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**Avigail:** Hi, I'm Avigail Oren.

**Lizzy:** And I'm Lizzy Ghedi-Ehrlich.

**Avigail:** And we are your hosts for Scholars Strategy Network's No Jargon. Every other week we discuss an American policy problem with one of the nation's top researchers without jargon.

**Lizzy:** And this policy problem, I would say, here on the sort of top 10 persistent policy problems that people talk about, is the incarceration system here in the States.

And what strikes me really about it is not just that this is such a persistent topic, that makes sense. We're talking about a huge system. We've got a federal system. We've got all these state-by-state differences. We've got just the physical feat of dealing with such a large amount of people.

There's all these moral issues that come into it on top of budget issues, logistical issues, legal issues, all those things. So unsurprising that this is a complex and oft talked about.

But the thing that is really noticeable is that we keep learning more and new things to put on that pile of complexity. I would think that we'd be maybe, we'd be done by now, but no.

**Avigail:** The conversation I have in this episode with our guest revealed to me a whole new layer of, to borrow the Gen Z slang, diabolical, quite diabolical extractive both financially and let's say energetically extractive practices that states are using with some of our most vulnerable populations in prison.

**Lizzy:** I feel like also as soon as I hear that, I hear other people saying, sure, our most vulnerable population, but it sounds like you're just, oh, the poor prisoners.

I feel like the conversation kind of often stops there. Oh, is it bad for people who did bad things, which is a whole other thing to unpack. But I find the lens of simply viewing it as maybe they did do bad things, we can determine what an appropriate punishment is.

But if there's all these hidden layers that we're not transparent about, that we're not accounting for when we talk about the costs of things, that just feels like something to remedy. And it doesn't have to even touch that moral space where we talk about, you know, what is criminality? Is this actually justice happening here?

I would appreciate just a fair bill, maybe at least.

**Avigail:** That's exactly the crux of this conversation is what do we consider to be just punishment and is our system actually reparative or not? So for this episode, I spoke with Brittany Friedman, who is an associate professor of sociology at the University of Southern California and an expert on politics, coverups, and the dark side of institutions. Here's our conversation.

Welcome to No Jargon, Professor Friedman.

**Brittany:** Thank you for having me. I appreciate it.

**Avigail:** I wanna start with a broader question. When most Americans are thinking about punishment in the criminal legal system, they're usually thinking about incarceration.

So time spent in jail or in prison, but your research is really about how money is such a major part of the criminal legal system. So how does it use fines, fees, and financial penalties at different stages of a person's contact with the system?

**Brittany:** It's really important to note that because the United States is a country where money is everything, right? We often say time is money.

Well, the same is true for the criminal legal system because the time spent behind bars, states, counties, and even like municipalities or cities, they charge people for that. And the reason being is it's this whole idea that the government and the Department of Corrections are providing care for you while you are detained or while you are sentenced, you know, for a lengthy stay in prison, perhaps.

The same goes for when you're arrested. So it's this idea of like, on the one hand, we know the truth, which is that when you're arrested, it's often extremely traumatic for people, right? You're, you're handcuffed, you're put into the back of a vehicle, and you're driven off to usually be booked in jail.

So what's important about that though, is that from the point of view of the government and government agencies, that's still considered care. So they charge you for that. And it's like, that's resources that taxpayers are paying, right? I'm using that language and it's actually on the legal books.

And so that's what really began to interest me is like, how do you reframe punishment and social control and coercion using this guise of care and rehabilitation? Because then you can actually monetize it and convince other lawmakers that this is something they should vote for to actually either reimburse the state, but in many instances, try to generate revenue for the state.

**Avigail:** Yeah, I think a lot of our listeners can relate to the anxiety of an unexpected bill or debt, but your research shows that these fines and fees that begin accruing as soon as you come into contact with the criminal legal system create these deeper and longer lasting consequences.

So can you talk about some of the ripple effects that people outside the system may not fully understand?

