

Olivera Pavićević¹
Institut za kriminološka i
sociološka istraživanja, Beograd

Ljeposava Ilijić²,

Institut za kriminološka i sociološka
istraživanja, Beograd



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SOCIAL INEQUALITY AND MASS IMPRISONMENT³

Socijalna nejednakost i masovno zatvaranje

ABSTRACT: The paper is dedicated to the analysis of the phenomenon of penal policy of mass imprisonment, which is assumed to be the cause and consequence of increasing social inequalities. The relationship between social inequality, social vulnerability and crime creates complex patterns – direct and indirect mechanisms of interaction that can be observed from different perspectives. Following the idea that deeper social, economic and ideological regroupings and regulations are hidden behind mass imprisonment, the paper investigates the connection between the social position of convicts, penal policy and crime. The neoliberal penalty reform accompanied by the penal policy of mass imprisonment is analyzed in the paper along with the deepening of socio-economic inequality and the reduction of social protection. Criminological approaches also indicate a strong correlation between these factors, emphasizing that they should be investigated through direct and indirect influences that take place in a specific space and time. The most significant disadvantages of unfavorable social environments related to criminal choices and practices are low level of educational activities and achievements, insufficiently structured free time, in one word, lack of social and economic resources that would distance individual self-choices from criminal life options.

KEY WORDS: *penal policy, poverty, social inequality, mass imprisonment*

APSTRAKT: Rad je posvećen analizi fenomena kaznene politike masovnog zatvaranja za koju se pretpostavlja da je i uzrok i posledica povećanja socijalnih nejednakosti. Odnos između socijalne nejednakosti, socijalne ugroženosti i kriminaliteta stvara složene obrasce – neposredne i posredne mehanizme

1 oliverapavicevic4@gmail.com

2 lelalela_bgd@yahoo.com

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međusobnog uticaja koji se mogu posmatrati iz različitih perspektiva. Sledeći ideju da se iza masovnog zatvaranja kriju dublja društvena, ekonomska i ideološka pregrupisanja i regulacija, u radu se istražuje veza između socijalnog položaja osuđenika, kaznene politike i kriminaliteta. Neoliberalna penalna reforma praćena kaznenom politikom masovnog zatvaranja u radu se analizira uporedo sa produbljivanjem socio-ekonomske nejednakosti i smanjivanjem socijalne zaštite. Kriminološki pristupi, takođe ukazuju na snažnu korelaciju između ovih faktora, ističući da njih treba istražiti kroz direktne i indirektne uticaje koji se odigravaju u specifičnom prostoru i vremenu. Najznačajni nedostaci nepovoljnih socijalnih okruženja u vezi sa kriminalnim izborima i praksama su nizak nivo obrazovnih aktivnosti i dostignuća, nedovoljno struktuirano slobodno vreme, jednom rečju, nedostatak društvenih i ekonomskih resursa koji bi individualne samoizbore udaljivali od kriminalnih životnih opcija.

KLJUČNE REČI: *kaznena politika, siromašto, socijalna nejednakost, masovno zatvaranje*

Introduction

Social effects of penal policy reflect mutually connected social, economic and political dynamics which can promote different social goals through policy of crime control. Standard considerations regarding penal policy and prison sentence are framed with two fairly different discursive traditions that could be described as “penological” and “philosophical”. The first can be defined by a question “what works” and the second by a question “what is right” (Garland, 1991:115). To what degree a control of crime implies everything denoted by preventing and suppression, and even more, or is it the question of concept that is less ambitious but at the same time more pragmatismal and more efficient can be seen in already clearly visible consequences in practice which are sometimes quite contradictory and unexpected. In spite of their significant differences in political, institutional and formal legal sense the effects of modifications therein are similar in various environments (Soković, 2011:213).

Sociology of punishment is a scientific discipline which deals with a society and punishment and whose goals are directed towards investigating the structure and action of penal policy in the context of the problem of the environment in which these penal policies take place (Garland, 2012:476). Although this discipline has a wide spectrum of theoretical, empirical and political issues and is of an extremely international and comparative character a great number of authors have recently tried to explain the scope, intensity and characteristic nature of incarceration in modern America. What has brought America into the focus of research is the fact that in the last 40 years the rate of incarceration in the USA increased more than ever in its history this rate being greater compared to all the other nations and states in the world (Statista Research Department, 2021). Total number of convicts in American prisons in 2012 accounted for about 2.3 million. Expressed as a rate of incarceration per capita in general population

it is 720 convicts in 100 000 inhabitants. Hence, this rate is six times higher compared to Canadian equivalent (114: 100 000), five to ten times higher than in any other western European country (ranging from 60: 100 000 in Finland to 150: 100 000 in England and Wales (Garland, 2012:477). The outcome of mass incarceration in America is the fact that the richest society in human history has larger prison population than is the case in any other democratic society (Mauer, 2005:607).

