

# NO LONGER 'LITTLE STUDIED'

**CHALLENGING CRIMINOLOGICAL  
NARRATIVES ABOUT FINANCIAL  
PUNISHMENT**

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# INTRODUCTION

In April this year, in the midst of the biggest political scandals of recent times, a senior Conservative Party cabinet member compared Boris Johnson's fixed penalty notice (FPN) for breaching Covid-19 regulations to a parking ticket (Abdul and Allegretti, 2022). The so-called "Partygate" scandal led to a number of high-profile cabinet members, including the Prime Minister, and a number of workers at Whitehall receiving FPNs from the Metropolitan Police for participating in a number of illegal social events between 2020 and 2021. The revelations of the behaviour of the Prime Minister and the government over the course of successive lockdowns – brought on by national Covid-19 pandemic restrictions – caused a media storm and public backlash that saw the Conservative Party suffer severe losses in local elections in May 2022 (Mason, Stewart, and Allegretti, 2022; Waterson 2022) and ultimately the resignation of the Prime Minister, Boris Johnson, two months later. These "Partygate" revelations have brought fines and financial punishment back into public consciousness and made them the topic of debate in the media and in people's lives.

Financial sanctions have played a central role across government policy, criminal justice practice, and media coverage throughout the pandemic yet there is a surprising lack of up to date criminological research that specifically examines financial punishment (especially in the UK). The term 'financial punishment' covers a range of methods and mechanisms through which 'the exchange or enforced deprivation of resources...as a way of paying for harms done' (Young 1987, 8) is enacted. Most often recognised as fines, there are a range of related financial penalties that fall into the category and they remain a prevalent form of punishment in most contemporary criminal justice systems (see Lappi-Seppälä, 2012, 2014; Munro & McNeil, 2012; Faraldo-Cabana, 2017; Quilter

& Hogg 2018). Fines accounted for 77% of all sentences in England and Wales throughout 2021 (Ministry of Justice 2022, 7). In Scotland, 37% of people sentenced at court in 2020-2021 received a fine and over 23,000 people received a financial penalty through the Crown Office and Procurator Fiscal Service in the same year (Scottish Government, 2022). It is estimated that at least one third of the male population in Scotland is likely to have a criminal record and that most convictions are for 'offences, which in general tend to be less serious than crimes' – i.e. more likely to result in a fine at court (McGuinness, McNeil and Armstrong 2013, 4-6).

These figures suggest how prevalent and common financial punishment is for anyone encountering the criminal justice system, whether regularly or otherwise. Nevertheless, long-standing narratives of financial punishment as the "'trivial' business' (Young 1989, 46) of criminal justice and estimations about the severity of financial sanctions, as well as the assumption that these kinds of sanction exist at 'the "soft end" of the criminal justice system' (Duff 1993, 483), have influenced how fines and related financial sanctions are viewed and understood by both those in power and the public. Financial punishment has been the main way in which "law and order" over the course of the pandemic has been managed, as well as the mechanism through which new public health and safety laws have been implemented. Also, who has received them (and when) has been the source of public scrutiny and debate in this most recent post-lockdown phase of the pandemic. And yet, this renewed interest might be doomed to begin and end with the context of the pandemic, even though the issues surrounding financial punishment retain a relevance and urgency that extends well beyond these parameters.

With the re-casting of the fine as a minor but influential character in the spectacle of British pandemic politics and a growing research base focusing specifically on the use of fines (see Turner, Rowe and Redman, 2022; Gorton et al., 2022), we can begin to evaluate policy and practice surrounding fines and financial punishment outside of a purely Covid-19 context. Additionally, the challenges of post-lockdown Britain demonstrate the urgency of a reconsideration of financial punishment. Since the start of the pandemic, the financial realities of many people's lives have changed and continued warnings about economic instability, a fall in living standards, and growths in inequality have come to fruition. With inflation hitting a 40 year high of 9% earlier this year and nearly 90% of adults seeing a rise in household costs including food, petrol and gas and electricity, 2022 has marked a cost of living crisis in the UK (see Karjalainen and Levell, 2022; Francis-Devine et al., 2022). Against this backdrop of economic uncertainty and challenge, there has never been a more prescient moment to push for a more critical and creative approach to financial punishment and this briefing suggests ways in which we can take advantage of increased interest in financial punishment by highlighting new and underexplored areas of theory and empirical practice.