**Brittany:** Yeah. I mean, you know, I love that question because we can all— we can relate, right? Let's say a car breaks down and then you have this unexpected bill.

That's what happens for people who are incarcerated, let's say, you know, 5, 10, 15, even 20 years in prison. When they're getting out, perhaps the state learns that they have received money because one of their parents passed away. Maybe they inherited a house. These are common things.

And we think that they might be protected by wills, trusts, probate. No, you know, because on the books, the type of laws that my lab, the Captive Money Lab, studies, we're looking at laws in the civil legal system, which means that the state can intercept those assets and can garnish them similar to garnishing wages.

And so typically people do experience this as a surprise bill. What's really interesting though, is that most people that we have encountered in our research actually get this huge bill while incarcerated. So you could just imagine, right, being behind bars in a cage and then being told that you have to pay for it.

And something we've tried to do is really humanize that experience so that people who've never been incarcerated, you know, you can see in people's own words what that is like. And so on our current site, which is [captive.moneylab.org](http://captive.moneylab.org), when people go to the landing page, they will see copies of handwritten letters that people write, right?

Saying, you know, I didn't know that pulling teeth meant you were going to charge me for it in this way behind bars. I didn't know that, you know, even being here rotting in this cell, essentially, that you were charging me rent. People actually use the word rent to describe what's happening.

And what we've also seen is that families push back against this and incarcerated people push back. So it's not this one-dimensional story, right? Because people are like, oh, if it's care, let me actually do an accounting of how I cared for myself.

So we see people writing letters back to the court saying, these are all the things that I paid for, right? This is all the food that I paid for because my family put money on my books. And really, you know, just kind of like blowing up the entire state's narrative of like, they provided all this care and like comfort to people, you know?

And I think something that really resonates when I talk to just everyday people about this issue, I will say, you know, did you know that some lawmakers actually characterize prisons as hotel stays? And they use that language so that they can pass laws to charge people for it.

And they're like, mind blown. Right. Just like, what? A hotel stay? It's not a hotel stay. Like you just, you, even the average person knows that if they, even if they've never been in contact or experienced incarceration themselves.

**Avigail:** I want to go into the civil side that you cover in your most recent article because I read it and truly felt nauseated by some of the revelations about how that civil procedure is being used. Before we get to that, let's unpack what exactly pay-to-stay laws are and how the policy works.

**Brittany:** So within this realm of fines and fees and restitution, which constitute charges that are seeking to charge people at each point of the system, like we were talking about, there is what I would consider to be a fee that's one of the most nefarious, and that's pay to stay.

And so it's, it is the practice of charging people either specific costs for incarceration, like service costs, or what our lab mostly studies is charging people per diem, meaning, right, some states like Connecticut charging people up to \$250, just about, a day for their time behind bars.

So that's what we're interested in is how do you commodify incarceration? One of the first pieces we published on this actually was talking about how incarceration is this public commodity and that it's this notion of like a service that the state is providing.

And the reason we did that is because I think all of us, we understand conversations about welfare, for example, being a public service, being arguably a public commodity, right? Same thing for other, you know, civil services.

Well, what we found is that lawmakers in state legislatures that were debating whether or not to enact pay-to-stay bills, especially in the early '80s, '90s, as mass incarceration is taking off in the United States, that's the language they're using. That, like, this is a service.

I think it's nefarious when you compare it to other types of fines and fees or monetary sanctions because the language is— it's not just opaque, it's just the mere size of the bills that we're talking about. Like, we study people getting 6-figure bills for time that sometimes they haven't even served, right?

So some states like Florida, you could get a bill for your whole sentence. And it kind of just like defeats this whole argument of, oh, you're, you're actually reimbursing the state back, but then why are you charging people not for time served?

Why are you charging people by the sentence? Because that creates another incentive to give people longer sentences and charge them this daily rate.