Transfer of suppression and prevention of crime into crime control takes place within wider global socio-economic and cultural processes (Soković, 2011:213). Penal expansion and mass incarceration are to the highest degree projected on the poorest, marginalized social groups (Western and Pettit, 2002; Wacquant, 2009; Alexander, 2010; Tonry, 2011). In the last several decades institutional contours (American) of social inequality had transformed by a rapid increase of prison population and an expansion of prison sentence (Western and Pettit, 2010). Social, economic and political structures of capitalistic neoliberal societies generate an increase in the crime rate both by an extremely unequal distribution of life conditions and prospects and by creating policies aimed at criminalising social conflicts caused by such inequality. Crime as a lever of mass incarceration cannot be analysed only through arguments that a ruling class has a power over a working class in such a way that its interests are represented and protected by the law. It is about great changes in global economy which led to social, economic and spatial degradation of low-skilled workforce (especially manufacturing one), this process also being burdened by longterm effects of a previous discrimination and long-lasting poverty of underprivileged population on the grounds of the race and class (Wilson, 2012).

Although it seems that Serbia is late regarding its full participation in contemporary integrative processes and that we are at the margins of globalization some of the problems of domestic criminal justice system are in considerable part a consequence of global changes. In domestic circumstances a system of social reaction to crime more and more shows contours of control instead of prevention and suppression (Soković, 2011:213). In some social spheres those changes take place slowly and relatively unnoticed. To some degree the real extent of these changes is blurred by their global character because of which it seems that significant transformation of social reaction to crime does not take place here and now but in some other place and in indefinite period of time (Soković, 2011:213).

Following the idea that deeper social, economic and ideological regrouping and regulation are hidden behind mass incarceration this paper investigates connection between social position of convict, penal policy and crime. Neoliberal penal reform followed by penal policy of mass incarceration is analysed along with deeper insight into social and economic inequality and decreasing social protection (Cavadino and Dignan, 2006; Wacquant, 2009). Neoliberal societies which strongly support capitalism of free market, minimal and residual state relief are marked by disparity of income and wealth with high levels of social exclusion that incorporates the denial of civil rights and equal participation in

political and social life (Cavadino and Dignan, 2006). Neoliberal assault on the state of welfare, social security, jobs in public sector, public health and social services, public schools and funds intended for communities with high rate of crime was carried out along with an increased penal policy and aggressive expansion of carcelar state. In the circumstances of economic deregulation, decreased social security and cultural model of an individual responsibility, the increasingly expansive penal apparatus serves to curb social disorders caused by these processes, primarily at the bottom of a social ladder with distinct ethno-social bias (Wacquant, 2009). Structural processes which produced and continued to reproduct conditions for segregation of poverty and marginality, especially in postindustrial ghetto led to the point in which the prisons have become substitution for social protection and help to the poorest racially deprived population of America. It is their only chance to get food, shelter and sporadic health care. An American carcelar state continues to fulfill the role previously played by penal institutions in capitalistic societies – turning the poor into criminals, criminals into prisoners, and prisoners into a disposable workforce (De Giorgi, 2017:112).

The origin of the idea of importance to investigate the relationship between production system and the way of punishment in a society is presented in the book “Punishment and social structure“ published in the first half of the twentieth century (Rusche and Kirchheimer, 1929/2003). The authors claimed that the way and degree of penal policy in a society is not so much determined by trends in the fluctuation of crime but by economic and fiscal forces. Trends in penal policy tend to reflect internal relations of dominant system of production. Political economy of punishment has in subsequent theoretical approaches admitted the multiplicity of factors which shape penal policy with the idea of political and economic influence on creating penal policy being thoroughly elaborated in the analysis of penal policy in neoliberalism.

Understanding the crime as a construct shaped by relationships of domination and unequal distribution of power and resources is founded on criminological theories emerging from etiological and explanatory approach to crime interpreting it as a social consequence rather than the consequence of an individual behavior or environmental factors. Theories within critical criminology do not pose as a crucial question why people violate the law but why some actions are defined as illegal. The analysis of the way in which different social formations organize their social, political and economic life contribute to understanding a social reality of crime (Quinney, 1970). Within crime criminology social reality begins to be regarded as a part of the problem of crime in the USA (Turk, 1969; Quinney, 1970; Chambliss and Seidman, 1971; Hills, 1971) and other western countries (Young 1971; Hall, et al. 1978). According to these theories criminality cannot be separated from capitalistic structure of society. Foundations of class structure are interwoven in the class prejudices of the American criminal system (Taylor et al. 1973; Quinney, 1970). Because of that, the official definitions of crime established by the state and state control

agencies must be liberated from serving to a few – the most privileged social groups. The goal is to uncover the institutional contradictions that created anti-human and criminogenic social structure (Quinney and Wildeman, 1991).