This paper draws specifically on material and examples from Scotland that have emerged out of attempts to better understand fines in Scotland and engage with the complicated processes and practices that underlie financial punishment as a whole. Scotland has had a long and influential relationship with fines research (see Young, 1987, 1989, 1994, 1999; Duff, 1993; Munro and McNeil, 2012) and features of its legal system – specifically the role of the Crown Office and Procurator Fiscal Services (COPFS) and the range of additional financial penalty sentence options available at their disposal – provide a unique landscape for research focused on financial punishment and a case study worthy of comparison within both a UK and broader international context. Additionally, contemporary policy and practice rhetoric (see Scottish Government, 2022a) has most recently focused on a reduction in imprisonment, diversions

away from custody and court, and an interest in more “progressive” international best practice (McAra, 1999; Malloch, 2018; Brangan, 2019; van Zyl Smit and Morrison, 2020). These preoccupations suggest a political climate that wants to better understand all sentencing options at work in contemporary criminal justice systems and their underexplored consequences for those experiencing them.

This paper argues for the need to unsettle longstanding narratives about financial punishment through clearer articulation of its social and emotional toll on those subjected to it. Only with a strong evidence base of this kind can we begin to critically evaluate the consequences of financial punishment and their place in criminological theory and practice, as well as in the current economic context. The first section of this paper introduces some of these long-standing narratives, exploring how financial punishment has been minimised in models of punishment and in popular and political discourse. Drawing on Katherine Beckett and Naomi Murakawa's conception of the 'shadow carceral state' (2012), this paper shows how the fine and related financial penalties are continually placed in hierarchies or binaries of punishment that imagine financial punishment as inherently less interesting and less punitive than custodial sentences, and, as a result, more legitimate. The “less than” estimation of the nature of financial punishment has, so far, made the topic less appealing to those who might be able to bring form and texture to the topic so, in a kind of feedback loop, little evidence is generated that challenges existing ideas about the meaning and impact of financial punishment.

Using examples drawn from the Scottish Summary Justice Reform of 2007, this paper shows that elements of financial punishment are often incompatible with a set of collective notions about what constitutes punishment and so are reframed in languages and logics that minimise or distance financial penalties from more recognised forms of punishment (see Goffman, 1959; Matza 1964/2017; Young 1999). Justice priorities then often come to stand in as the ways to define how financial punishment works and what the outcomes are for those who experience it, obscuring

the true nature and impact of these penal technologies and helping to define how these technologies are understood and evaluated in public consciousness.

The second section introduces the growing body of international work that has begun to interrogate ideas about who experiences financial punishment and what the impacts might be, with findings from this work revealing ways in which financial penalties intersect with housing, family dynamics and issues of race and class to create stress and distress in the lives of those fined and within the context of their broader communities (Boches et al., 2022; Patillo et al., 2022; Quilter & Hogg 2018; Harris 2016). Though this work is influential, there is very little comparable work has taken place within the specific conditions of the legal systems throughout the UK or that responds to the specific social, political and economic context of Britain. This paper suggests that even a brief look at some of the features illuminate the operations of financial punishment, but with the added dimension of articulating their impact beyond simply stating that punishment via financial deprivation falls more heavily on those who have less money.

What has become clear throughout the events of “Partygate” is that dominant narratives surrounding

finances have played a part in allowing on one hand the dismissal of high-profile law breaking as akin to a parking infringement, while on the other obscuring the ways in which people have been drawn into contact with criminal justice system in new and potentially damaging ways. Without a strong evidence base to challenge and contradict the official narrative, it has become easy for powerful voices to make claims about what counts as acceptable law-breaking, who can do it, and what the corresponding punishment means about the severity of what has taken place. This briefing encourages a reconsideration of what we know about the role of financial punishment within criminal justice systems and in people’s lives. Any claims made about how financial punishment works and its effects need to be evaluated within the changing context of contemporary political, social and economic conditions and it is hoped that the ideas outlined in the following briefing provoke a rethinking of financial punishment as a key element of contemporary criminal justice in Scotland. It encourages policy-makers, practitioners and academics to adopt new approaches to financial punishment in the UK, ones that resist various narratives about the place of fines and financial penalties in models of punishment and that combine to leave the processes, practices, and impacts of fines and financial penalties broadly unexamined.

