Penal Populism and the Problem of Mass Incarceration: The Promise of Utopian Thinking

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INTRODUCTION

Against a backdrop of growing concern over apparently increasing penal punitiveness and debates as to the role of democratic participation and public engagement in the development of responses to questions of crime and justice, this paper explores the question of what might be done in order to enable us to imagine responses beyond mass incarceration. Resisting calls for the restriction of policy decision-making on such issues to criminal justice professionals as at odds with the normative aims of what criminal justice is and should be, it considers Albert Dzur's general calls for the creation of spaces for democratic deliberative participation and his particular reimagining of the jury as one such potential space. Drawing connections between such calls and David Harvey's (2000) 'spaces of hope', it is the argued that whilst such remedies to reinvigorate criminal and penal policy-making as meaningful sites of civic engagement are an important element in challenging the tendency towards punitive penal responses, we cannot and *should not* detach questions of crime and justice from the more holistic examination of society if we are to avoid simply reifying and further legitimating existing penal responses. Whilst the contemporary organization of academic research discourages such 'joined-up thinking', it is imperative that particular approaches to social problems are recognized as situated in relation to broader normative and universal claims as to how society should be organized if they are to offer genuine 'spaces of hope' for effecting social change. Finally, invoking the emerging 'utopian method' identified by Levitas (2013), the paper tentatively suggests a possible conceptual means to achieving this end.

THE PROBLEM OF PENAL POPULISM

As the twenty-first century has witnessed prison populations in both the US and UK reaching record levels with little side of abatement and the emergence of ever-more punitive responses to crime (see Tonry, 2007), there has been growing concern regarding the dangers of 'penal populism' (Roberts *et al*., 2003: 5) and/or 'popular punitiveness' (Bottoms, 1995: 40; see Pratt 2007). Characterized as "politicians tapping into, and using for their own purposes, what they believe to be the public's generally punitive stance" (Bottoms, 1995: 40) towards crime and offenders as an electioneering tool by which to gain political advantage, this punitiveness is arguably reflected in such measures as California's infamous 'three strikes and you're out policy'; increased mandatory minimum sentencing; Anti-Social Behaviour Orders and the shift towards mass incarceration (see Garland, 2001; Tonry, 2007).

These responses have also emerged at a time when popular political discourses of crime and justice are increasingly jettisoned from professional expertise in the field of crime and justice policy (Garland & Sparks, 2000; Dzur, 2012a: 23). As Garland and Sparks have noted

> Modern criminology took shape as an element of the postwar welfare state. […] Its fortunes have been tied up ever since with the fate of the social, the politics of welfare, and the dynamics of the criminal justice state (2000; 197).

Amid growing dissatisfaction with welfare-oriented criminal justice and penal policies to address the crime problem in the 1970s, as part of a wider dissatisfaction with the welfare state, came a decline in the authority of criminal justice professionals (Garland. 2001: 150-152). This was coupled with increasing public awareness of, and sensitivity to, issues of crime and disorder, reflective of larger social upheavals taking place in the 1970s and 1980s (Garland & Sparks, 2000: 198-200). Within such a climate, Garland and Sparks argue, '[f]rom the point of view of politicians, crime and punishment become too important to leave to criminologists' (2000: 200) and,

instead, the voices of criminal justice professionals have increasingly had to compete for influence with a variety of other disciplines and perspectives (*ibid*.: 200-201).

This has led to concerns amongst (some) academics regarding the potential tyranny of the (punitive) masses over contemporary responses to crime (see Garland, 2001; Zimring, 1996; Dzur, 2012a: 22-24) amid the declining recognition of the liberal 'expert' which previously served to 'insulate' criminal justice policies from their sway (Zimring, 1996: 255; see also Garland, 2001: 151).