The objective of this paper includes investigation on the relationship between social disadvantage and crime whose correlation hides a paradox of its own. It means that majority of persistent (or career) offenders come from poor environments but most of the people from disadvantage environments do not become hardened offenders (Wikström and Treiber, 2016:2). In that sense, the idea of a present paper has been guided by an assumption that on the foundations of an already existing research on the relationship between social disadvantage, social inequality and crime certain factors that may explain this paradox and offer possibility of escaping a closed circle of social marginalisation can be distinguished. A complex matrix of socio-economic inequality, social disadvantage and crime produce a situation in which social investments in the form of early interventions directed towards the fight against social and educational deficiencies decrease the possibility of embarking on criminality and represent a far better social strategy for reducing crime than mass imprisonment offered by a “new penal policy”. “Criminality is a social phenomenon – both by its causes and its effects – and penal policy must be seen in the context of wider social and economic marginalisation and exclusion” (IPRT Position Paper: January 2012:5).

1. Neoliberal penal project

Penal policy has various technical knowledge and mechanisms to accomplish social stability through control of crime. Those mechanisms can be conceptualised in four theories summarizing two and a quarter of a century of the experience of imprisonment (Wilson Gilmore, 2007:14). Each of these theories has its key concept like retribution, deterrence, rehabilitation and disablement. If we describe them in order, shock caused by retribution and loss of freedom should prevent convicted persons to repeat criminal offence while deterrence predicts all the things that could be the result of losing freedom. Rehabilitation means that loss of freedom in prisons should be the time for offenders to devote themselves to acquiring knowledge, skills and prosocial point of view and to enable them to live far from a criminal network while the fourth concept of disablement represents the least ambitious of the four theories. It simply leans on the fact that those who are imprisoned cannot create problems outside it. Ruth Wilson Gilmore draws the attention to an ironical fact that the fourth concept which is the least engaged in behavioural and psychological meaning represents the theoretical cover for the most ambitious project in human history, the construction of prison. Impossibility to change anything implies geographical solution for a social problem by which the people from deprived, non-industrialized milieus can simply be removed and deposit somewhere else (Wilson Gilmore, 2007:14).

Domination of such penal solution (in America) imposes the questions whether the applied crime sanctions are justified, what their real goals are, under which circumstances it is reasonable to impose them – issues beyond the scope of crime referring to social determinants of penal measures and institutions which do not necessarily have to possess an exclusive relation with establishing “law and order” (Garland, 1991). A number of authors emphasize the “intensive political” nature of penal policy as a consequence of radical changes in the patterns of sentencing by which the number and length of prison terms are increased what speaks of the dynamics of political power (Garland, 1990; Chambliss, 1999; Jacobs and Helms, 2001). Imprisonment is, essentially, a manifestation of power under the impact of political powers, political elections, public opinion and media interpretations that drives political actors in modern societies (Shannon and Uggen, 2012:215). Political conservative rhetoric according to which mass imprisonment implies an increased concern for safety of citizens conceals defeating effects of macro-economical restructuring on criminal choices of an individual and increased possibility that someone becomes an incorrigible “on-duty” criminal (Farrall, Gray and Jones, 2020a). Danger of rise of crime rate is an issue susceptible to political manipulations and has strong impact on public opinion. In difficult economic times it is easier – and more tempting as well – to officials and politicians to use a popular stereotype of a “looting lower class”. Deterioration of economic circumstances does not necessarily have to cause the rise of crime rate – but public often believes that it is the case (Gottschalk, 2010:63). Punitive populism becomes a part of political rhetoric, criminal justice system is expected to react to the behaviour which is only potentially criminal what ultimately leads to increasingly repressive penal legislature and adds the elements of repression to crime prevention (Soković, 2011:215). Populistic crime policy views constant strengthening of prescribed penalties as a solution to complex social problems. By indulging a public opinion, such penal policy leads to criminal law repression, causing serious and harmful consequences for an individual and society while accomplishing nothing in terms of prevention (Stojanović, 2011).