# 1 INTO THE HINTERLAND: LOCATING FINANCIAL PUNISHMENT WITHIN DEFINITIONS OF PUNISHMENT

As mentioned above, it has become a standard trope of literature on the topic of financial punishment to comment on the ‘much used but little studied’ (Young 1987, 2) nature of the fine. The notable fines scholar Peter Young (1987, 1) suggests that an alien landing on Earth for the first time, given only the available statistics with no additional explanation, would develop a very different model of how punishment works on Earth than the one that emerges out of scholarship and descriptions of criminal justice policy and practice. At the heart of this model, would be the fine. Though financial punishment is prevalent throughout criminal justice systems in the Global North and, although the evidence is available for critical analysis, the many models we use to express and critique the realities of punishment have been developed in a manner that excludes the most regularly occurring experience.

Whilst there is a small but robust tradition of fines scholarship, these accounts are predominantly theoretical and, though there is a growing and promising international body of empirical material, studies are still rare, and their findings remain partial and poorly integrated with both mainstream criminological and sociological literatures. The fine is not yet fully understood for what it is, but, most often, imagined and defined as what it is not (Young 1999, 185). Most commonly, the fine is folded into discourses surrounding alternatives to imprisonment and non-custodial sanctioning. Within these discourses, knowledge about financial punishment is primarily imagined through its relationship to imprisonment (Faraldo-Cabana, 2017). Within this relationship, financial punishment and imprisonment are not recognised as distinct yet interconnected nodes within a dynamic network of punishment. Instead, dominant models of criminal justice

– whether academic or in the pages of policy and practice recommendations – promote a hierarchy of punishment that situates the fine at the bottom and imprisonment at the top (ibid.). As a result, the pains of financial punishment, or the ‘apparently unexciting initiatives...taking place at the “soft end” of the criminal justice system’ (Duff 1993, 483), are habitually and inherently conceptualised as “less than”, rather than being understood as being of a separate and specific nature.

The positioning of financial punishment in an ideological hierarchy reveals much about how the criminological imagination often defines what is and what is not punishment and how these definitions influence ideas about the punitive potential of different forms of punishment. This should not be dismissed as purely an ideological concern – these definitions reinforce (unconsciously or not) the legitimacy of a range of punishments through hierarchical logic and help to shape collective political, social, and normative notions estimations of the pains of different types of punishment (see Matza 1964/2017; Young 1999). The landscape at the bottom of the hierarchy remains murky, afforded little attention and bound by assumptions, so that it becomes hard to discern the material processes at work and the impact this has on those experiencing punishment of this kind.

In their work on the shadow carceral state, Katherine Beckett and Naomi Murakawa (2012, 223) argue for a new model of penal power that traces the insidious expansion of state ‘punitive power [that] occurs through the blending of civil, administrative, and criminal legal authority’. By stepping slightly outside the traditional boundaries and hierarchies of the criminal justice system, Beckett and

Murakawa are able to show how this expansion opens up multiple pathways into the criminal justice system, with the true nature of these pathways obscured by the use of terminology, locations, and actors that are not traditionally recognised as representative of penal authority. By exposing these pathways to critical attention and demonstrating the penalty of their operations, Beckett and Murakawa (ibid., 238) suggest it will be easier to resist 'official claims about what is and is not punishment' and undo and remake those 'legal technicalities that...distinguish "administrative" criminal justice sanctions from "real" criminal punishment'. Their emphasis on the opacity of various criminal-justice adjacent systems exposes how administrative and bureaucratic processes of these systems are becoming increasingly interchangeable with traditionally conceived legal and penal practices. Through this blending of punishment and 'not-punishment' (ibid., 224), more people are captured in a widening net of criminal justice that is much harder to detect and definitions of punishment become increasingly and deliberately alienated from the human experience of social control (Cohen, 1979).