At the same time, the increasing commercialization of academic knowledge and subsequent channelling of academic expertise into the service of contemporary political ends (see Garland & Sparks, 2000; Hillyard *et al*., 2004; Walters, [2007] 2011), arguably serves the agenda of the popular politics. As Walters has noted,

> Criminology's origins reveal that is has been an intellectual enterprise largely dominated by a scientific causation of state defined crime for the purposes of developing a more efficient crime control apparatus. […] Criminological research has, therefore, been dominated by a spirit of pragmatism that has promoted a scientific and administrative criminology to aid the immediate policy needs of government ([2007] 2011: 19).

Thus, it has been argued, the politics of contemporary academic life and competition for funding from limited (often government-funded) sources favours criminological research which 'serves the priorities of contemporary governing technologies' (*ibid*.:28; see also Bottoms, 1987; Hillyard *et al*., 2004).

THE SOLUTION: INSULATION VS. REINVIGORATION

In response to such concerns, Dzur (2012a) notes two opposing tendencies. On the one hand, concerns about the impact of such popular punitive sentiments and decline of professional expertise have led to claims that there

is ‘too much democracy’ (2012a: 22) and calls for the removal of issues of crime and justice from popular politics to independent, professional, regulatory bodies charged with overseeing criminal justice policy protected from popular public sentiment (*ibid*.: 27-30). The claim here is that such professional bodies will serve to insulate criminal justice policy responses from the exigencies of an emotive and vengeful public bent on punishment (*ibid*.; see also Dzur, 2012b).

Others contend, however, that the assumption of an automatic punitiveness amongst the general public is overstated (see Matthews, 2005). Rather than indicating ‘too much democracy’, they claim there is a crisis of civic engagement in contemporary society and, instead, a sense of ‘too little democracy’ (Dzur, 2012a: 32-36). In a climate of increasing insecurity and declining civic participation and engagement, apparent popular punitiveness is argued to reflect the alienation and disempowerment of the broader public from meaningful engagement in policy-making processes and, in turn, from a sense of public responsibility for those processes. Rather than serving to remove issues of crime and justice policy from the realm of popular opinion, it is argued, the aim should be to move beyond the tokenism of political elites. Reinvigorated and normative public debate around issues of crime, control and justice should be sought and, at the same time, the public reinvested with a sense of civic responsibility for crime and justice. It is anticipated that, by doing so, less punitive and more imaginative responses to crime and social disorder will emerge (see Dzur, 2012a; 2012b; see also Loader, 2006).

Insofar as the criminal law has historically been conceived as an “index of social solidarity” (Reiner, 1984: 177), reflecting the common morality and declaration of the shared obligations and restrictions on individuals within a given society (cf. Durkheim, [1893] 1964; [1895] 1983a; [1901] 1983b), the so-called ‘insulationist approach to penal policy’ (Dzur, 2012b: 118) which

advocates the restriction of penal affairs to professional expertise seems normatively untenable. Moreover, it fails to recognize that

> When people argue about crime and how to control it, they are always at the same time arguing about the meaning of these ideas, the priority we should accord to each of them, and how we should settle conflicts between them (Loader & Sparks, 2011: 123).

As Turner (2013) has highlighted, ultimately these are not technical questions, answerable by recourse to professional expertise: they are, rather, questions of value and, therefore, "… neither politically nor normatively is there any good reason why criminologists' opinions should count more than anyone else's" (Tonry & Green, 2003:492-3 in Turner, 2013: 154-5).

However, this alternative call for more meaningful public engagement with questions of crime and justice, immediately begs the question as to what would need to be different to in terms of contemporary ways of conceptualizing issues of crime and justice in order to enable or facilitate such engagement with these questions beyond popular punitiveness and contemporary recourse to mass incarceration. As Dzur has pointed out, all too often, whilst lip-service may be paid to the inclusion of the public in criminal justice processes via superficially participatory forms of justice such as those reflected within some restorative justice processes, core normative issues and decisions which lie at the heart of criminal justice policies and responses remain insulated from genuine public democratic debate and dialogue (Dzur, 2010; 2012b). In response, Dzur (2012a) has pointed to the need for the active construction and creation of spaces of public participation in which people can learn about and engage in these issues in a deliberative, participatory manner.

