

The moral psychology of penal populism

Leonidas K. Cheliotis and Sappho Xenakis

Scholarship has paid due recognition to the excessive overuse of harsh criminal justice measures such as imprisonment in a large and growing range of jurisdictions around the world over the last four decades or so. What has yet to receive sufficient attention in this regard is the relationship between criminal justice policy-making and public attitudes. More specifically, there is little clarity as to whether publics tend to disapprove of government decisions but are practically ignored by elites in office, or popular preferences are more or less reflected in government decisions, with any discordances pertaining only to particulars. In addition, to the extent that the level and nature of penal policies are thought to be reflective of popular preferences, it is commonly left unclear whether government elites engage in what Bottoms (1995) terms “populist punitiveness” or rather deploy strategies of what Roberts et al. (2003) call “penal populism”; that is, whether they merely respond to punitive public opinion (or, at least, what they believe public opinion to be) or, conversely, feign responsiveness to punitive public attitudes that they have previously largely incited themselves.¹

Although it was not originally developed with this analytic goal in mind, the concept of penal populism fits well within the recently rejuvenated field of the political economy of punishment. This is especially the case with politico-economic accounts of neo-Marxist lineage that focus on the symbolic role of penal force against weak minorities in eliciting majority support for elites failing to meet their expected responsibilities on the socio-economic front. But whilst such accounts have shed light on the drivers of penal policy-making, not least by extending our understanding of the interests underlying penal populism beyond electoral success as such, they are nevertheless in need of further development in at least three important respects: first, in terms of identifying the array of factors that work, both independently and in tandem, to heighten public susceptibility to ideological manipulation; second, in terms of revealing the deep psychological grounding of each of the factors in question; and third, in terms of explaining the psychological processes that make it possible for governing elites themselves to manipulate public opinion and promote private, in-group, and affiliate interests without compromising their self-perceived legitimacy.

The aim of this chapter is to help address these gaps in terms of both method and substantive insights. We begin by situating our discussion in the context of key broader arguments regarding the ways in which ideology contributes to the maintenance and strengthening of social order

and political domination. We then proceed to discuss the role culture is often thought to play in the emergence of punitive ideas and ideals amongst the public before explaining why a political economy approach is necessary and then issuing a call for a blending of the extant literature on the political economy of punishment with psychosocial perspectives on human attitudes and with Erich Fromm's work in particular. We conclude with a few short remarks as to the role politico-economic scholarship and especially Frommian critique may play in countering the excesses of the penal system.

Ideological domination and physical force

This chapter is situated squarely within the age-old debate over why people submit to objectively failing and unjust authorities. More precisely, if subordination to authorities is a form of action, and insofar as the undertaking of any action presupposes that actors deem it accordant with commonly shared principles of rationality and morality, the analytical task is to locate and deconstruct the defenses people evoke to justify their subordination to authorities that use their powers irrationally and immorally if judged by the very principles they purport to share in common with subordinates. To this extent, one needs to grapple with the theory of ideology broadly conceived; namely, with the genus of claims that power inequalities require the kind of consciousness which prevents subordinates from behaving as their interests and values could otherwise dictate.

It should be clarified from the outset that we consider rationalism to be insufficient to provide an alternative to the theory of ideology as an account of the voluntary acceptance of *prima facie* illegitimate social orders. If humans are endowed with a constant ability to exercise pure reason and an unyielding motivation to optimize positive gain, they should swiftly awaken to instances where the gains of submission weigh less than the attendant burdens (Cheliotis 2011). Equally, we are not convinced that submission is likely to derive simply from the negative will to avoid sanctions of physical force. This is partly due to the inherent deficiencies of organizational structures meant to ensure physical control over supernumerary subordinates and partly due to the capacity of human individuals to act on their own accord, especially in disguised ways (see, e.g., Scott 1992).

To be sure, the formation of ideological consciousness is far from a straightforward matter. The effectiveness of political myths employed to this end is commensurate with an array of factors, not least the environment within which the narrative is communicated and the substantive content of the narrative itself. In an attempt to salvage the conceptual value of physical force, Gaventa (1980) suggests that the overhanging threat to punish disobedience, a threat reinforced through regular exhibitions of pure force against deviant others, creates itself a context that renders subordinates vulnerable to ideological manipulation. Yet one cannot but wonder why intimidation by the mere threat of force should be so vital to the process of ideological incorporation when intimidation by the actual exercise of force proves inadequate to generate resignation.

A plausible reply is offered by Wrong (1979). Compared to the exercise of force as such, Wrong argues, the threat and fear of force are more likely to produce consent because they afford subordinates the illusion of participation in the ensuing relationship of authority. What is not clear in this case is the nature of the motive behind the illusion of participation. At any rate, unless one deals with individuals unable to elude the shackles of physical domination (for example, because they fail to recognize or exploit windows of opportunities for dissent), it is superfluous to search for explanations in a common tendency to treat as beneficial and just arrangements that are or appear to be unavoidable.