So in our recent article, it's published by myself, April Fernandez, and Gabriella Kirk-Werner. And for my side of the article, I was interested in the intentionality of the legal actors.

I was finishing up my fellowship with the American Bar Foundation on access to justice. And one of the things I thought about during that time, it's like the legal actors in these civil lawsuits, when states are suing people to try to get the money back from a pay-to-stay bill, they are clearly intentionally trying to subvert even existing civil rights laws on the books.

Right. And that's what I became interested in, is almost like they're treating it like a game. Where they're just looking at incarcerated people as their opponent to beat. It has nothing to do with fairness, equality before the law, nothing like that.

**Avigail:** It's like—

**Brittany:** It's just like no-holds-barred. And then April, her aspect that she was most interested in was the most vulnerable within these lawsuit cases. And as we're going through it, April discovered a pattern of targeting people with disabilities. A whole range of disabilities.

And so that really mapped on nicely, like our ways of thinking about this intentionality on the one hand and treating incarcerated people as these opponents to defeat and then targeting the most vulnerable because you know that it is, it's the most difficult for them to actually fight back.

And that's how we ended up with this article in *Social Problems*. And I formulated this term civil lawfare. To pull from the legal literature on lawfare, right? Where we know how governments in particular militaries, that's how it's traditionally used. They engage in warfare using the law, which is why it's called lawfare.

So I like the term, but in the civil system, right, we see this, right? Not just with pay to stay. I wanted to argue, you also see it in terms of civil asset forfeiture, I would argue is another example of civil lawfare where you are literally wheeling and dealing and seizing people's assets in perpetuity, using the civil legal system and doing it to transfer resources to a government agency.

And I think that that article, I'm not surprised that it would make you nauseous. I think it makes people sick when they read it because on the one hand, that practice alone of doing that and in that way of degrading people is horrendous.

And like to give an example for people, you know, one of the men in the suit, he doesn't have an attorney, which is common in our lawsuit cases. And He's being represented by a fellow incarcerated man who takes his case, and he's a jailhouse attorney, takes his case, and he's using the law library to the best of his ability, even though, as we show in that article, correctional officers and the prison is actually thwarting people by, like, denying them access to even just, like, a prison law library to try to respond to the case.

His client that he's representing, he's unable to speak, and he's mute. And he's mumbling and he's like, clearly has no idea what's going on. And that's not the only one in the article, right? There's numerous instances where we show that.

And I think another thing that we show that's important is even just the vindictiveness of the state, right? We show an example of a man whose disability was caused by law enforcement. So he sues and wins a personal injury suit.

Then he's countersued, which we would argue is an act of vengeance. He's countersued by the state for his pay-to-stay bill to seize his disability winnings in the lawsuit. And the winnings are—he was using them to help provide care for himself while behind bars.

We wanted to really show the lengths that governments will go to in the United States, state governments. For what? Is it even punishment?

**Avigail:** Can you explain the difference between the criminal legal system and the civil system and how one can get involved in both, maybe not simultaneously, but subsequently?

**Brittany:** I think this is such an important question, especially in this moment of confinement. And the reason I say confinement is because confinement broadly encompasses juvenile halls, encompasses prisons, it encompasses jails, immigration detention, all the ways that someone can be confined.

And the criminal side of that, right? The criminal legal system is explicitly designed toward punishment and to inflict a criminal punishment or a criminal label onto someone that is convicted.

And as we know, right, in research, you don't have to be convicted to have the criminal label applied to you because you can be held because you can't afford bail, right? Cash bail systems.

So the criminal system is very much the type of legal system that people are thinking about when they think about the law. People are often thinking about criminal law, or they might even watch television shows or movies where they see like prosecutors, right? That is the criminal legal system.

That deals with all of those aspects of policing and prisons and jails.

But when it comes to the civil legal system, one of the main ways to differentiate them, right, is that the civil system can encompass a whole range outside of that. So we're talking about family law, immigration law, we are talking about personal injury.