This particular claim for more public deliberation and active democratic engagement in issues of crime and justice arguably reflects a more general concern regarding the need for what David Harvey (2000) has termed 'spaces of hope' in response to declining belief in the possibilities of any radical

alternatives to the contemporary social order. Such spaces, in which the prospects and possibilities for alternatives to existing institutions and responses can be explored, Harvey (2000) argues, must be rooted in the spatiotemporal realities of the contemporary social order, whilst also able to look beyond them. The question, of course, arises as to how and where such spaces of challenge and intervention can be generated. As Harvey notes:

> we cannot engage in endless problematization and never-ending conversations. […] without translation, collective forms of action become impossible. All potential for an alternative politics disappears (2000: 245).

THE JURY REIMAGINED: CREATING A 'SPACE OF HOPE'

Returning to the problem of contemporary penal punitiveness, one such route towards opening up more progressive and constructive spaces for public deliberation and debate can arguably be identified in the specific call for a reimagining and reinvigoration of the role of the jury in criminal justice processes. The problem with current approaches to contemporary approaches to public inclusion in penal policymaking is precisely the detachment of criminal justice processes and decision-making from the realms of public debate. Whilst heralded as the "cornerstone of democracy" (Dzur, 2012a: 6) in the context of the jury trial, as Dzur (2012a) points out, the bureaucratic processes of the criminal trial relegates public participation to the formal role of passive spectatorship rather than active engagement and participation in the meaningful construction of justice. This, in turn, is facilitated by increasing individualism and a declining sense of community within contemporary society (*ibid*.: 32). The danger thus becomes that the jury serves as a symbolic form of legitimation for what is, ultimately, expert-decision-making without any responsibility for the decisions and penalties enacted in their name.

As a result, where public engagement within the criminal justice system is still demanded, such participation is typically tokenistic, "more appendage than

antidote" (Dzur, 2012a: 19) to the formal, bureaucratized, professionalized criminal justice system. The key argument for proponents of this perspective, therefore, is that it is the alienation of criminal justice decision-making from the realm of public democratic deliberation and debate, that results in the apparent populist punitiveness of contemporary society.

As Christie (1977) has highlighted, within the criminal justice system, cases are brought by the state rather than individuals and are presented in a formalised and detached manner by criminal justice professionals. In the context of the jury trial, this means crimes and offenders are typically represented in abstract and polarising terms. This arguably represses both possibilities for recognition of the shared humanity between offenders and the broader public, and opportunities for moral dialogue and deliberation about such issues as blame, responsibility, causation and appropriate response or sanction. The antidote, therefore, is not to eschew public engagement but to reawaken it:

> Lay participation in criminal justice is needed because it brings otherwise attenuated people into contact with suffering human beings, draws attention to the ways in which laws and policies and institutional structures prolong that suffering, and makes possible – though does not guarantee – greater awareness among participants of their own responsibility for laws and policies and structures that treat people humanely (Dzur, 2012a: 14).

In this way, a reimagining and redesign of the jury into a site of load-bearing civic responsibility is proposed by Dzur (2012a). By allowing active participation of jury members in trial proceedings whereby they can ask questions and engage in debate; by resisting increased removal of questions of criminal and penal policy from public deliberation through increased use of such practices as plea bargaining; and by connecting decisions of guilt and innocence with issues of appropriate penalty, it is anticipated, the jury can be 'rediscovered' as a progressive site of civic engagement and resistance to current trends towards penal punitiveness and mass incarceration in the name of 'popular' democracy.