It would nevertheless be a mistake to dismiss in a wholesale fashion all those accounts of ideological manipulation that identify a facilitative role for physical force. Rather than seeking to explain susceptibility to ideological narratives by reference to the fearful prospect of personal subjection to force, we ought to shift the focus of attention to narrative contents that make the use of force seem necessary, if only against third parties. These are narrative contents that target coercive state intervention against particular subgroups of subordinates as the means by which to preserve or restore corporeal and ontological security (that is, feeling secure as to one's physical existence and identity, respectively) amongst the rest. Tyrannical rule is thereby recast as legitimate and turned into an object of attachment.

Other things being equal, however, myths about urgent extra-state dangers that lie beyond the layman's own control and require authorities to purge the group of culprits, are insufficient to sustain the acceptance of unequal or otherwise illegitimate social orders. This is, on the one hand, because individuals never cease assessing the rationality and morality of their actions, and, on the other hand, because yardsticks for assessment vary according to the particular circumstances of the moment. "Internal conversations," as Archer puts it, "are continuous; they always take place in the present tense, but that, of course, is always situated at some specific historical time" (Archer 2003: 113). It seems likely, moreover, that the frequency and depth of inner dialogue increase with the practical, psychological, and moral weight of the object under scrutiny. The successive concessions implicit in alarmist political myths are just such weighty objects, from bestowing the mandate to rule on powerful authorities to consenting to the violent exclusion of others (or even, on occasion, making practical and active sacrifices like becoming subject to generalized policing measures and partaking oneself in surveillance activities, respectively). Thus, despite an initial stage of concurrence, concessions are inevitably liable to regular and thorough testing against the contrary calls of lived reality. Order begins to shatter as soon as subordinates grasp the rational incongruity of subordination and the immoral nature of the authority at issue (Cheliotis 2013).

This is why one needs to take a reflective step back and resume the quest for particular contextual conditions that may boost the appeal of political myths.² Resolution is found in what at first sight resembles tautological or circular reasoning. Indeed, a constant discovery in pertinent scholarship is that humans exhibit greater susceptibility to mythical narratives when feeling trapped in situations of intense insecurity as to their actual life prospects—when there are objective reasons to fear death. This, as Cassirer writes, "[is] the natural soil upon which political myths [can] grow up and in which they [find] ample nourishment" (Cassirer 1946: 278; see further Bottici 2007). Such being the case, the function of political myths, which themselves promulgate danger, is not to explain away pragmatic problems of existence, but to displace their original source onto artificial supplements. Myth thus becomes a powerful tool in the hands of political leaders who wish to abdicate personal accountability for failing to care for their constituents.

Below we explore these themes with specific reference to the relationship between state and public punitiveness. In so doing, we pay particular attention to the recently renewed field of the political economy of punishment and efforts made in this vein to describe and explain the processes of political production of public support for increased investment in penal institutions despite not only declining crime rates but also the array of known counterproductive effects penal institutions commonly have, in terms, for example, of reduced job opportunities for offenders, the social disorganization of communities, increased psychological and financial burdens on prisoners' families, and a stronger likelihood of future criminal activity (see further Travis and Visser 2005).

The culture of punitiveness

The ways in which individuals understand, feel about, and ultimately respond to the problem of crime are usually unrelated to first-hand, sensory experiences of victimization. To begin with, although comparatively few people actually fall victims of crime, the general public typically exaggerates the prevalence and seriousness of criminal behavior. Moreover, whilst public opinion usually favors the use of custodial sanctions, underestimating both the degree to which they are meted out already and their harshness, victims of crime are not necessarily supportive of harsh or retributive punishment for offenders (see, e.g., Mattinson & Mirlees-Black 1998; Hough & Roberts 1998; Indermaur & Hough 2002; Roberts 2002; Tufts & Roberts 2002). It should therefore come as no surprise that, whereas rates of crime have been following a downward trend on both sides of the Atlantic over recent decades, levels of fear of crime and punitiveness have remained disproportionately high amongst the public (see further Farrall et al. 2009; van Dijk et al. 2007; King & Maruna 2009; Johnson 2009; Enns 2014).

It may be tempting to try to explain such public attitudes as the manufactured product of political discourse and political discourse alone. Elites, after all, have historically tried to dominate subordinates by employing scaremongering myths that incite aggression against third parties. But it is one thing to recognize, foretell, or promise to cure danger, and it is quite another thing to actually manage to draw the masses into genuinely consensual subordination by way of distortive diagnoses, predictions, or therapies (Cassirer 1949). To solve the emerging riddle, several scholars have developed functionalist accounts specifically contextualized in the manner of Émile Durkheim.