So these are other ways that people interact with the legal system every single day, right? Many people when you put it that way, they're like, oh, I interact with the civil system in many ways, or even, right, evictions, housing law, like the civil system is huge.

And what's important about the civil system is that in a civil legal case, like if someone gets sued, it's one of the most common ways that people interact with the civil system in the US, just because the United States is litigious or otherwise likes to litigate.

So in that system, right, you're not guaranteed an attorney. It's why the, you know, the civil legal system, it just explicit— the criminal system too, but the civil system explicitly benefits those with resources, right? The wealthy, the upper classes or middle and upper middle classes.

So what's interesting about that is that as tough on crime legislation, as moral panics around crime and public safety really took off in the '60s, '70s, like post-civil rights era, like '80s, You know, you see this influx of legislation in the criminal system that expands our population of people that are under correctional custody, right? That are under confinement, but on the criminal side.

What's important about that is that many states realize, even the federal government, like, this is expensive. We can all picture, like, or even if you can't picture it, I encourage people to go on YouTube and just like look up like Nixon speeches, right? Or Reagan speeches. Really driving this like war on crime, war on drugs narrative.

And it's like, yeah, that you want to do that, but that's expensive, right? If you actually want to go down that path. And that's what lawmakers realize. And that's what my research lab was interested in.

How do lawmakers, when do they like realize that it's expensive? And we found that for many states it is in the early '80s, but some wait until the '90s when they have like extreme budget crises, but they start realizing, oh, this is costly.

It's costly to be punitive. It's costly to be horrendous. I would argue it's costly to be evil, but that's a different conversation.

So, you know, they realize this and then they decide, okay, we're going to expand the civil system because the civil system also importantly deals with money, right? Like, as I was saying earlier, getting sued, personal injury, probate, these deal with settlements and money.

So what they decide is to expand within the civil system what and how you can collect with regard to the cost of incarceration, the cost of, uh, just running the system, right? Of hiring more police, hiring more clerks, hiring more of everybody.

And so this is where you get, like, little fees tacked on to every single point of contact in the criminal system. But these fees are technically, like, recoupable, meaning they can go after you for them in the civil system because they're dealing with money.

And if they can use the civil system, that means that they can sue you, which is what we see typically because we're talking about huge bills. They may not sue you, but they can garnish your wages using the civil system because it's money.

A common one is tacking on interest. So that's what gets a lot of people is that many people cannot pay a bill that comes out of nowhere. They can't pay this unexpected expense.

And so a lot of people will, if they can, turn to credit. That's dwindling right as we speak in this country, or already has dwindled. Or people rely on friends and family or their broader network.

And if they still can't, if they still have a balance, let's say they got \$200 fine, they still have a balance and it's only \$50, but come 90 days, that \$50 is going to be hit with compounding interest from then on out. And nobody likes compounding interest. It's like an ugly beast.

And so that is where the civil system really has its hooks in the criminal legal system in ways that, to use the word nefarious again, because you're not guaranteed an attorney. It has all these consequences on your finances where if you don't pay, maybe you don't get sued, but it goes on your credit report if you're late.

It can prevent you from doing a whole host of other things, like buying a home, like getting approved for loans of all kinds. That's the part that I think that people don't really see, right?

We just think about incarceration. We just think about jails and courts, but that, like, underbelly that the civil legal system has created is so important and so key in terms of entrapping people in cycles of poverty and debt and being unable to actually reenter society.

**Avigail:** I want to come back to the article and the specific vulnerabilities that you discuss. But before coming back to that, I think this is actually a great moment to segue to the argument in your book. So last year in 2025, you published *Carceral Apartheid*, and similarly to your work on pay-to-stay fees, in that work, you make the case for how the legal system is intentionally constructed to achieve certain political and economic objectives. Why did you choose the term apartheid and what are the historical resonances that we're continuing to see in today's US criminal legal system?