FROM PENAL 'PARTICULARISM' TO SOCIAL 'UNIVERSALISM'

Assuming the necessity of more, rather than less, democratic public participation as the means by which we might move beyond 'more of the same' in terms of punitiveness and mass incarceration, the danger is that, so long as this focus remains solely on the criminal justice system and penal policy, this strategy continually risks ultimate recapitulation of the criminal justice system. Central to the creation of 'spaces of hope' in which challenges to contemporary ways of thinking and organizing can be affected is the constant dialectical negotiation that must take place between both the existing state of affairs and the imagining of possible alternatives, and between both particularism and universalism. As Harvey notes, "the re-making and reimagining of 'community' will work in progressive directions only if it is connected *en route* to a more generalized and radical insurgent politics" (2000: 240). The problem, he argues, is that, political movements are typically located at the level of a particular issue, debate or group. Accordingly,

> [t]he critical problem for the vast array of struggles is to shift gears, transcend particularities, and arrive at some conception of a universal alternative to that social system which is the source of their difficulties (Harvey, 2000: 241).

In this context, the criminal justice and penal systems can be considered what Harvey terms a 'mediating institution' which serves to 'translate' the underlying abstract universal organizing principles of society into particular applications. To exemplify, Harvey gives the example of 'justice':

> The notion of justice[…] acquires universality through a process of abstraction from particular instances and circumstances, but becomes particular again as it is actualized in the real world through social practices (2000: 241-242).

However, such 'mediating institutions' can, themselves, become sites of power and reification of the dominant discourse of society and must tread carefully to ensure recognition and successful negotiation of the dialectic between particular institutional reform and more wholesale social change (Harvey, 2000: 241-243).

The danger is that attempts by philosophers, political theorists and criminologists, to challenge contemporary ways of thinking, talking and responding to crime and justice beyond popular punitiveness and mass incarceration that focus solely at the re-democratization of the criminal justice and penal decision-making processes in isolation, arguably neglect the way in which the production of their own knowledge is a socially-situated, political and normative exercise.

Against this backdrop, it is contended, the issue of penal populism and lack of meaningful participation in the criminal justice system needs to be understood in the broader context of an increasing academic division of labour which serves to insulate the particular questions of crime, control and justice from more abstract and universal normative values and questions concerning the contemporary social order. It is, arguably, only by reconnecting the problems of penal populism and declining civic engagement to a broader, more holistic examination of society that we can avoid simply extending and reifying existing conceptions and responses to crime. In this way, it is argued, questions of penal policy cannot (and, crucially, *should* not) be abstracted from such questions as housing policy, welfare provision, education, healthcare or taxation: we need to consider society as a whole, in order to understand current responses to crime and justice as a particular expression of more universal organizing principles and, ultimately, to create a 'space of hope' in which the *status quo* (including but not limited to, penal policy-making) can be more effectively challenged.

REPRESSING UNIVERSALITY: THE ACADEMIC DIVISION OF LABOUR

The basic assumption informing this argument is that all particular theories concerning issues of crime, justice and penal reform can (and *should*) be considered more universal expressions of what might be termed a 'utopian

impulse'[1] insofar as they are ultimately fundamentally normative projects which "encode in miniature a set of claims about the nature of the good society" (Loader & Sparks, 2011: 123). H.G. Wells argued, "[t]here is no such thing in society as dispassionately considering what *is*, without considering what is *intended to be*" (1914: 203). In the very problems we choose to research, and the proposed means to their resolution, lie implicit assumptions that such problems are neither inevitable nor acceptable and that a better society in which such problems are absent is both possible and desirable (Levitas, 2010: 538).

At the same time, there is a tendency within the contemporary production of professional, expert knowledge on crime and justice to actively eschew explicit claims to universalism in terms of the practical policies it advances. The utopian impulse is discouraged, if not actively repressed (see Young, 1992; Boutellier, 2004: 7-8).

More specifically, in terms of insulating particular questions of crime and justice from more universal discussions of values and social order, the increasing specialisation within academic research, bolstered by institutional pressures and funding dictates influencing what is researched and how by academics concerned with issues of crime and justice (see Bottoms, 1987; Loader, 1998; Walters, [2007] 2011), as well as the 20th century's legacy of increasing compartmentalisation of research into discrete disciplinary identities, has resulted in a division of academic labour characterised by a tendency for political theory and social science to talk past one another, rather

[1] By which I refer to a fundamental commitment to imagining and ultimately seeking to realize the 'good' (or at least 'better') society.

than to engage with and recognise the importance of each to the other (Lacey, 2002; Williams & Arrigo, 2006).

