Penal rationales are often viewed as the realm of penal elites, in stark contrast to the penal populism that has reshaped policy in both the US and the UK. But this ignores that penal populism has in fact coalesced around a rather distinct penal rationale, i.e., incapacitation. This seminar elaborates the nature of this penal rationale and the very extreme form of it, which I call “total incapacitation,” to distinguish it from the more elite version that continues to predominate in Europe. I argue that the historical origins of this rationale can be specified more precisely than the general notion of a “common sense of high crime societies”. This rationale and its foundations in a distinctly postmodern experience of crime fear are crucial to understanding how hard it will be to reverse the tide of penal severity.

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