Main principles of neoliberal penal reform are compatible with a new role of the state whose characteristic is not only a withdrawal before domination of the market but its functioning in the role of neoliberal agent as well. Process of neoliberalisation has transformed capitalistic social states into the states which more and more aggressively subdue the needs of working class to the demands of capitalistic accumulation increasingly relying upon the means of compulsion in order to secure obedience in execution of such orders (Amin, 2008:33). Such role of the state is expressed in the field of control and penalties intended for those who failed to adapt to the “freedoms” offered by neoliberal order. State control of population is the most expressed in the margins of capitalistic production while coercion which expresses class and racial hierarchy takes place through the process of criminalisation. Social conflicts are managed through coercion and violence and American neoliberal state order has militarized its own territory treating domestic police as a means for urban counterinsurgency

operations directed to “inner enemies”. Treatment of “rebels” is determined by their class, race and ethnic groups (Ponce De Leon, 2021).

However, the relationship between belonging to certain class and criminality is postulated in the theories of critical criminology, partial to leftist ideas, as causative and one-dimensional. Poverty is interpreted as a motivation for crime capitalistic activists being considered responsible for criminalization (activities) of the poor (Webber, 2021). In addition to the absence of underprivileged social groups like women and ethnic minorities (insufficiently nuanced understanding of underprivilege and discrimination), this approach has associated belonging to some class with the class identity from outside (objective class position) which can be in discrepancy with self-denying class belonging (subjective class belonging). The concept which to left oriented theory of social deprivation offered possibility for more precise establishing the relationship between class belonging and crime (moving away from the narratives of official statistics and media and politically promoted perceptions of crime) is the approach offered by Walter Runciman that makes difference between absolute and relative deprivation (Runicman, 1966, according to: Webber, 2021). It was seen that self-perception of the inhabitants of the areas shown as extremely criminalized in political campaigns and state statistical records does not match the image created about them. Local population expressed the need for better social, cultural, educational and health policies which would mean democratic and decriminalized approach to solving their problems with crime (Webber, 2021). Relevancy of complex factors of social environment on the variations of crime rate according to the theory of relative deprivation comes from structural characteristics (structural relative deprivation, deepening the disparity between the rich and the poor, employment uncertainty, unequal earnings) and the level of social capital and social cohesion. Low incomes and low level of social capital are associated with a higher rate of crime what makes it the mirror of the quality of social environment (Kawachia, Kennedy and Wilkinson, 1999).

The need to decriminalize the approach in solving problems expressed by population from criminalized communities is not included into the ruling practice that applies control, threats and punishment of the members of social groups it wants to put under control. Shifting a criminal law towards “preventive criminalisation” offers possibility of redirecting potentials for crime according to the assessments of administrators and police officials which do not have to be based on an objective risk assessment. Acknowledging the desirability, even necessity of prevention is not equal to providing sufficient foundation for criminalisation, preventive criminalisation requires strong justification since it imposes the idea that certain actors and behaviours can be dangerous for social community (see Ashworth and Zedner, 2014:553). The example of “preventive criminalisation“ that takes the form of an authoritarian ruling is illustrated in a study on juveniles in Oakland, California in which the influence of the “youth control complex” was investigated (Rios, 2011). Youth control complex within which the teachers, parents, probation officers, street policemen and official persons who work with the young were identified represents the example of

integration of the system of criminal justice, public schools and the rule of law which adapts to antidemocratic, hierarchical and racial commands. Young men of Latino American and Afro American origin were treated as guilty in schools, youth centres and shops until proven innocent, schools used the system of criminal justice to solve pupils' conflicts and often punished the young men who were the victims of crime. Process of preventive criminalisation is distinctly directed towards Hispanic and Afro American population and tendentially marks the young from these minority groups as risky, limiting their possibilities and their future to the reality of criminality.

According to Wacquant increasing mass incarceration represents a transformation of social and penal policy towards the poor based on the „transformation of power in the era of rising neoliberalism“ (Wacquant, 2009 according to: Lynch, 2011:238). The nature of this transformation is being revealed through the narrative directed towards penal regulation of the poor by way of dual processes of the reform of social protection and by strengthening the control of crime. For Wacquant these two systems of regulation are key and constituent parts of a political project represented by neoliberal management. For that reason they must be regarded as the two parts of the same ”hyperactive penal machinery” entirety which is the most expressed in the United States of America but alike tendencies in somewhat less degree can be recognised in other western societies as well (Great Britain, Ireland, France) and represents the combination of social policy of welfare and penal policy for the purpose of control of the poor (Wacquant, 2009:304). That combination means decreasing social policy of welfare parallel with the increase of policy of punishment. Implications of neoliberal ruling embodied in social insecurity regulate increased poverty by applying proactive penal system (prison fare). Such a system, claims Wacquant, is not divergence but constituent component of neoliberal Leviathan, together with variants of supervisory jobs and cultural parole of the ”individual responsibility” (Wacquant, 2010:200). Some authors report that mass imprisonment actually represents major change in the character of social inequality and racial relationships (Western and Muller, 2013:167). Wacquant describes a ”hyper-incarceration” as a key characteristic of (American) neoliberalism in which penal system increases in order to fulfill the emptiness left behind unsuccessful efforts of social policy which has abandoned the idea of social protection (Wacquant, 2009:42).

