen that advanced liberal societies need, namely, the *homo prudens*, or someone capable of satisfying his or her need for protection from dangers (O'Malley 2004: 139, 140; Pitch 2006); on the other hand are the techniques aimed at dealing with the level of danger represented by those who are unable to exercise this new form of responsible and provident citizenry, thus exposing themselves as well as others to threat.

This latter of strategy clearly implies action “concerned with techniques for identifying, classifying and managing groups assorted by levels of dangerousness” (Feeley and Simon 1994: 173). But even here crime is taken as a normal feature of social life and reduced to a risky event to be tamed “by rearranging the distribution of potential offenders in society” (Feeley and Simon 1994: 174). This strategy is based on a complex of actuarial techniques with which to identify risk factors and single them out for differential treatment. It is another example of the economic approach to crime and punishment, because this actuarial strategy seeks to multiply the efficacy of control agencies by increasing their ability to select their targets: “Assuming that people respond rationally to the costs and incentives of policing, using prediction based on group offending rates will result in greater detection of crime. By maximizing the detection of crime, law enforcement will deter the higher-offending targeted population. This is the most efficient allocation of law enforcement resources” (Harcourt 2007: 111). Indeed, on an economic approach, incentive to crime is reduced in proportion as law enforcement is increased and becomes more effective; actuarial strategies apply this principle by targeting a high-offending group and making it riskier for its members to engage in deviant behaviour, the premise being that the riskier the behaviour the lower the crime rate, because people will be less willing to commit a crime if a higher risk is associated with it (Harcourt 2007: 113).

Despite this clear economic logic that underlies the functioning of actuarial techniques, the main purpose to which social-control agencies devote these techniques when acting on the governed is not to influence the decision of an individual would-be criminal, but simply to identify and incapacitate a high-risk population. Unlike a pure economic logic, this *incapacitative logic* treats the potential offender as an inert risk-bearer simply to be neutralized (Feeley and Simon 1994: 189). This strategy is deployed through a wide range of incapacitative technologies that span the gamut of criminal justice,

from police activity to the penitentiary. On the one hand, we have a complex of police-action strategies specifically aimed at identifying dangerous situations and individuals (so-called *profiling*; O'Malley 2004: 140 ff.; Feeley and Simon 1994; Harcourt 2007); these profiling techniques, developed in the 1960s to detect drug couriers and hijackers, were further legitimized in the 1980s by the so-called *order-maintenance approach in policing*, which, as a policing strategy aimed at controlling "disorderly people," has a marked incapacitative nature (Harcourt 2007). On the other hand, we have a second complex of judicial instruments designed to identify high-rate offenders and to treat them differentially by imposing stiffer and longer penalties on them. This complex has been called *new penology* (Feeley and Simon 1992; 1994; Pavarini 1994; 2001; 2002; De Giorgi 2002; Kempf-Leonard 2000; Harcourt 2007) and draws on a range of tools including guidelines for judges, statistics for predicting how different people will behave once they are let out on parole, selective incapacitation, and systems for mandatory sentencing, as in the example of *three-strikes laws*, designed to exert a strong incapacitative effect by making the defendant's prior criminal record the sole factor to be considered in sentencing.

These incapacitative strategies may seem radically different as to their use of actuarial techniques and predictive instruments, but they owe much of their spread across the criminal system to the neoconservative culture and to the debate about the underclass as a dangerous population to be controlled, moralized, and neutralized by way of repressive instruments (Young 1999; Feeley and Simon 1994). *New prudentialism* is in this sense the technocratic face of the drive toward a repressive management of poverty and social marginality that characterizes conservative political discourse.

V. Conclusion

Two discursive strategies have been described here: one looks like a populist rhetoric that calls for severe punishment, a criminology of intolerance constantly pushing the idea of a permanent *war on crime* as a symbolic instrument that can be turned to advantage in political campaigning (Young 1999); the other looks like a typical expression of a technocratic rationality that gives up the ideal of eliminating crime from society and seeks instead to govern crime within tolerable limits assessed in terms of social, political, and economic costs. But, despite their differences, these two discursive strategies can be characterized as two different forms of the same political project.

New prudentialism, with its emphasis on personal responsibility and its call to expand the social spheres governed by private security systems, is part of a struggle to restore the individualistic ethos at the core of the neoconservative political project. The citizens of the neoliberal state are explicitly called on to guard against dangers on their own; the emphasis in

the discourse of the *new criminologies of everyday life* is on the risk of victimization, and this is part of a project designed to *enable* individuals and turn them into subjects capable of governing the risks posed by their environment or inherent in their own lifestyles (Pitch 2006). When actuarial techniques are used to redraw the landscape of our cities or to identify, control, and neutralize high-offending groups, the aim is to govern the dangers posed by public spheres not covered by private security systems, and to manage individuals who cannot take care of themselves, thus exposing themselves and others to risks.

From a different point of view, *new prudentialism* seems to be the technique of choice in the government's effort to manage within tolerable economic costs the populist push to indefinitely expand the penal realm, a push that comes from criminologies of intolerance. This technique makes it possible to outline and reframe the aims of penal systems in agreement with the increased pressure the political system exerts on social-control agencies. Once this technique enters the administrative sphere, the ambitious project to weed out criminality from society and the idea of waging a permanent war on crime show their symbolic force and are turned by social-control agencies into a more limited objective: to manage criminal risk within tolerable limits. With the increase in the caseload and the downscaling of objectives, a new managerial ethos took hold, and administrative actions began to be evaluated in terms of *performance* and *outcome* (Garland 2001, 289; Dean 1999: 168). On the paradigm of what is called *new public management* (Rose 1999: 150), social-control agencies are thus held to account and being asked to show how productive and efficient they are and to lay out the economic rationale behind their action. Police action tends to be evaluated in terms of a balance between the resources invested (number of patrols, arrests, emergency calls, etc.) and the outcome produced (effect on crime rates); the judges are evaluated in terms of the caseload they manage; and prisons, finally, tend to be evaluated in terms of their capacity to control and neutralize the more dangerous offenders at lower costs.

The ambitious objective of stamping out crime and disorder and moralizing the demoralized individuals—an objective that has become a recurrent theme in neoconservative political rhetoric—is thus transformed by this technocratic-government rationality into economically affordable administrative objectives. But this is not simply the result of administrative agencies adapting to a changed political climate: it is instead itself part of a complex political project to reform government, a project that neoconservative and neoliberal political cultures for the most part share. If, as Löic Wacquant has shown, the slogan “Less government” amounts in large part to “A stronger penal government,” then this expansion of the penal realm must perforce be governed by the economic rationality conceived under *new prudentialism*.

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