Consequently, both social scientific and political or philosophical engagement with issues of crime and justice, subsist as specialized forms of 'expert' knowledge, insulated by disciplinary divisions and removed from public normative debate about what type of society we want to live in (and in which it might be possible to live) and how, in practical terms, we might go about realizing this.

In terms of imagining responses to crime and justice, the consequence of both these dimensions has been an emphasis amongst social scientists on 'abstract empiricism' (Young, 2011) the development of 'piecemeal reforms', which serve to disconnect practical issues of crime, justice and punishment from their location in larger social structural systems and leave the underlying structural inequalities in which such issues are located, unaddressed (Barton et al., [2007] 2011: 2). By contrast, the contributions of political theory typically remain at the level of the abstract, unable to recognize the 'particularism' of lived reality (Geoghegan, 2007: 73).

At the same time, however, this contemporary state of affairs belies the strong normative tradition which has informed the more critical strands of criminal justice theory and practice. Whilst currently less popular amongst political elites and hence increasingly repressed by the contemporary production and commercialization of academic knowledge (Walters, [2007] 2011), it has been argued that, ultimately,

> What seem on the surface to be technical arguments about what we can and cannot do about crime often turn out on closer inspection, to be moral and political arguments about what we should or should not do; and these in turn are rooted in larger disagreements about what sort of society we want for ourselves and for our children (Currie,1985: 19 in Cohen, 1988: 26).

As a result, there are increasing calls for expert criminal justice discourse to bridge this artificial compartmentalization through a reengagement with political theory and public debate.(Loader & Sparks, 2012; see also Copson, 2013).

‘MEDIATING INSTITUTIONS’, REIFICATION AND LEGITIMATION

Without such engagement, however, the danger becomes, not only that critical, normative voices are suppressed, but that with the agenda of criminal justice research set by political elites, ‘expert’ reification and legitimation of popular punitive penal policies becomes the role of professional criminal justice discourse and the lens through which such discourse, in turn, is interpreted (see Walters, [2007] 2011).

For example, critical criminology is the branch of criminology perhaps most overtly associated with a normative commitment to a wholesale challenge of the social order and realisation the ‘good society’ (see, for example, Barton et al., [2007] 2011: 210–211). Specifically, a number of proponents have identified the means for addressing crime with the introduction of a radical social order: typically the replacement of capitalism with socialism (for example, Taylor et al., 1975; Pearce, 1976; Quinney, 1977).

At the same time, however, critical criminology has ‘been associated with a reluctance – for a fear of buttressing an unjust criminal justice system, or suspicion of idle utopian speculation – to formulate positive social policy proposals or engage in thinking about alternative institutional designs’ (Loader, 1998: 204) necessary for the translation of its abstract normative commitments into institutional alternatives (see also Bohm, 1982: 582-584). Accordingly, these abstract ideals have increasingly been coupled with particular projects of small-scale reform.

For example, participatory forms of justice have been posited by some as more effective alternatives to current criminal justice and penal responses (see Marshall, 1996; Christie, 1977; 1981). Constructed as short-term strategies towards the ultimate ends of reforming social reality (see Cohen, 1985; Mathiesen, 1986; Hulsman, 1991; Welch, 1996; Loader, 1998), many of these reforms overlook their implicit reification of the system they challenge. As Mathiesen argues, 'alternative' forms of justice such as community service orders typically 'become "add-ons" to prison[…] simply increasing the number of people under formal social control' (1986: 86; see also Marshall, 1996; van Swaaningen, 1999). For example, whilst growing recognition of the limitations of conventional criminal justice processes for addressing offending and realising 'justice' (however defined) have resulted in increasing uses of restorative justice responses, these have typically been accommodated *within* conventional criminal justice apparatus, rather than developed as genuine *alternatives* to it (see Marshall, 1996; Hudson, 2003: Chapter 5).