Privatisation of former public or state institutions like hospitals, schools and prisons transformed these institutions into profitable corporations that reduced the number of educated people and those insured by health care while prison population increases. Accordingly, former social problems are transferred into a sphere of private and personal problems (poverty, degradation of life environment, unemployment, homelessness, rasizm, sexism, heterosexism). Reinterpretation of these problems in private issues primarily indicates that their solving relies upon the concept of full personal responsibility, ”self-empowerment” and ”self-respect” with voluntary acts of assistance which should alleviate the influence of private corporative and industrial interests (Hamann, 2009:40). Within this Hobbes' (anti)social landscape a ”responsibility” of an individual represents the form of market morality (Hamann, 2009) and moral behaviourism (Wacquant,

2009). The life that has been badly (self)managed is declared a moral failure with neoliberal rationality allowing avoidance of any kinds of collective, structural or government responsibility for such life (Brown, 2005:42).

Economic and social deterioration of a large part of population caused by high bank interests, unemployment and high rents leads to urban mass emigration and homelessness which are regulated by penal subjectivism and finally by criminalisation of poverty. Simultaneously, trend of criminalisation of homelessness and poverty means increased profit for corporative prison industry (Hamann, 2009:46). Rationality of neoliberalism treats executors of criminal acts as free, independent and rationally calculated subjects that make the choice between the risk of criminal profit/gain and threatened punishment. Such setting of criminal choice as a rational one does not acknowledge a significant difference between the murder and parking violation – difference between those two acts is nothing else but a kind of punishment one can risk (Hamann, 2009:47). However, behind this alleged, free and rational risk calculation which appeals to personal responsibility there is the transferring of state activities from social support to penal regulation of social problems. Prevailing services offered to convicts are directed towards restructuring a person according to the coordinates of idealised neoliberal subject for purpose of acquiring independent entrepreneurial self and capability to compete with the lowest regions of deregulated labour market (De Giorgi, 2017:94–95). Accordingly, the convicts have an access to a number of preparation courses and workshops to prepare them to find better jobs at the labour market and to better manage rage and aggression. Those are preparations for reinstatement into neoliberal neglect and the life in which basic goods such as secured housing, free health services, available education and decent income are inaccessible to them. Penal policy becomes a regulator of fluctuation of working power following discipline mechanism subordinated to the needs of labour market (see De Giorgi, 2012).

2. Punishment of deprived – for whom the imprisonment is a normal life event?

Research regarding social and economic inequality within prison population shows that it is the question of a segment of a society which remains invisible as regards standard measurements of social poverty and social exclusion (Western and Pettit, 2010:8). Inequality in prison communities mainly composed of marginalised social groups has a cumulative character since consequences of imprisonment additionally reduce already poor economic possibilities of offenders and their families while imprisonment strengthens their social exclusion and further reduces their social mobility. Poor education and giving up schooling are crucial characteristics of young prison population what generates an increasing class inequality in American prisons. A cumulative chance for going to prison that makes a life risk for Afro American men is increased four times nowadays in relation to postwar years. The time spent in prison has become "normal" event for Afro American men who gave up schooling while 68 % of

Afro Americans born from the mid 1970s have experienced being imprisoned (Western and Pettit, 2010:11). Main sources of their working mobility such as military service and university degree are far less represented life events than staying in prison.

Mass incarceration represents a declaration of war of its own to problematic poor citizens (beneficiaries of social relief, addicts, immigrants and other defavoured social groups) who are in "subordinate position of dependance and obedience" (Young, 2005:16). Analysing prevailing public and political discourses which the war against criminality is based on and whose consequence is mass incarceration in California, Ruth Wilson Gilmore cites three dominant narratives which refer to security and preservation of social order. They are based on hypothesis of an accrued fear of crime, an epidemic need for illegal substances and structural changes in employment (Wilson Gilmore, 2007). Government officials, media and politicians declare war to crime (which in fact decreases), announcing mass incarceration a solution for increased social deviance. Discarding all three official prevailing explanations as groundless the author indicates to the moral panic of the "troubled and anxious public" created by media, government officials and political advisors overshadowing the problem of unemployment and inflation (Wilson Gilmore, 2007). However, to the question why mass imprisonment and mass incarceration are emerging in California, Ruth Wilson Gilmore replies that it is the question of partial geographical solutions of political and economic crises organized by the state which is itself in the crisis as well. Capacities of the state of welfare and warfare capacities (*welfare – warfare capacities*) such as they existed in the past have been innovated into the position of the state of work and state of war (*workfare – warfare state*). The state itself has gradually transformed into the state of perpetual crisis of workfare – warfare state whose accrued domestic militarism has led to vacant urban communities and rural prison towns (Wilson Gilmore, 2007). Human surpluses created by change of locations of industrial investments due to fluctuation of capital and "nature" catastrophies resulted in new prison system in California which provides solution for newcreated surpluses. Prison systems built on large surfaces of free of charge soil, funded by a public debt capital, absorbed more than 160 000 workers with low income who otherwise would have ended in the street (Wilson Gilmore, 2007:88).