At the end of the nineteenth century, Durkheim (1893/1964) argued that the force and general direction of punishment emanate from such psychological reactions as outrage, commonly felt by the majority when cherished beliefs about right and wrong are violated. At the same time as allowing psychic energy to be released against deviants, punishment reaffirms the moral order of the day and promotes social cohesion. With a view to accounting for the evolution of punishment, Durkheim made two further propositions: first, that the severity of punishment is inversely proportional to the level of social development and second, that “as social development proceeds, deprivation of liberty, varying in time with the severity of crime, tends to become the normal and sole means of penal control” (Cotterrell 1999: 79; see further Durkheim 1973, 1984). What is important here is not whether history has proved Durkheim right or wrong, or the role he attributes to crime as such, but his methodological choice to link the nature and functions of punishment to the general structure of society and its cultural dimensions in particular.

More recently, leading thinkers such as David Garland (2001) and Zygmunt Bauman (2000) have stretched their focus on culture beyond majoritarian moral sentiments to include the ever-spreading insecurities of contemporary life as well. These range from job insecurity under conditions of neoliberalism to the ontological insecurities of “the open, porous, mobile society of strangers that is late modernity” (Garland 2001: 165). Garland writes in *The Culture of Control*, for example, that “[o]utrage and anger are the culture’s antidotes to fear and anxiety, and the open expression of these emotions is part of the consolation and therapy it offers. The sentiments we now see expressed are quite specific ones, grounded in definite features of our social organisation rather than in some timeless punitive instinct” (145; see further Garland 2006; Karstedt 2002).³ Hollway and Jefferson (1997) help elaborate this kind of argument by specifying what makes the fear of crime discourse so appealing in today’s “risk society.” They suggest that, in contrast with other late-modern risks (e.g., radioactive waste, nuclear fission, the greenhouse effect, and genetically modified food), crime-related risks refer to identifiable others who

are so powerless that they cannot escape labeling. The figure of the “criminal” thus becomes a convenient folk devil and the fear of crime discourse a satisfying location for anxieties generated more widely.

Just as public attitudes are never formed in a cultural vacuum, however, so too culture is never the product of parthenogenesis. Our point here is that cultural accounts of punishment in the contemporary Anglo-American world suffer from what one might call a “political” or “strategic deficit.” Punishment, they tell us, serves to remedy anxieties and satisfy wants that exist already as the inevitable by-products of an abstract, disembodied culture. (Garland (2001: 164) also makes the controversial claim that in “late-modern” societies high crime rates have become a “normal social fact,” so much so that the “trauma of powerlessness in the face of fear prompts the demand for action” at both the state and community levels.) When ruling elites deploy punishment as a means to their own, chosen will, it follows, they only do so inasmuch as their will may appear congruent with the popular beliefs and understandings that define command-obedience relationships “from below”; a phenomenon that, as mentioned earlier and discussed in more detail later, pertinent scholarship terms “populist punitiveness.”

Although cultural accounts accept that culture is never really immune to political and other pressures, they still assign overwhelming causal priority to the former over the latter. Garland, for instance, argues that “the ways of thinking and feeling which have grown around crime and insecurity ... are cultural adaptations to predicaments that are, *in turn*, conditioned by the field of social forces in which the relevant actors are operating” (2006: 437; emphasis added). Contemporary culture is thus viewed as inviting emotivism and the emphatic expression of feeling, thereby pushing political discourse about crime and punishment in that direction (Garland 2001: 144–45). It is also in culture that Garland locates the origins and political appeal of what he terms the “criminology of the other,” a deeply illiberal and decidedly anti-modern pseudo-discipline that dramatizes crime and attributes it to “the bad choices of wicked people” (Garland 2001: 185). Hollway and Jefferson (1997) make a similar argument when they treat the role of “independent” criminological knowledge in fueling fear of crime and related attitudes as a cultural happenstance well-suited to the ceaseless attempts of the state to impose social order in an age of uncertainty.

The “political” or “strategic” deficit inherent in cultural accounts is counterbalanced by the recently renewed tradition of the political economy of punishment and its neo-Marxist strand in particular. To elaborate this point, below we discuss Loïc Wacquant’s *Punishing the Poor* as the most well-known recent example of such scholarship.⁴

The political economy of punitiveness

Wacquant’s goal is to demonstrate that “the penal state has become a potent cultural engine in its own right, which spawns categories, classifications, and images of wide import and use in broad sectors of government and civic life” (Wacquant 2009: 288). Of the various anxiety-provoking trends Garland (2001) describes under the catchall term “late modernity,” i.e., the advent of neo-liberal capitalism, shifts in the structure of the family and the household, changes in social ecology and demography, the coming of electronic mass media, and the “democratisation” of social life and culture, including unrestrained individualism and hedonistic consumerism—of these trends, Wacquant singles out for scrutiny the first. To narrow the focus to neoliberalism is not to exaggerate one of many distinctive features of “late modernity,” Wacquant explains. It rather springs from the need for a different explanatory model of contemporary punishment, one centered specifically around the role of the economy and its repercussions, social as well as psychological, for the people. Attesting to this need, according to Wacquant, is the fact that state punitiveness

has been, and continues to be, at its most acute not in the countries most thoroughly affected by the transformative dynamics of “late modernity” (e.g., Finland, Denmark, Sweden), but there where neoliberalism has known the greatest expansion.