In this way, one can see the fulfilment of Harvey's (2000) prophecy as 'mediating institutions' and potential spaces for realising progressive alternatives can all too easily end up buttressing and legitimising the existing social system and the values it promotes, unless clearly tied to a more universal politics of social change. Thus, the danger of current responses to apparent penal populism which advocate the reengagement of a disenfranchised public as a means of opening up a space in which alternatives to mass incarceration might be imagined is that they risk isolating issues of crime and justice as particular expressions of more abstract principles, from their broader location in a holistic social order. Criminal justice decision-making is not formed in isolation from other social issues and policies. However, by presenting such issues in isolation from broader questions and normative debates about the type of society we want to live in, the danger is that any reforms can never be anything other than adjuncts to the existing criminal justice apparatus.

The converse danger, of course, is that by demanding an all-or-nothing commitment to wholesale social reform, we stagnate under abstract universalism without a particular strategy for realising social change within the contemporary spatiotemporal order. As Harvey's (2000) theory indicates, any strategy to effect social reform must find a way to negotiate this tension between the universal and the particular.

Consequently, in considering how contemporary democratic theory might try to think beyond mass incarceration and ask how the normative complexity of criminal justice, so too must those working in this arena recognise and reflect on how they might also think beyond crime and justice if they are to realise more genuinely democratic alternatives. Part of the problem of the contemporary disenfranchisement of the public from criminal justice decision-making, is perhaps the failure to recognise that the concerns of the general public are not necessarily aligned to those of criminal justice professionals. Most people are not immediately connected to issues of crime and justice either as victims of offenders and, as noted above, the operations of the criminal justice system further serve to present issues in a way that is foreign to and detached from the realities of many lay people's daily lives. Accordingly, if those working in the fields of criminal justice wish to engage the public in debates and decisions of criminal justice and penal policy so too must they engage in the issues about which the public *are* engaged. This means demonstrating the connections between these questions and the broader social order that immediately affects that public in their daily lives.

What is needed, then, is a means by which we can reconnect such particular debates concerning crime, control and justice to broader, universal concerns and thereby make them relevant and accessible to the general public from whom they have become alienated. Here, it is suggested that the development of a 'utopian method' (see Levitas, 2001; 2005; 2007a; 2007b; 2008) as a form of 'speculative sociology' may prove a useful candidate.

THE NEED FOR UTOPIAN THINKING

Proposed as a means of reconnecting abstract political theory with a practical commitment to institutional design, this method offers a point of access into more 'joined-up' thinking about crime and its solution. Moving beyond, for example, concentration on the existing criminal justice and penal system and narrow debates over mass incarceration and piecemeal reforms, it locates such issues in more holistic accounts of social reform. It is also envisaged as a means of reengaging a disenfranchised public into questions about crime and justice insofar as it has been described as "an active device in reflexive and collective deliberations about possible and desirable futures" (Levitas, 2010: 530). Identifying three aspects: *archaeology*, *architecture* and *ontology*, the utopian method provides a framework for considering the values implicit within social theories and political programmes, and their implications for both the institutional organisation of society and for the type of people either presumed to inhabit or else necessitated by, such a society. The utopian method is thus advanced as a means of exposing these normative assumptions and constructions of society to critique and critical comparison.

