

— THE —  
HAMLIN  
LECTURES  
— 2007 —

To be delivered by

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## The Prisoners' Dilemma

LECTURE ONE      **Penal Populism in Contemporary Democracies**  
DATE                27 November 2007  
VENUE              Clothworkers Hall, School of Music, University of Leeds  
TIME                5.30pm

LECTURE TWO     **Explaining Penal Tolerance and Severity**  
DATE                29 November 2007  
VENUE              Moot Room, Law School, University of Liverpool  
TIME                5.30pm

LECTURE THREE   **Escaping the Prisoners' Dilemma**  
DATE                4 December 2007  
VENUE              Old Theatre, Old Building, London School of Economics  
TIME                6.00pm

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## Synopsis

It is generally agreed that the humanity, fairness and effectiveness with which governments manage their criminal justice systems is a key index of the state of a democracy. But the constraints on realisation of democratic values and aspirations in criminal justice are markedly variable. In the last two decades, in the wake of both increases in recorded crime and a cluster of cultural and economic changes, British criminal justice policy has become increasingly politicised: both the scale and intensity of criminalisation, and the salience of criminal justice policy as an index of governments' competence have developed in new and, to many commentators, worrying ways. These developments have been variously characterised as the birth of a 'culture of control' and a tendency to 'govern through crime'; as a turn towards the 'exclusive society'; and in terms of the emergence of a managerial model which focuses on the risks to security presented by particular groups. Across the Atlantic, we witness the inexorable rise of the US prison population, amid a ratcheting up of penal severity which seems unstoppable in the face of popular anxiety about crime. In the context of globalisation, the general, and depressing, conclusion seems to be that, notwithstanding significant national differences, contemporary democracies are constrained to tread the same path of penal populism, albeit that their progress along it is variously advanced. A significant scaling down of levels of punishment and criminalisation is regarded as politically impossible, the optimism of penal welfarism a thing, decisively, of the past.

In these lectures, I will set the nature and genesis of criminal justice policy in Britain and America within a comparative perspective, in order to make the case for thinking that, far from being invariable or inevitable, the rise of penal populism does not characterise all 'late modern' democracies. Rather, certain features of social, political and economic organisation favour or inhibit the maintenance of penal tolerance and humanity in punishment. I will argue that, just as it is wrong to suppose that crime can be tackled in terms of criminal justice policy alone, it is equally erroneous to think that criminal justice policy is an autonomous area of governance. Rather, the possibilities and constraints under which governments develop and implement criminal justice policies are a function of not only perceived crime problems but also a cluster of institutional factors relating to political and economic systems. Notwithstanding a degree of convergence, so-called 'globalisation' has left many of the key differences between advanced democracies intact, and these may help to explain the striking differences in crime levels, penal severity and the capacity for penal tolerance in otherwise relatively similar societies. Only by understanding the institutional preconditions for a tolerant criminal justice system, I argue, can we think clearly about the possible options for reform within the British system.