Neoliberalism, as defined succinctly by Wacquant, is a transnational political project that aims to remake the nexus of market, state, and citizenship “from above.” It is carried out by a “new global ruling class in the making,” spanning the heads and senior executives of transnational firms, high-ranking politicians, state managers, and top officials of multinational organizations (e.g., the World Bank and the European Union), as well as cultural-technical experts in their employ (e.g., legal and media experts). Wacquant elaborates that neoliberalism entails not only the reassertion of the dynamic of capitalist production and market exchange, but the articulation of four institutional logics: economic deregulation; the withdrawal of welfare protection; the cultural trope of individual responsibility; and an ever-more expansive penal apparatus. Rather, then, than being a deviation from neoliberalism, penalty is one of its essential components.

More specifically, at the same time as publicly repudiating intervention in economic and social matters to ensure national competitiveness on the global stage, neoliberal states promote the “new ‘punitive common sense’ forged in the United States” (Wacquant 2009: 162), which is to say that they elevate criminal insecurity and punishment to the frontline of governmental priorities. The underlying aim is to manage the social reverberations of “advanced social insecurity” that neoliberal policies generate amongst the lower and middle classes. At the bottom of the class structure, punishment works to contain the disorders caused by the “objective insecurity” of flexibilized wage labor and social-welfare retrenchment (Wacquant 2009: 93). Concurrently, punishing the poor creates a convenient outlet for the “subjective” insecurity experienced by the middle classes, “whose prospects for smooth reproduction or upward mobility have dimmed as competition for valued social positions has intensified and the state has reduced its provision of public goods” (300). As such, punishment of the nether regions of social space compensates for the deficit in legitimacy suffered by state leaders on the economic and social fronts.

Wacquant, then, concurs with Garland (2001) that punitive penal policies would not have reached their contemporary ascendancy had it not been for the stereotypical perceptions and the consent, silent or otherwise, of the professional middle classes. But—and here Wacquant’s argument parts company with cultural penology—the origins of public attitudes are to be traced in the political struggle over the capacity to legitimate and spread particular visions of the social world. No doubt the cultural context within which this struggle takes place is important; successful myth-making, for example, rests on familiar descriptive idioms and widespread ideas about causation and methods of evaluating the world, the acceptability of which helps further justify what would on closer scrutiny turn out to be irrational. But here the role of culture is facilitative, not causal.

Albeit justly influential, Wacquant’s political economy of contemporary punishment is essentially based upon a Foucauldian conception of power relations, whereby, as Butler notes, “power imposes itself on us, and, weakened by its force, we come to internalise or accept its terms.” For “‘we’ who accept such terms are fundamentally dependent on those terms for ‘our’ existence” (Butler 1997: 2). This is a common tendency amongst critical students of power. To borrow again from Butler: “[t]o underscore the abuses of power as real, not the creation or fantasy of the subject, power is often cast as unequivocally external to the subject, something imposed against the subject’s will” (1997: 20). Yet the fact that the subject is formed in subordination, that human agency is initiated and sustained under conditions of dependency, assumes a specific psychoanalytic valence when we consider that what power shapes and exploits is the basic human need for corporeal and ontological security (or, indeed, that agents with divergent biographical trajectories are similarly prone to ideological incorporation and subordination in times of adversity).

At least at its beginnings, the formation of subjects in subordination may be said to emerge as the result of a primary, innate vulnerability to external influences. To make this argument is not necessarily to adopt psychologism and its determinist assumptions. And it is neither to exonerate the abuses subjects suffer at the hands of the established order, nor to imply their inevitability. It is rather a call for moving the study of why people submit to objectively failing and unjust authorities, beyond a dialectics between social structures and individual cognitive templates and toward a trialectics that also takes into account the innermost psychic bases of domination and submission indeed—a trialectics that grounds both social structures and individual cognition in what is always there already: “first nature.”

The moral psychology of punitiveness

The trialectic approach is best exemplified in Erich Fromm’s “materialistic psychoanalysis,” whose method and findings became highly influential in both psychoanalysis and the social sciences in the Western world and beyond between the 1940s and late 1960s, and which has been undergoing steady resurgence in recent years. Fromm’s general premise is that utilitarian and moral motives are in significant measure the rationalized expression of the libidinal substructure, and that both the libidinal substructure and its rationalized expression are molded under the influence of socio-political factors and the overarching economic “superstructure” (Fromm 1970). Fromm pays particular attention to what he terms the “social character” and to the innate narcissistic forces that are formed and find outlet therein.

More specifically, Fromm contends that at their most basic level, or at what one may term “first-order” level, human attitudes and actions are driven by private corporeal needs, such as securing food and shelter. But—and here basic or “first-order” needs assume an additional, ontological dimension—humans “could not remain sane even if [they] took care of all [their] material needs, unless [they] were able to establish some form of relatedness to others that allows [them] to feel ‘at home,’ and saves [them] from the experience of complete affective isolation and separateness” (Fromm & Maccoby 1970: 14). Other fundamental ontological needs consist of happiness, rootedness, and transcendence (see, e.g., Fromm, 1962/2006).