Taking as a starting point this idea that all social theories and political programmes can be seen as containing an implicit, if repressed, vision of the good society, the utopian method as archaeology involves excavating this vision from the fragments and clues contained in these theories, focussing, for example, on such aspects key underlying concepts, premises, assumptions and abstract values underpinning a particular social or political theory. On the basis of this archaeology, the shift can then be made to the second mode of the utopian method: that of architecture. Reflecting the perhaps more conventional definition of utopia as an holistic outline of a society not currently in existence, but considered (from the point of its advocates at least) to be desirable (Levitas, 2005), as architecture the utopian method involves considering the practical institutional implications intimated by a particular expression of desire contained within a given political programme. It calls for

consideration of the potential means for realizing the good society that is intended, asking us how society would have to be organized to fulfil the desired society aimed at and calling for a critical consideration of this. In this way, it thus presents a means of negotiation and dialogue between particular institutional questions (via architecture) and proposed and universal abstract principles (via archaeology) underlying the social order. It is contended that through the adoption of this method that 'spaces of hope' for effective reform can be created and sustained.

Finally, the third aspect of the utopian method is the ontological mode, which explores the ideas of human subjectivity either assumed or demanded by, particular visions of the good society and their informing principles. As Levitas explains: 'the ontological mode is concerned precisely with the selves that inhabit utopia, or that utopia needs to allow' (2008: 25).

Together these three aspects of archaeology, architecture and ontology reflect an approach to representing holistic accounts of the implicit good society underlying contemporary social theories. Moving beyond an account of such programmes as projects of piecemeal reform, it encourages a broader evaluation of their wider implications, requiring 'judgment, not simply about the attractiveness of such abstract values as freedom, justice, inclusion, equality, but about how these might actually be played out in institutional form' (Levitas, 2007a: 57).

Through the presentation of alternative forms of society, it is argued, utopias present 'a determinate type of *praxis*' (Jameson, 1977: 6; see also Young, 1992: 428). By rendering explicit the possibly competing or contrasting visions of the good society underlying each approach, the use of the utopian method also calls us to pass critical judgement on both the desirability and practicability of such solutions. It enjoins us to consider the type of society we want to live in, and how best this might be realised as well as what 'kind' of people we think we are and/or could be. These are, of course, ultimately

political, normative questions about the world, which require that we move beyond disjointed and 'value-neutral' modes of engagement within academia.

As such, the utopian method may also hold out a possible means for returning questions of crime and justice from the insulated realm of academic expertise and institutional particularism, to normative public deliberation and debate and social universalism. By teasing out a holistic account of the good society from the particularities of expert discourse on crime and justice, this method is anticipated as a more productive means for effecting social improvement and subjecting both contemporary society and its concomitant social theories and political programmes to public engagement, dialogue and deliberation.

CONCLUSION

As Garland and Sparks have argued

> opposition between (i) a criminology that is interested in social and political theory… in the testing or transgressing of disciplinary boundaries and (ii) a criminology that has empirical bite and strategic relevance – is an opposition that can no longer be sustained' (2000, p. 191; see also Loader and Sparks, 2012, p. 124; Zedner, 2011, p. 280).

Nor is it normatively or practically tenable for professional criminal justice expertise to expect a privileged status in policy decision-making. Rather, it is incumbent on such experts to engage with public perceptions and foster dialogue in meaningful ways (see Loader, 2006; Loader and Sparks, 2012), whilst also marrying the development of particular policies with a broader, normative politics of social change. The utopian methodology is presented as one means for connecting universal normative principles with particular solutions in contemporary reality. It is also advanced as a means of connecting potentially abstract and alienating 'expert' discourse with real-world social problems and questions of what type of society we want to live in and what type of society we believe is possible starting from where we are now. In so doing, it has the potential to initiate dialogue between the particular concerns of criminal justice experts with the broader social concerns informing

the daily lives of citizens, by demanding the articulation of those sometimes abstract concerns in a particular, institutional form which is both accessible and has resonance for them.

As a result, it is anticipated, it will be possible

> to establish, as it were, a *political* frame of evaluation and to sketch viable democratic egalitarian alternatives which can help unfreeze the present and guide the making and imagining of alternative futures (Loader and Sparks, 2012, p. 25)

which engages, rather than disenfranchises public participation and, in so doing, opens up a ‘space of hope’ in which we might move beyond ‘popular punitiveness’ and mass incarceration.

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