

Title:

What's wrong with "penal populism"? Politics, the public, and penological expertise.

David Garland

Professor of Law and Sociology
New York University, USA

Abstract:

This keynote address discusses "penal populism" and its conflict with criminological expertise in the process of policy-making. My talk considers the proper balance between professional expertise and community sentiment in the formulation of penal policy – especially in respect of policy measures where moral rather than instrumental considerations are involved. It raises theoretical questions about the nature of "public opinion" – does it exist other than as an artefact of survey instruments? – and its proper role in a democratic polity. It briefly discusses the historical conditions that have brought "penal populism" to prominence as well as institutional and comparative questions about its varying capacity to shape policy. Lastly, it considers the professional responsibility of penal experts in relation to policy formation and political debate. The performance of public health experts during the Covid pandemic will be briefly considered as an instructive case in point. Can criminology establish itself as a credible form of social scientific knowledge worthy of public trust? And how should criminologists comport themselves when engaging with questions of public policy and political controversy?