Fromm elaborates that basic or “first-order” needs, be they corporeal or ontological, are built in the instinctual apparatus, and specifically in the “narcissistic core” of the psyche. All individuals, he argues, are born into a state of narcissism; that is, in the belief that the whole world revolves around them, that the whole world *is* them. This implies that the general directions of basic or “first-order” needs, as well as their tenacity, intensity, and universal spread, are biological givens. Fromm adds, however, that the specific content of narcissism, and thus of basic or “first-order” needs, is highly modifiable. In the process of maturation, personal narcissism may be transformed into group or social narcissism, even though the individual must always retain a sense of individuality within a collectivity, just as it may come to revolve around different objects (Fromm 1964; see further Cheliotis 2011).

Importantly, Fromm argues that narcissism also forces individuals to constantly evaluate and try to ensure the legitimacy—that is, the rationality and morality—of their attitudes and actions. It follows that the search for a clear conscience, which is an ontological need in and of itself, makes it imperative that satisfaction of corporeal and other ontological needs be sought in legitimate or, at least, legitimizable ways. Whichever the case, and insofar as motivations are concerned, self-perceptions of legitimacy are epiphenomena of what may be termed a “second-order” narcissistic need—a need relating to the quality of the specific content and type of resolution of basic or “first-order” narcissistic needs (see further Cheliotis 2011, 2013).

What determines whether narcissistic needs acquire a corporeal or an ontological direction in the sense of greater urgency; what determines the specific content needs assume and the particular group that appears preferable to the individual for the purposes of belonging; what defines the precise ways in which needs are to be satisfied and the attendant consequences for the individual and society as a whole; what shapes the general techniques and particular ideals and ideas that are employed to legitimate the struggle for the satisfaction of needs in given ways, including who or what may be viewed as posing threats to corporeal survival and identity—all these issues are typically dependent on the “social character” that is predominant at a given historical moment. Operating as a reciprocal mediator among the economic superstructure, the ideals and ideas prevalent in society, and the narcissistic needs of the individual, the social character transforms “general psychic energy into specific psychosocial energy” (Fromm & Maccoby 1970: 18). Fromm’s point here is not merely that socialization serves subtly to align mass desires and their pursuit with the interests of powerful economic elites and their political allies. This alignment, he argues further, requires that socialization work simultaneously to misguide people into actively accepting the legitimacy of the desires and pursuits prescribed for them.

Whilst, in other words, narcissistic urges inescapably set in motion the process of continuously assessing the legitimacy of one’s own attitudes and actions, there are no guarantees as to whether engagement in this process will bring about objectively rational and moral outcomes. This is because the concrete standards, the knowledge resources, and the cognitive operations by which attitudes and actions are evaluated commonly derive from one’s social existence and especially from the unfolding of the economic environment. Thus, insofar as the social character promotes ideological incorporation through control of culture, it plays a key role in the maintenance of unjust civil orders and their economic foundations (Fromm 1962/2006).

What Fromm terms the “hoarding” character orientation, for instance, privileges a puritan approach to work and accumulation of wealth. The hoarding character was the backbone of nineteenth-century capitalism, because the “combination of a stable world, stable possessions, and a stable ethic gave the members of the middle class a feeling of belonging, self-confidence, and pride” (Fromm 1949/1986: 81). By contrast, *homo consumens* develops in capitalist societies that nurture the greed for consumption by tying it to symbolic recognition of distinction and success in life (Fromm 1976/1997). “Our economy,” Fromm was writing of the US back in the 1960s, “would face a severe crisis if people—the working and the middle classes—were not to spend most of their income on consumption, rather than to save it” (Fromm 1962/2006: 63).

Nevertheless, as Fromm is quick to recognize, the growth of contradictions in society threatens to provoke a “revolutionary” mode of thinking on a mass scale, which would dissolve the social character in place, including any justifications this provides for ongoing and growing social contradictions and shake the economic order to its roots (Fromm 1970). Resolution, Fromm explains, tends to be found for the ruling establishment in the nurture of new character orientations that are neither alternative to the old nor necessarily mutually exclusive of one another. At the furthest extreme of such resolution lies the “authoritarian character,” the person who “admires authority and tends to submit to it, but at the same time ... wants to be an authority himself and have others submit to him” (Fromm 1941/1994: 162).