A revised social meaning of criminality since 1980 has represented cultural, media and ideological backbone for constructing the new mass prisons as a solution for all-societal evil. The experience of non-uniformity and inequality in the application of law has raised the questions about real intention of new legislature. Although there are many empirical confirmations in literature about the effects of penal system on economic and social life of the poor, marginalized men and women and their families, knowledge about macrosociology of poverty under the cover of mass incarceration is still quite scarce. Macrosociological perspective emphasizes aggregate levels of poverty and its social correlates. If mass incarceration has become constituent in collective experience of poverty, urban poverty, in particular, expectations that it will additionally and

retroactively reflect on the increase of the rate of poverty, unemployment, family instability, finally on the increase of the rate of crime are justified. An overall impact of mass incarceration suggests transformation of social logic (American) of poverty in which institutions of social control significantly contribute to more unfavourable social and economic position of certain social groups (Western and Muller, 2013:167). Indeed, research confirms that penal policy and penal system unfavourably affect life chances of the poor (particularly young Afroamericans) (Bound and Freeman, 1992; Holzer, Offner i Sorensen, 2005; Western, 2006).

Structural economic and social generator of mass incarceration are masked with political, ideological and media myths about necessity of severe reacting to dangers of crime (under attack are certain kinds of criminal offences: consumption of narcotic drugs, petty thefts, violence crime). Disenfranchised, poor and politically weak people and their acceptance of insecure, occasional and low payed jobs are neither undesired consequences nor collateral effect of incarceration but one of its constituent properties and reasons of existence from historical aspect. Ideological function of severe penal policy means to discipline the exploited and marginalized groups with the intention to interiorise the state of structural oppression and to normalize every form of neglecting, marginalisation, exploitation and subjugation (De Giorgi, 2017:113).

3. Social disadvantage, education and crime

Relationship between social disadvantage (lack of social and economic resources) and crime represents criminological issue which is a subject of a number of discussions and disagreements. Although the investigations prove that most of convicts have a history of social exclusion including low levels of family, educational and health status as well as poor prospects on labour market, there is a constant academic discussion about the nature and scope of this relationship (Wikström and Treiber, 2016:2). However, even besides undeniable complexity of relations of causality between unfavourable social conditions and crime it is hard to deny that social disadvantage has a central role in understanding crime, antisocial behavior and criminal victimization since lower socio-economic status is associated with larger participation in criminal law system (Newburn, 2016).

Relation between crime, social disadvantage and poverty suggests research on offenders' social profile, the way in which criminal code harms marginalized groups, unequalised application of law towards different socio-economic groups, causes of crime as well as the question of reintegration into poverty-stricken environments (IPRT Position Paper: January 2012). Research of relations between social deprivation and criminality are not directed only to the questions of cause but they should contribute to leaving the circle of exclusion and inequality produced by carceral class and racial segregation. Segregational function of penal policy is followed by a prison segregation which produces a generation of social outlaws whose collective experience is completely different from that of the rest of an American society (Western and Pettit, 2010).

Taking into consideration amply documented assumption regarding the relationship between social disadvantage, social exclusion and crime the fact that although majority of convicts and recidivists come from unfavourable social and economic circumstances most of the people from poverty-stricken environments do not become hardened criminals what makes “criminological puzzle“ in investigating these factors of crime (Wikström and Treiber, 2016:2). The author of situational action theory (Wikström, 2004) poses this puzzle in contrast to unreserved acceptance of social disadvantage as increased risk for embarking on crime and suggests existence of more complex mechanism within which a social deprivation is included into the creation and survival of persistent delinquency (Wikström and Treiber, 2016:4). By applying theory of situational action (*Situational action theory*) research goes in the direction of measuring inclination towards crime and criminogen exposure as strong predictors for executing crime offence in a certain moment (Wikström, Mann and Hardie, 2018). There are three fundamental questions which should be answered in order to explain criminal behavior and which contemplate on an efficient prevention of crime: (1) what is crime – what do we try to explain and prevent; (2) why do people obey or break moral rules i.e. make criminal offences; (3) what kind of interaction of personal or environmental factors can prompt someone to commit crime (Wikström, 2010:875, cited according to Simeunović-Patić, 2013:95).