The concept of a permeable boundary between punishment/not-punishment is an incredibly useful tool to employ when examining financial punishment. Though notionally deemed 'punishment', the narratives around fines and related financial sanctions have developed a distinctly not-punishment reputation. For Beckett and Murakawa (ibid., 222), much of the camouflaged spread of shadow carceral power is down to the inclusion, in punitive interactions, of 'sites and actors beyond what is legally recognized as part of the criminal justice system'. Part of what makes punishment recognisable from not-punishment is derived from the spaces in which it takes place, filled with characters, rituals and practices that are identifiably carceral – all forming the recognised dramaturgy of criminal justice (Goffman, 1959). However, in the case of fines and financial sanctions, ideological definitions are just as important as legal ones because these sanctions, classed as punishments, are administered outside the confines of the police station, the courtroom, and the prison cell – moving punishment away from the exemplar images and dramaturgical tenets (Goffman, 1959; Matza 1964/2017; Young 1999) that have long dominated discourses surrounding the criminal justice system and the study of punishment.

Financial punishment has proved an easy way to mitigate burdens on the court system and police forces, with the fine, in particular, emerging as the 'sentence of default' (Allen 1989, 83). In Scotland, non-court administered financial penalties are a central element of criminal justice, fulfilling these aims through the work of COPFS to reduce the number of cases making it to court and through "on-the-spot" police fixed penalties. These types of financial penalties, known as 'direct measures', have been described as a 'half-way house' (Duff 1993, 493); a stopping point on journeys into the criminal justice networks, possessing a diversionary potential balanced with a punitive bite. When Scotland delivered the Summary Justice Reform (SJR) in 2007, its primary outcome was a large increase in the number of financial penalties and methods of delivery available across Scotland – ostensibly a huge upheaval for the criminal justice system.

Even though the changes brought in by the SJR were significant and had impacts for a majority of those coming into contact with the criminal justice system in Scotland, the stated aims of the SJR were wholly expressed in the managerial and bureaucratic language of efficiency, efficacy, and simplicity (see Scottish Government 2012, 2). The evaluation exercises undertaken to ascertain the outcomes of the reform focused predominantly on numbers processed, outcomes delivered, and cost implications; though 'views of the accused' were included in the final research evaluation, these were very limited in scope and provided little insight into how fair and effective at helping rehabilitate offenders these changes really were (ibid, 40). The example of the SJR demonstrates how fines and related financial sanctions are articulated in policy and practice in terms of their efficiency, simplicity, and cost-saving functions – especially when it comes to changes to the levels of justice where financial penalties are most common. Here, estimations and evaluations of impact are conceptualised in terms of productivity, efficiency and cost to the system, with these priorities placed above any other considerations.

Though mainstream criminology is willing to accept that financial penalties fall into the territory of "punishment", it appears to remain unable to explain in detail how these methods are not "not punishment". In the case of financial punishment, when the imposition of punishment is articulated in languages that minimise or obscure the

material deprivation that is taking place, criminology subconsciously integrates many of the principles and priorities of the institutions with the power to punish. A Beckett and Murakawa (2012, 238) suggest that 'by limiting our attention to the tail-end of the criminal legal process, we neglect the myriad ways in which institutions restrict the lives and liberty of millions, and, in the process, reproduce and exacerbate social inequality'. Arguably, the narratives surrounding financial punishment that focus on triviality and "taken for grantedness" of punishment via financial means participate in this neglect whilst also permeating public consciousness and reinforcing estimations about the impact of financial punishment.

Ultimately, what is lost by exiling financial punishment to the hinterland between punishment and not punishment, is any sense of the experience of punishment via financial deprivation as a human experience, producing a range of emotions and responses that remain broadly unknown or minimally understood. The fact that penal technologies are (mis)understood as distant, mechanical, and prosaic even though the deprivation of economic resources represents a severe obstacle to survival for those who are already existing in challenging circumstances. A critical approach to financial punishment that unpicks the intricacies of power at the presumed bottom-end of criminal justice processes has the potential to reveal the realities of punishment/ not-punishment for a hidden majority of people who experience criminal justice (see McGuinness, McNeill and Armstrong, 2013). Rather than accepting inherited ideas about the triviality and mediocrity of fines and related financial sanctions, a curious and critical stance towards financial punishment becomes a challenge to narratives about the nature, operation, and severity of punishment as a broader concept.