Here the ruling establishment displaces mass anger onto out-groups scapegoated as dangerous, and activates an aggressive striving to dominate over them, thereby producing the “legitimate” need for authoritarian action that the establishment is both specially equipped and amply willing to undertake. To achieve domination over scapegoated others, the people must submit to, and identify with, their otherwise failing rulers. It is not simply that “[b]y this symbolic participation in [rulers’ lives], man has the illusion of acting, when in reality he only submits to, and becomes a part of, those who act” (Fromm 1964: 31). It is also that this illusion of power

facilitates “the development of economic forces even if those forces contradict the economic interests of [one’s own] class” (Fromm 1941/1994: 295). Fromm’s preferred example is the rise of Fascism in antebellum Germany, and particularly the way in which the lower middle classes were drawn into Nazi ideology amidst a climate of widespread socio-economic insecurity, itself the outcome of mass unemployment, hyperinflation, and a severe crisis in the stock market (see further Fromm 1973/1984; also McLaughlin 2007).⁵

The means by which particular social characters are cultivated consist of such agencies of socialization as the family, educational establishments, and the mass media, themselves also subject to the “meta-structure” of the economy (see, e.g., Fromm 1941/1969, 1955/2006). The social function of education, argues Fromm, “is to qualify the individual to function in the role he is to play later on in society; that is, to mould his character in such a way that it approximates the social character, that his desires coincide with the necessities of his social role.” Parents, too, apply the educational patterns of the society in which they live, whilst also representing in their own personalities the social character of their society or class (Fromm 1941/1969: 284). And so the longevity of class rule is due not only to economic necessities under capitalism or the threat of physical force, but also to

certain moral principles which entice the poor to suffer rather than to do wrong, and which lead them to believe that the purpose of their life is to obey their rulers and do their duty. Even these ethical conceptions, which are so important for social stability, are the products of certain affective and emotional relations to those who create and represent such norms.
(Fromm 1970: 159)

Seen in this way, ties to rulers may well be a repetition or continuation of the child’s attitude toward parents, especially toward the father. Just as children exhibit “a mixture of admiration, fear, faith, and confidence in the father’s strength and wisdom, briefly, an affectively conditioned reflection of his intellectual and moral qualities,” so “we find the same in adults of a patriarchal class society *vis-à-vis* the members of the ruling class” (Fromm 1970: 159).

Crucially for our discussion, Fromm does not view criminal justice as an instrument of crime control; he is, in fact, well aware that custodial punishment routinely fails to achieve deterrence. Nor does Fromm consider criminal justice as a means of open, brute oppression based upon the rational interests of the people. He rather includes criminal justice in the cultural apparatus that serves to solidify the social character—indeed, what Fromm describes in subsequent work as the “authoritarian character”—by directing infantile attitudes of obedience toward rulers. Fromm articulates this thesis in two articles he published in the early 1930s, during his tenure at the Institute for Social Research in Frankfurt (now better known as the Frankfurt School), though several years before Georg Rusche and Otto Kirchheimer (1939), also of the Frankfurt School, published *Punishment and Social Structure*, a book considered by most contemporary penologists as the founding text in the political economy of punishment.

Fromm’s articles raise and provide imaginative clues to issues such as the symbolic facets of punitiveness under capitalism, which still remain under-studied today. His overall aim there is to deconstruct the twofold manner in which “the fear of crime and the role of the state in repressing crime support and legitimate the existing capitalist order” (Anderson 2000: 83). The state elite, Fromm suggests, uses the criminal justice system to project itself as a father figure (*Vaterimago*) in the unconscious of the dominated classes, not only claiming the capacity to “protect society from the criminal and to reform or correct him,” but also highlighting the “fact that the father can punish, that the child is defenceless because of the father’s physical superiority. ... Criminal justice is like the rod on the wall, which is supposed to show even the well-behaved child that a child is a child, and a father a father” (Fromm 1930/2000: 126). Caught in

between the Scylla of perceived vulnerability to criminal victimization and the Charybdis of feeling weak in the face of state-sanctioned punishment, the child-citizen has little choice but to transform into admiring worship his or her aversion toward the punitive father-ruler. All the while, punishment of criminals provides the masses with an outlet upon which to unleash the resentment caused by the instinctual deprivations of daily life under conditions of capitalist exploitation, principally on the front of economic wellbeing. No wonder “it is very important to the rulers that these impulses be diverted from them and onto another subject” (Fromm 1930/2000: 126). “Only from this point view,” Fromm concludes, “can we understand the contradiction that has appeared between the ineffectiveness of the criminal justice system and the holding on to it both by eminent experts in criminal law and by politicians concerned with crime” (Fromm 1931/2000: 147; see further Anderson 2000; Cheliotis 2013).

Bringing Frommian psychoanalysis to bear upon insights produced by cultural as well as politico-economic studies of contemporary punishment, one of the authors of this chapter has sought to trace the ways in which the expanded use of imprisonment allows governing elites in the US and the UK today to manage public insecurities under conditions of neoliberal capitalism. The focus of this work has been on the symbolic role of physical penal control over socio-economically weak segments of the population in eliciting support from the middle classes for elites failing to meet their expected responsibilities on the socio-economic front. In this context, it is argued, the use of imprisonment against weaker others lends itself as an outlet for the continuous cathartic discharge of stubborn middle-class anxieties, whilst these anxieties are channeled to the resolution provided by imprisonment in large part through the vehicle of heightened concerns over violent street crime. The fact that governing elites themselves often claim that the state has failed to control violent street crime is because ineffectiveness on the part of the criminal justice apparatus is a necessary ingredient of that form of state domination, which is heavily predicated upon displacing substantive public anger and insecurities and discharging them against weak out-group minorities. Such domination cannot materialize on a steady footing without the persistence or continuous emergence of problems fit to rationalize and moralize the repeated violent resolution of esoteric psychic conflicts (see further Cheliotis 2013).