**Brittany:** So the reason I chose the term apartheid is because historically we think about apartheid as racial and ethnic division, right? That is intentionally structured through the legal system. And it's also structured through informal systems of control as well. And upheld through not just the law, but through the violent enforcement of the law.

And what I noted as I was, you know, a student researching apartheid in the United States, apartheid globally, is I saw a common pattern of like, of how the criminal legal system and how criminalizing populations that governments would like to either dispose of would like to hide or would like to just keep segregated into particular, like, clusters within their nation-state, you can't do that without attaching criminal labels, often criminalizing political action against the government for its heinous actions, and conflating politics and criminality in that way allows you to even further segregate undesirable populations and also do so not just with the criminal label, but using science or pseudoscience to also justify their denigration and dehumanization and as being less than.

And really, I, as I was thinking about it, I was like, I have to bring in really this strong discussion of the rise of the carceral state when talking about apartheid, which is why I came up with the

term carceral apartheid, but then I was like, I have to situate this in the why, like, why do this? Why put all these resources into doing this?

Well, you know, I was a history major in undergrad before I ever became a sociologist. And I was like, well, I studied colonialism extensively as a history student. And now I understand, I understand the reasons of why even go through all the trouble. Why would one want to, you know, erase whole populations or divide them and keep them separate and using all these justifications? And also often doing it in ways that are clandestine and sometimes hard to see.

And then kind of getting to that point, that's when I became interested in proving intentionality, because that was some of the biggest pushback I got in, you know, my field. And, you know, I didn't get pushback in the community, right? When you're giving talks in the community, people are like, yeah, I know, I can see it in their eyes. They're like, I know. They're like, or in my experience, like, I, I know it was intentional. But when you're talking to a bunch of other scholars, they're like, yeah, but it could be collateral, right? It could be collateral.

It could be, you know, there's a lot of really brilliant work that does show that, you know, you don't have to be overtly racist, for example, or overtly xenophobic to actually cause extremely harmful outcomes. The same is the case too when we're thinking about mass incarceration, right? It's both. It's not just the overt hostility that's fueling it. And that's true.

And I, I agree with that literature, but what I was interested in is what about the backroom conversations? What about, you know, the emails we never see? If we go farther back in history, what about the letters and the memos and like the notes and things that actually kind of show you the behind the scenes data of a topic versus like often sociologists are just observing what is easily visible.

So that's why I was determined to become an expert on hidden populations, which is like trying to actually find populations that are not easily observable or that for good reason hide themselves from everyday view. And I also wanted to do the same with, with research data in terms of like conducting interviews with those populations, but then doing archival work and trying to see if I could find those like like obscure memos and letters and the types of things that you would typically see in like investigative journalism when they're trying to like show that the narrative that we're given is not the only part of the story.

And I found that when it comes to carceral apartheid, which I talk about as a governing strategy of dividing people, of criminalizing undesirable populations, of using like political warfare to extract resources and then often doing it in many secret ways. And then on the other hand, employing this whole like extralegal aspect, which just literally means like, for example, doing things like torture or like aligning with like civilians to do dirty work for the government that requires just a whole new lens. And it requires you to be open to like really seeking. Like being a true seeker, like you're seeking knowledge in ways that sociologists don't often have to do.

So that's kind of how I got here with my book. It's like, I wanted to understand that. And that led me to studying California because it was just kind of just this unfolding, right? Like it was true grounded work where everything was emerging in real time as I was collecting data and

understanding. It wasn't like I superimposed it, right? Like I had no idea I was going to end up here. Where I ended up.

**Avigail:** Yeah. So when you look at the framework of carceral apartheid in your book, to me, there's like a very clear through line, a very logical progression to then understand these fines and fees, like pay to stay laws, as a way of socially controlling people through poverty.

So to come back to the article, which really ties very clearly to your concern about intentionality, you and your co-authors really show this intentional testing of this civil lawfare approach on a population that really cannot resist its force.