# 2 BRINGING EMOTION, EXPERIENCE, AND HUMANITY TO THE STUDY OF FINANCIAL PUNISHMENT

In order to challenge the narratives that have dominated the study of financial punishment, it is essential to offer up alternatives that better illustrate the experiences of those who are being punished via financial deprivation. Within the existing scholarship on financial punishment, there have been pockets of research activity that have included the perspectives of those experiencing fines and related financial sanctions (Boches et al., 2022; Patillo et al., 2022; Bögelein, 2018; Harris, 2016; Young, 1999; Wilkins, 1979), but in-depth qualitative research with these groups has not been a recognisable and consistent tradition within the field. Nor has it permeated into a policy, practice, and a broader public consciousness.

Arguably, one of the factors that has been influential in deciding the extent to which the views and experiences of those affected by financial punishment have been integrated into the body of literature on the topic is the theoretical approach taken to fines and related financial sanction up until recently. One of the most influential contemporary theoretical approaches to the fine is that of Pat O'Malley (2009) who sees financial punishment in a more regulatory role within a consumer society. O'Malley is clear that his work will not illuminate 'whether [financial penalties] bear harder on minorities, the poor and women' and, instead, engages with 'money as a tool or technology of government—with how money is imagined and intended to be used rather than with questions of actual impact on the subjects of government' (2009, ix). However, in light of international research drawn from those with lived experience of financial punishment, there are signs that this theoretical approach is becoming outdated. This is particularly cogent when considering the social, cultural, and economic context of late stage capitalism where the

richest 10% of the global population own 76% of all wealth (Chancel et al. 2022, 3). Under these conditions of broad-reaching inequality, it becomes problematic to separate and abstract money as a tool of governance without clearly acknowledging and explaining how governing in this way is inherently disadvantaging.

As an example, Alexes Harris' (2016) monograph, *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*, uses interviews with people subjected to court fines, alongside sentencing data, court observations, and document analysis to show how financial punishment works to trap those who cannot afford fines and a range of accompanying legal costs incurred within the US legal system. Whilst one of the longstanding critiques of the fine is that its effects most often fall disproportionately on economically marginalised populations (Hillsman, 1990; Faraldo-Cabana, 2017), Harris' work is one of the most realised attempts to add detail and nuance to groups typically homogenised as 'the poor' in extant scholarship on fines and related financial sanctions. In *A Pound of Flesh* and subsequent work, Harris demonstrates the disparity in how the legal system both mirrors and exacerbates broader racial, class, and gendered inequalities that affect people who are impacted by financial penalties, evaluates the differential impacts of fines and fees, and calls for greater recognition of the burdens that financial punishment disproportionately places on Black Americans, and Black women especially (Harris, 2016; Harris, Hicks & Sanders, 2022).

Research such as Harris' shows that any theory of financial punishment that accepts the differential impacts of fines and related financial penalties on various groups must also be able to clearly articulate what the differences in impacts

are. Simply put, we cannot just acknowledge that financial punishment is worse for 'the poor' without both explaining who is included in this category and what is specifically disadvantaging about their experience. Uncertain global economic circumstances mean that financial deprivation is likely to be felt across a range of identity categories, such as gender, race and class and in different economic, legal, and social, contexts.


Approaching financial punishment in this way allows for much more sophisticated and critical engagement with people's lives and also with the broader context within which they live. Again, research from the United States has shown how financial punishment, and especially legal debt, results in extended, or symbiotic, harm to family members (Boches et al., 2022). In these cases, family members are coerced into paying outstanding fines, fees, and related legal debt on behalf of their accused relation which results in 'tension and strain in interpersonal relationships...[and] exacerbates emotional distress and economic hardship' (ibid., 113). These findings have been generated through interviews with people experiencing legal debt through financial punishment and they reveal emotional and relational elements to the process of being punished through financial deprivation that have not been articulated before.

Engaging with international work demonstrates new and important contributions that are being made to the study of financial punishment via the inclusion of the voices of those impacted. Whilst fines and related financial sanctions have traditionally been characterised as a non-intrusive and minimally disruptive 'ideal penalty' (Quilter & Hogg 2018, 12), empirical work that includes the perspectives of those experiencing financial punishment has shown that the intrusion and disruption of punishment can have many dimensions. Financial penalties do not have a rehabilitative function, nor do they remove a person from the conditions and/or context that may be motivating their offending – including, and especially, economic marginalisation. Above all, the international qualitative empirical work on financial punishment illustrates the very tangible practical and emotional consequences that punishment through financial

deprivation has on those who cannot afford to pay and the damaging consequences this has for those subjected to a financial penalty, as well as those around them (see Patillo et al., 2022 for evidence connecting financial punishment and housing insecurity, as a further example).