More generally, Fromm’s psychosocial approach helps to explain why susceptibility to political myths that promulgate danger and call for harsh reaction by the state increases when people feel tangled in situations of intense insecurity as to their actual life prospects. It also helps to account for the appeal of the illusion of participation in a relationship of authority that is actually based on the fear or threat of force against oneself, the latter being itself a theme as yet under-studied in the political economy of punishment. Equally, Fromm’s psychosocial approach allows one to appreciate that state authority may stand in inverse proportion to lasting or even accruing insecurities amongst the people and that policy failure may be politically convenient insofar as it carries unconsciously positive symbolisms, a crucial point commonly missed given that policy is typically evaluated strictly by reference to the principles of “instrumental rationality.” Below we conclude our chapter by discussing how Fromm applies his approach to those elites who seek and manage to draw the people into ideological incorporation, one more theme that the political economy of punishment has left more or less unexplored to date.

The moral psychology of penal populists

Our analysis so far has proceeded on the assumption that political elites bear fundamental responsibility for punitive public attitudes. In discussing such responsibility, pertinent literature typically employs one of two rival if often conflated interpretations. These we may term, respectively, a “passive” version of elite responsibility and a “proactive” alternative.

The “passive” version of elite responsibility for punitive public attitudes is widely referred to as “populist punitiveness” and sees “politicians tapping into, and using for their own purposes, what they believe to be the public’s generally punitive stance” (Bottoms 1995: 40). Here political elites are not thought to manufacture public punitiveness, yet they do nothing to reverse it. Green evokes opinion research to issue the caveat that public attitudes are not uniformly or equally punitive and that “politicians *should* know better by now” (2008: 21; original emphasis). To the extent that such evidence goes ignored, one may argue further, it may be because politicians need to retain a favorable self-image, putting the blame for punitive policies on what they directly or indirectly portray as an almighty and stubbornly regressive public. Implicit in this resolution, however, is that politicians would actually prefer it, or find it convenient, if the broader public were monolithically punitive, which opens up the possibility of ideological manipulation as the means of generating such attitudes.

This brings us to the second, “proactive” version of elite responsibility for public punitiveness, best encapsulated by the notion of “penal populism.” Politicians, in this case, are said strategically to misrepresent reality in ways that stir up punitive sentiments amongst the public. The harsh policies adopted against criminals in turn (e.g., mandatory sentencing) may well fail to meet basic standards of fairness and effectiveness, but are nevertheless electorally attractive (Roberts et al. 2003). It is not difficult to see how the concept of penal populism fits with a politico-economic approach to state and public punitiveness, even if it was not originally developed with this analytic goal in mind. Yet there are insufficient grounds for asserting that politicians would consciously act as manipulative cynics, much as their actions may serve individual, in-group, and affiliate goals according to a plan that is rationally manipulative in the objective sense of the term.

As Fromm explains, the elites are not driven by “an overwhelming greed for power, money, or prestige. To be sure, such motives exist, too; but the people in whom this is the all-consuming motive are the exception rather than the rule” (Fromm 1962/2006: 83). Fromm’s counter-argument is that whilst exploitative elites are typically driven by a “first-order” narcissistic greed for power, pay, or status, they are no less subject to the “second-order” narcissistic need to keep one’s own conscience satisfied, which impels them to legitimate their position and decisions to themselves and to their immediate staff at least as much as to masses they govern.

What Fromm puts forward is, in effect, a combination of the Weberian and Marxist models of accounting for manipulative elite action. For Weber, it may be recalled, inherent to the acquisition and exercise of power is a normative conception of self-respect, combined with the stakes and consequences of losing it. Drawing on Weber’s account, Barker (2001) has recently argued that statesmen cannot view themselves as usurpers or tyrants, which is why they tend to legitimate their position and power to themselves and to their immediate staff at least as much as to the masses they govern. What Barker alludes to, but does not name, is that every legitimating account derives from the universal narcissistic need to keep one’s own conscience satisfied. It may thus be the case that criticisms from dissatisfied subordinates regarding their situation are criticisms which power-holders address to themselves. The rejection of criticisms, however, may prove profoundly irrational in the sense of being rationally or scientifically indefensible (Kronman 1983).