So you notice a pattern of state attorneys general going after disabled incarcerated individuals who have in some way amassed some kind of assets. And what, like, just sent me was how often these assets were, as you mentioned, settlements that they received because of disabilities that they acquired as a result of their contact with the criminal legal system.

And that compounding injustice, I mean, already, I think we, what we haven't really talked about is the fact that the sentence, the punishment intended for a crime is the incarceration itself, then the monetary sanction is being like piled on that.

And then this civil recapture so often involves a freeze on those assets so that people cannot hire a lawyer to defend their assets. Feels to me at least like a third level or a third infliction of punishment.

And as you sort of began with, it's all draped in a language of care and not using, you know, punitive language.

**Brittany:** I think that you really, really connected all of those points so well because I think that's what's scary.

The scary part is that if you look at historically and in the contemporary, the most heinous acts of violence that we've seen on a mass collective scale — we can include mass incarceration in that — they take place under the guise of helping someone or trying to perform safety for another at the expense of someone else.

And it's like these using these euphemisms and these guises of like keeping people safe. It's very dystopian, but the reason why people love dystopian literature, films, and TV shows is because it does tap into something in their psyche that they understand to be true in a way that feels safe for them. They can consume it in that way, right?

I think of the recent film, I think it's on Netflix, called *The Mercy Court*, where the police officer who was a champion — he's a — I won't spoil it. I will simply say what's in the bio of it, but it's like, he's a champion for this use of an AI court that is supposed to have like less than 1% error rate in terms of making decisions and making judgments.

And when people are judged, right, they are often sentenced to death. That moment in the chair they're being held in. And he's a champion for it until he finds himself in that chair and he can't remember how he got there.

And he has to— he's on the clock because you have to defend yourself on this clock because the court has to be efficient. And I think that the reason why that film recently has resonated with so many people is because people understand that someone doesn't often outright say, like, I'm going to— or a government doesn't say, I'm going to kill everyone.

It will say certain people need readjustment, certain people need certain testing so that we can see if they need further programming or further assistance. And, um, we need to, you know, cloister them in containment units perhaps so that we can fix them.

So what I just said applies to places like asylums where historically we have put women, people of color, people that are LGBTQI, right? Historically. And that's why some of the most, I think, disturbing horror films, they use that trope, right, of someone being taken away because they're deemed hysterical.

The reason why that also ties into my research lab in my book is because, going back to the point of when people are having their entire life savings — that of their entire family too, because we have cases of people where their siblings are writing to the court saying, "That's our inheritance from our parents," and it was in our sibling's account.

And if we knew, we wouldn't have put the money in their account if we knew this law existed. It's just like seizing people's lives, right? Their entire futures under the guise of saying, oh, well, administratively, we can see on the books you're not guaranteed an attorney, and we can see here that you do owe us this, don't you?

Because you have been here for this many days and this is what it says on the books. That's exactly how the mercy judge talks to the officer when he's in the chair and he's like, I don't know why I'm here. And she's like, well, these are the facts and this is this and this.

And she's supposed to be completely logical and unemotional. And that's how the worst violence is done. Similarly, in my book, I have a chapter on the Adjustment Center, Chapter 2, where I show kind of like, what does it look like when governments actually do the disappearing that I'm talking about historically in apartheid regimes, but in prisons?

Like, what happens once you finally get there and you're, you're put there? And I show how people are labeled, for example, as maybe a behavioral problem, but your behavioral problem was that you were reading a newspaper that was talking about Martin Luther King.

So you're seen as a behavioral problem. So you're sequestered away for mental testing, and then you could be experimented on. You could be— a whole host of things can happen to you, which I show in the book. And it's all done under this guise of like science and care and like making the world a better place.

And that kind of ties into the next project I'm working on right now. My, my next book is really kind of looking at that. And I'm, I will be happy when it's out because I try to look at that framing across spheres to show that it's like, not just in the criminal legal system.