In the UK, the economic situation is one that has been increasingly challenging over the past decade. The constant and evolving impacts of climate change, the socio-economic and political consequences of Brexit, and the more recent effects of the Covid-19 pandemic are currently coagulating in a crisis that includes massive inflation rates, severe price increases across all business sectors, and a steep rise in the cost of living. The response from successive governments is one that has focused on austerity, a reduction in welfare spending, and an emphasis on individual responsibility. Latest forecasts suggest that relative low income is set to rise in the coming years, and more and more people will be in challenging and stretched financial situations (Francis-Devine 2022, 6). The cost of living crisis should force us to rethink existing ideas about poverty and economic marginalisation as socio-economic parameters shift to include more and more people. And, consequently, about what financial punishment really means in a time of economic hardship. By thinking more holistically about this shifting context, it becomes possible to start seeing an approach to financial punishment that acknowledges that the impacts of this deprivation are relational and subjective and are likely to affect a broader group than those who have been characterised in existing scholarship as 'the poor'.

These issues are particularly pressing when we begin to consider how the repayment of fines and related financial penalties are enforced in the UK. Academic accounts from Australia have shown how accessible information about the enforcement of financial penalties is 'limited, scattered, and inconsistent' (Quilter & Hogg 2018, 12). In the UK, non-payment of a financial penalty can result in increasing severity of punishment that could include more money and, in some cases, arrest and detention. In the case of fines administered at court, enforcement methods can include arrestment of state benefits and/or wages or money being



claimed directly from bank accounts. In Scotland, benefit deduction orders have been the most common form of enforcement action for fines imposed or registered at court since April 2018 (Scottish Courts and Tribunal Service, 2022). This suggests that those being consistently targeted for enforcement action may already be in financially strained circumstances and should raise questions about the appropriateness of fines and related financial sanctions in such cases. Furthermore, this overlap between the imposition of financial punishment and the benefits system suggests other ways in which the notion of the hidden carceral network can be used to understand systems, practices, and institutions outside of criminal justice that seek to control (and punish) through financial means.

What is clear is that evidence about financial punishment which is generated through engaging with and working with those who have experienced it provides numerous opportunities to better interrogate existing assumptions about financial punishment, as well as offering new avenues for discovery. Above all, this type of research is likely to produce evidence that makes the operations and impacts of financial punishment more obviously affective. Armed with a rich and detailed range of evidence that reflects the various intersections of identity, experience, and inequality that exist within the lives of people subjected to such sanctions, there may be more opportunities to challenge official narratives about how financial punishment operates. Equally, there are chances to dismantle the long-held assumptions about fines and related financial sanctions that have defined the scholarly approach and allowed for expansions in the use of financial punishments to remain an unquestioned and taken for granted fact of contemporary criminal justice. What could emerge out of this project is a more transparent, accessible and critical understanding of financial punishment, the role it plays in the criminal justice system, and the consequences of punishment via deprivation of money.

# CONCLUSION

This paper has attempted to demonstrate what might be possible if there is resistance to public and scholarly attitudes to financial punishment. By questioning and critiquing these long-held beliefs, it is possible to see how much harder it becomes for those with power and privilege to minimise their wrong-doing by hiding behind the supposed triviality of experiencing financial punishment. “Partygate” has shown this dynamic in action but, if there is to be meaningful resistance, then the focus must be on the ways in which research and evidence about fines and related financial sanctions can grow and integrate with broader criminological and sociological concerns. There is no doubt that the penal field is due to be enriched by a range of forthcoming studies about how the pandemic was policed, how Covid-19 FPNs were used, and what were the outcomes of this on the people who received them.<sup>1</sup> Indeed the drive to ‘get back to normal’, that has become such a feature of post-lockdown rhetoric, raises concerns about the longevity of interest in the topic beyond the Covid-19 context. After all, the findings of these types of studies are bounded by the conditions of a very specific time and context. It is not enough to simply hope that this flurry of research activity will produce a move in the UK towards a more critical approach to financial punishments that engages more and more with contemporary theory and practice.