Marx and Engels (1976) take the analysis one step further when they rebuke historians who presume that ideas determine the course of history independently of materialist class interests. Not that the powerful “lie for pay,” Marx and Engels explain, but personal materialist interests mold personal beliefs, especially beliefs concerning one’s own self. In the 1800s, for example, British manufacturers insisted on claiming that a reduced, 10-hour workday would bring about the collapse of the British industry, although they had ample evidence to the contrary. But they

held a genuine belief in what they were saying. “[T]heir belief was based on their interest in persuading others of this proposition, together with the normal interest in avoiding the mental pain of lying” (Miller 1991: 76; see also Mannheim 1971; Pareto 1968/2006).

There is, then, an unmistakable Weberian-cum-Marxist tone in Fromm’s contention that the standards, knowledge, and methods by which elites gauge their moral performance follow directly from their social existence and the unfolding of the economic mode of production in particular.

They consider their way of organisation and the values that are implied in it as being in “the best interests of man”; they have a picture of human nature which makes this assumption plausible; they are hostile to any idea or system which questions or endangers their own system; they are against disarmament if they feel that their organisations are threatened by it; they are suspicious and hostile of a system in which their class has been replaced by a different and new class of managers. Consciously, they honestly believe that they are motivated by patriotic concern for their country, duty, moral and political principles, and so on. ... The motivating factor is that their social function forms their consciousness, and hence their conviction that they are right, that their aims are justified and, in fact, beyond doubt’.

(Fromm 1962/1983: 83)

Fromm himself did not apply these observations to penal policy-making elites, and as far as we know, no systematic account of this kind has been produced to date. There is, however, research to suggest that there is significant mileage to a psychosocial approach to the enactment of penal populism. It has been argued, for example, that political leaders may choose of their own accord to be surrounded by sycophantic and similarly minded advisors, including status-seeking experts welcomed in the corridors of power to lend a veneer of scientific rationality to unfair and failing criminal justice measures already adopted on grounds other than the “problem” of crime (Bigo 2002; Wacquant 2009). It has been found, conversely, that governing elites may rush to dismiss empirical criminological evidence that doubts the necessity of their chosen policies, regardless of whether the evidence in question has been produced in accordance with the methodological directions of the establishment itself (Hope 2004). Also, as argued by Roberts et al. (2003: 7), penal populists may consciously account for their “tough on crime” discourse as being a “small compromise with populism” forced upon them by populist opposition parties; unless one compromises with populism, so the logic goes, one may “lose power—and along with it the chance of making improvements to the criminal justice system.”

Oddly, perhaps, criminologists have long sought to attribute to criminals the propensity to neutralize lawbreaking (see further Maruna & Hopes 2006) yet have usually withheld that affirmation from those responsible for harsh and ineffective penal policies, including policies that stand in contravention of domestic and international human rights legislation (see, e.g., Simon 2014).

Concluding comments


Several important implications flow from our analysis thus far. To begin with, insofar as penology aspires to put a halt to the excesses of the penal system, it needs to intervene in the field of symbolic politics and engage directly in public debate. The substantive aim of such intervention should be to help correct the fallacies underpinning and reveal the hidden functions served by state punitiveness and this in turn may reorient public attention hitherto unduly paid to issues of crime and punishment toward politico-economic change. Fromm’s psychosocial approach is particularly useful in this respect. Not only does it shed light on the psychological roots and functions of illegitimate forms of social arrangements, without knowledge of which any account

must be incomplete. It does so by refraining from fatalistically blaming human nature while avoiding the alienating castigation of individuals or groups for their complicity in irrational and immoral phenomena. Instead, it draws attention to the social, cultural, political, and economic factors under the influence of which all humans may come to hold attitudes and engage in actions they would otherwise reject.

Notes

- 1 Exceptions here include Beckett (1997), Chambliss (1999) and, as discussed later on in the chapter, Wacquant (2009).
- 2 Other factors, such as the symbolic capital of the narrator and the media and channels of communication, are also arguably important. That we do not discuss them in this chapter is due to reasons of space (but see further Kearney 2002).
- 3 Such accounts resonate with research findings that mortality salience and ontological concerns (relating, for example, to social status, community cohesion, or future generations) are strong predictors of punitiveness (see further Pyszczynski et al. 2003; Gaubatz 1995; Tyler & Boeckmann 1997; Maruna & King 2004; Unnever et al. 2007).
- 4 For an overview of the literature on the political economy of punishment, see De Giorgi (2006).
- 5 Notwithstanding some obvious similarities, Fromm's concept of the authoritarian character should not be mistaken for its infamous cousin that is the "authoritarian personality," put forward 10 years later by Adorno and a research team he led at the Frankfurt School. The goal of their study was to trace a complex of personality characteristics shared by individuals holding right-wing authoritarian views in the US in the 1950s. But it is doubtful whether the authors of *The Authoritarian Personality* ever actually grappled with the authoritarian personality *per se*, for they ignored both left-wing authoritarianism and the "traditionalist authoritarianism" found in agrarian settings. More fundamentally, and unlike Fromm, their primary focus was on interpersonal psychological factors of Freudian inspiration, particularly on oedipal experiences during early childhood, and far less on socio-economic class (see further Cheliotis 2011).

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