But to show like, it's, I would argue it's everywhere, but I won't make that broad claim here yet until people read that book. But I try to show it, you know, in families, in educational spheres, just like seeing like, how is that type of language used to like utterly destroy people and destroy humanity and keep people, what I would say, keep people asleep because it feels like you're being helped, but you're actually being ripped to shreds.

**Avigail:** Yeah, absolutely. So to conclude, since 2019, we have seen a number of states and localities, including some with strong Republican majorities, pass reforms that reduce or eliminate criminal legal fines and fees. So for example, between 2023 and 2025, the Oklahoma legislature passed 4 separate bills that decreased various criminal legal fines and fees. What do you think has driven this recent wave of reform?

**Brittany:** Often, they realize that it actually doesn't make any money. All of these bills that they pass to legislation, right, to enact a myriad of fines and fees and in all of these like civil penalties, it doesn't make any money back for the state agency in the way that they thought.

My research lab studied this with regard to the state of Illinois. We used Illinois as a case study to understand why they were one of the first states in the United States in 2019 to pass successfully, after many years of advocacy, they passed a repeal of prison pay-to-stay that completely repealed it at the prison level. And what we found was, you know, there was like coalitions pushing and they were really, you know, strategic in terms of the narrative because it really was this kind of like coming together of different viewpoints that led to the same thing, which is we have to repeal it.

On the one hand, you have this contingent of people who are saying morally this is wrong. And you have journalists at the *Chicago Tribune* really like highlighting the human toll of prison pay-to-stay and lawsuits and leaving people destitute. And they highlight one case in particular that just like sends people in Illinois just like seething when they read the story and the series of exposés they put out.

But then on the other hand, you have a, you know, a contingent that's like, Okay. Even if the moral argument doesn't move you, let's just look at the numbers. Let's do a cost-benefit analysis and see, are you actually making money back? Are we saving taxpayer money? The answer is no. You're actually costing taxpayer money, right? You're costing money because you're suing people for six figures, spending all these state resources with personnel to go after them.

And you're getting like a minuscule, like, and I, when I say pennies, it's just like in comparison to suing someone for \$200,000. And let's say you were able to get back like maybe \$10,000, but then you add on to that, like, the personnel cost, it supersedes that. So then you're in the hole.

And that's why with Illinois, they really had this, like, bipartisan support where those two arguments are resonating on both sides in different ways. It gets vetoed in 2016, actually, by the Republican governor Bruce Rauner. He vetoes it and he, like, kind of, like, digs his heels in with

the tough-on-crime narrative. And he's like, we need this to, like, hold people accountable. And then he loses favor.

And then Pritzker's elected, same bill essentially moves on through and then Pritzker signs it once it passes again. And so I think that pattern without, you know, examining in depth those other states, I think that that would be my hypothesis is that based on my prior research, right, we've probably got some contingents that could be coalitions of a variety of different types of actors that are putting forth this fiscal argument because the moral argument has been there for a long time.

And I think that when fiscal argument is coming through, it's like, even people that do not care about mass incarceration are like, well, I do care if I'm seen to be overspending taxpayer money. So I don't want to vote no. Cause that, that's like how you could frame it. Cause actually it is true.

I, that's what I think this current trend is about, especially in this like political moment. I think the fiscal argument, it is the argument that is allowing certain states to scale back mass incarceration era policies in certain ways.

**Avigail:** Yeah, well, I mean, if we get the moral outcome, I guess we should be happy that there's a fiscal argument. I share with you some grief that people, you know, need the fiscal argument and don't just see the moral one. But I do share some optimism that this will be the trend going forward. Professor Friedman, thank you again for coming on No Jargon.

**Brittany:** Thank you so much for having me. This has been a wonderful conversation.

**Avigail:** And thanks for listening. For more on Professor Friedman's work, check out our show notes at [scholars.org/nojargon](https://scholars.org/nojargon).

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