This paper calls for such a move, in line with developments in the field internationally where fines and related financial punishments are steadily becoming a topic of renewed interest. It should be extremely concerning that the dearth of evidence, and specifically qualitative research evidence, that currently exists in the UK means that any research that

prioritises fines and related sanctions is almost guaranteed to offer new insights and avenues for development across the span of the topic. The operations of the criminal justice system at the levels where these types of punishment most often take place need to be exposed to a degree of scrutiny that allows for appropriate evaluation. The attention and input of academics, policy-makers, practitioners and the public is necessary to ensure that a common sense understanding of the fines efficiency and ubiquity does not obscure the realities of its place in the criminal justice system and its use and impacts on those experiencing financial punishment.

It is important to begin to ask bigger questions about where financial punishments might fit into broader penal logics. Historical accounts have highlighted that the initial appeal of fines came from the notion that individuals received a punishment that allowed them to continue to participate in a market economy whilst alleviating any state responsibility for caring for these individuals or those around them (Faraldo-Cabana, 2017). The obvious lack of disciplinary function of financial punishment, as imagined in this dynamic and in the critiques of early philosophers and reformists (see *ibid*), begs the question – what is financial punishment for? Does it, for example, exemplify a managerial approach whereby punishment is primarily a risk reduction strategy targeted at specific groups (Feeley and Simon, 1992; Burnett and McNeill, 2005)? Considering the prevalence of financial punishment, it is worthwhile considering how large and diverse these groups might be and whether and how, as suggested in the international examples above, management is

<sup>1</sup> In Scotland, a major research project, Policing the Pandemic in Scotland, led by the University of Edinburgh Law School is investigating one of the largest and most up to date bodies of evidence concerning financial punishment in the UK. Policing the Pandemic is innovative as it will use both quantitative and qualitative data provided through access to criminal justice agencies and people who experienced Covid-19 FPNs.

converted into restrictive economic disadvantage. And what happens when financial punishment is integrated with ideas around the ways in which penal technologies might produce risk (Werth, 2019)? By theorising the function of financial punishment using empirical evidence from those subjected to it, rather than through abstracted concepts, we can begin to re-orientate models of punishment away from simplistic hierarchies.

Challenging the inherent legitimacy of financial punishment, only becomes possible through uncovering the unseen and underexplored dimensions of financial punishment, and making them relevant and accessible to a range of audiences. The suggestions and thinking offered here have been, in a large part, informed by the experiences and challenges of my ongoing PhD research project. They are influenced by a range of criminological and sociological perspectives, as well as interviews with practitioners and people who have experienced financial punishment in Scotland. But the ideas presented here reflect what has yet to emerge fully out of the academic, policy, and practice milieu that surrounds financial punishment.

Given the economic and social conditions facing the UK in this post-lockdown period, the deprivation of financial resources as a form of punishment needs careful reconsideration to establish to what extent it remains a rational and proportionate criminal justice response to low-level offending. This paper has shown that this process of evaluation will require both internal and external examination of the processes, operations, and

consequences of financial punishment. It will require innovation, insight, and access to spaces (both practical and conceptual) that have not always captured the criminological imagination as persuasively as they should. There is, inherent in the approach outlined here, a critical stance that pushes for the re-examination of models of punishment, of the boundaries that separate what is from what is not punishment, and a rejection of hierarchies of deprivation.

These are concerns that affect the study of punishment more broadly and, by attending to the neglect of financial punishment, there are tangible opportunities to generate more robust and relevant knowledge about the criminal justice system and about public and academic priorities in the generation of knowledge about punishment. The questions surrounding the reputation versus the reality of financial punishment force us to scrutinise the ideas about punishment that are being reproduced in academic work, in policy and practice, and in public attitudes. To avoid participating in discourses that allow punishment to continue to work in disadvantaging and damaging ways, the call to re-consider financial punishment rests on the argument that the 'unavoidable or obvious is all too often overlooked; but this does not imply anything in terms of its significance' (Young 1992, 432). It is time that we stopped allowing financial punishment to hide in plain sight and begin to uncover and articulate its significance to both criminology and, more importantly, the experience of living in an increasingly economically challenging reality.

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