Situational action theory does not regard the impact of social disadvantage on executors of criminal offences as a direct cause of criminal act, instead it analysis it within the scope of causes that are leading to the cause (*causes of the causes*) (Wikström, Oberwittler, Treiber and Hardie, 2012:29). Social disadvantage is understood as a factor which does not act directly, one-sidedly and simply but it gets connected into the mechanisms which indirectly create favourable or unfavourable social ambient for embarking onto the crime. Unfavourable social position and bad developmental factors are associated with cummulative life experience in unfavourable socio-economic circumstances making mechanisms which can, but do not have to inevitably lead to criminal choice. In order to understand the role of wider circle of social factors (for example social integration and segregation) and their change in encouragement of criminal behavior it is of key importance to focus on identifying the ways in which those factors can influence this phenomenon and change of moral contexts in which people (morally) develop and act, that is manifest their moral habits and moral judgements (Wikström, 2010:875, cited according to Simeunović-Patić, 2013:96). Their action should be regarded in interaction with individual choice and alternative actions which are associated with characteristics of environment in which individuals develop and act (Wikström and Treiber, 2016:5). Social disadvantage is not a direct cause of the choices that lead to criminality but the question of self-choices encouraged by unfavourable social surroundings as social and moral contexts which more or less favour such decisions. Those can be surroundings that enable (encourage or comply) or limit (discourage or prevent) participation in crime. Within this theoretical setting it is assumed that processes of social and personal choices lead to the situation in which young people from unfavourable social environments are more strongly exposed to

circumstances that lead to development and maintenance of a strong inclination to crime (poor personal moral and lack of capacity for self-control) and to moral contexts which favour engagement in crime offences (those in which law is more loosely applied or carried out) (Wikström and Treiber, 2016:5). According to this theory, the impact of unfavourable social position acts indirectly through the processes of selection placing the young people harmed by socio-economic deprivations in development contexts which favour higher inclination to crime. Such choices develop in the contexts of actions in which criminal offences are encouraged or at least not discouraged.

Essential differences between young people who develop in unfavourable social surroundings relate to the time they have spent in educational activities. Differences in using time for learning, doing homework and other school activities are present in all ages being the most dramatical in the period when adolescents can leave compulsory schooling. On average, the young from the poor environment spend more time engaged in free activities such as socialising, their time is unrestricted, unstructured and without supervision. In this way the possibility that they will spend their time with peers prone to crime increases, in regions with poor collective efficacy, outside their homes. Correlation between absences from school (when a child decides not to attend some classes or all classes one day or longer) and later inclination to crime is documented in investigations which showed that dropping out of school is a “gate“ for later delinquency, aggressive actions, gangs membership, drug use as well as greater possibility to commit criminal offences in adult age (Shaw and McKay, 1942; Gluecks, 1950; Reiss, 1951; Garry, 1996; Rocque, et al. 2017, cited according to Farrall, Gray and Jones, 2020).

In other words, exposure of young socially endangered people to environments that are thought to favour criminality is on average considerably greater than in the case with socially non-endangered ones. The life in poor families and poor regions often means access to lower quality of education and also to lower income later on. According to one research the convicts, before being imprisoned, had mean annual income more than 40 % lower compared to the mean annual income of those of the similar age who did not experience being in prison (Rabuy and Kopf, 2015).

American Association of Psychologists (APA, 2013) in its report mentions existence of correlations between the life in poverty and problems in attending school which includes also dropping out of school. The children who live in the families with low income often feel pressure to help financially their families in crisis and therefore are more likely to drop out of school. Some investigations report that working engagement of children and adolescents from poor families contribute to family budget by almost 22 % on average (Scott, Zhang and Koball, 2015).

Dropping out of school is a strong risk factor to embarking on crime for more reasons. In the first place, incomplete school education and lack of skills affect the possibility of finding permanent employment. Due to lack of working experience and lack of academic and professional skills more than half

adolescents who left secondary school are unemployed. Since an annual average income of those who left secondary school is somewhat higher than half salary of those who finished secondary school dropping out of school leads to poverty or prolongs already present destitution in which they lived (Sum, Khatiwada, McLaughlin and Palma, 2009). Adolescents who left secondary school have 47% higher possibility to end in prison in relation to their peers who finished secondary school (Dolan and Carr, 2015).

Neoliberal reforms of education deteriorate racial and socio-economic inequality together with disciplinary procedures which intensify police mechanisms as mechanisms of control. Widely distributed policy of zero tolerance which replicates neoliberal conservative discourse of personal responsibility does not respect social context and disproportionately impacts the pupils who belong to minorities (APA, 2008). Absence from school and defying school authorities are not understood as an expression of specific needs of pupils who are in unfavourable class and racial positions their punishment being even sharper through “racial profiling in school” (Wald, and Losen 2003:13). School services are replaced by police while school violations which once were solved inside school have become offences by “which the hand of police is being extended from neighbourhood to school surroundings” (Wald and Losen, 2003; Sanchez and Adams, 2011). Studies reveal that sharp discipline policies adopted in many public schools that include suspensions, expelling and arresting navigate pupils into the system of criminal law producing “pipeline from school to prison” (Feierman et al., 2009/10; Mora and Christianakis, 2013). Young people who want to return to school after leaving the prison institutions are faced with numerous challenges. Schools often support them unwillingly while neoliberal reforms aimed at making schools more competitive and responsible actually create the systems of expelling those who need this support the most (Mora and Christianakis, 2013). Quality education and access to services which offer support in education represent the factors of special importance for life possibilities of the young who belong to minorities and who are exposed to criminalization. Investigations show that the young convicts before and after imprisonment have problems with school programme/curriculum, their reading is beyond class level, they do not go to school regularly and were suspended at least once (Balfanz, Spiridakis, et al., 2003). Scarce resources and lack of qualified teachers are major causes of inequality in accomplishing “different achievements per class and race” (DarlingHammond, 2006:13).

Numerous investigations prove that educational level of convicted population is lower than the level of general population (Curley, 2016). Investigations conducted in Europe (Hawley, Murphy and Souto-Otero, 2013; Council of Europe – Education in Prison, 1990) and the United States (Harlow, 2003; MacKenzie, 2012; Davis, Bozick, Steele, Saunders and Miles, 2013) also confirm that in these environments an educational level of convicted population is lower than an educational level of a population in general. In addition to that the research records confirm that convicts, besides low level of knowledge have poorly developed basic skills as well (Hawley, Murphy and Souto-Otero, 2013) followed by a low level of self-respect whilst previous failure in schooling,

dropping out of school, problems in behaviour and unemployment (United Nations and UNESCO – Institute for Education, 1995) additionally aggravate the conditions which in interaction become key factors of offenders' unsuccessful social reintegration (Ilijić, Pavićević and Glomazić, 2016).

It means that the same factors which led to their first imprisonment – lack of academic experience, incomplete education, scarce experience in employment and high level of poverty – will impact the possibility of their reimprisonment. Hence, without education reform both inside and outside prison the cycles of unemployment, poverty and mass incarceration will continue (Curley, 2016).

Conclusion

Inequality which is visible in the systems of criminal law worldwide is expressed as an excessive share of marginalized, uneducated and poor population in prisons. Reduction of state expenditures in the field of social protection and its factual consequences are regulated by mechanisms of penal policy which moved away from humanitarian values such as dignity, proportionality, justification and rehabilitation. Severe penal policy as a drive of mass incarceration develops in the context of sharp social polarisation. Its repressive nature is not caused by the increase in the rate of crime nor it acts positively on its decrease – it appears as disciplinary regulation of increased poverty of certain and increasingly numerous social groups. Abandoning legislative policy and aggressive practices of law enforcement what resulted in criminalization of the most endangered social groups requires the reinstatement of the issue of social justice as an essential one. Social justice should become question of essential importance for critical criminology with the aim to remove not only the harm of crime but primarily harm which leads to criminality (Webber, 2021). Power of privileged social classes through penal policy and institutions is conducted through control and disciplining socially disadvantaged and disenfranchised citizens to whom educated, social and penal neoliberal reform meant neither brighter perspectives nor freedom but marginalized, pauperized and criminalised them. Implications of lower educational incentives, neglecting school and outside school cultural activities and reduced control of free activities reflect in an increased possibility for criminogen choices. Structural causes of problems like crime, poverty, rise in unemployment and mass incarceration are no longer the issues of the state's concern in the same way as educational, expert, housing, health and economic support to those who return to community after serving prison sentence. The causes of their going into prison, as well as their fate after prison remains in a domain of an individual action and capability for survival. The essence of neoliberal penal policy is based on calculation of expenses and revenues. Even in the moment when mass incarceration turns into a huge expense neoliberal reformators do not give up “social policy according to do-it-yourself system” (Gottschalk, 2015). In the same way as penal system cannot be primary means in solving social problems alike the focus on behavior of an individual and micro interventions at the level of community cannot be replacement for issues of social justice and social concern.

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