A Revised Framework for Efficiency Reform Research: Reflections from the lower criminal court literature of England and Wales.

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Abstract

This article presents a theoretical framework to aid researchers in navigating the efficiency-oriented criminal justice reform literature. The current article centres on the influential English and Welsh lower criminal court efficiency reform-oriented reports of Le Vay (1989), Auld (2001) and Leveson (2015). In doing so, this work demonstrates that, historically, the literature has provided accounts of efficiency that have often been ambiguous and conflictual. As a result, it is often difficult to understand what efficiency advocates are advocating for and what efficiency critics are critical of. In view of these influential reports and other more contemporary supplementary works, this article critically discusses the theoretical contributions of Chase (1938), Packer (1968) and Macdonald (2008). The result is that the present work provides readers with a revised typological research framework for navigating the often-confusing efficiency-oriented criminal justice literature. The framework organises efficiency constructions into four types: (i) referent-based, (ii) normative, (iii) ideal-type, and (iv) high-order abstractions. Whereas the first three types are useful for policy reform research, researchers should avoid conceptualisations of efficiency that match the fourth construction type, high-order abstractions. This work concludes by arguing that researchers beyond socio-legal studies and criminology could adapt the revised framework for analysing a range of social value-based reform ideas.

1. Introduction

The aim of this paper is to offer policy reform researchers a framework for effectively thinking about and implementing the concept of efficiency within the criminal justice system. The central problem that this paper concerns itself with is that the literature, both historic and contemporary, has often used the word 'efficiency' in an ambiguous or conflictual manner that brings into question thinkers' arguments. Pivaty and Johnston (2023: 14-15) have similarly expressed concern regarding the problematic undertheorising of efficiency in the literature:

> "On a general note, we observe that the concepts of 'efficiency' or 'effectiveness' as an underlying goal of criminal justice are incredibly complex and

> undertheorised. The discourse of 'efficiency' may include different, and sometimes conflicting underlying ideas […] more research is needed into the meanings attached to 'efficiency,' 'effectiveness' and related goals and values in criminal justice by different actors and in different contexts, and into whether and how these aspirations are translated into practice".

While Pivaty and Johnston (2023) have focused on largely contemporary works, the present article demonstrates that the problem they are commenting upon has been historic. Often unknowingly, thinkers have advocated for multiple and often incompatible accounts of efficiency within their own works - for example, see the discussion of Packer (1968) and Le Vay (1989) in Section 3. At other times, separate criminal justice thinkers have established themselves as an advocate for efficiency or inefficiency and yet, these seemingly opposing thinkers support indistinguishable policy changes - for example, see the discussion of Marsh (2016) and Farrington (2016) in Section 3. Certainly, as Pivaty and Johnston (2023) indicate above, this level of complexity makes navigating the criminal justice efficiency reform literature a difficult task. This undertheorising of how to use the term efficiency obstructs the development of fruitful policy reforms. The purpose of this paper is to aid socio-legal thinkers by offering them a framework that can help situate and evaluate different constructions of efficiency and ultimately, to aid researchers in forming more coherent efficiency-reform ideas.

Rephrased, the heart of this article's argument is that efficiency researchers should use the framework presented here to improve the quality of criminal justice efficiency reform discussions. In support of this overarching argument, Section 2 establishes the context of the article by describing the rise of managerial efficiency from the 1980s in the English and Welsh criminal justice system; this is necessary as it provides the foundation for a deeper analysis of how policy thinkers have problematically conceptualised efficiency for reform ends. Section 3 builds from this context to establish that historically, key criminal justice thinkers such as Packer (1968), Le Vay (1989), Auld (2001), and Leveson (2015) have used the term efficiency in ambiguous and often conflictual ways. Section 4 then explains Macdonald's (2008) research framework, emphasising its useful aspects for navigating the efficiency-focused literature. Section 5 then critiques and revises Macdonald's (2008) work, drawing upon some of the useful aspects of Chase's (1938) work. In this way, Sections 3 through 5 serve to justify the current article's argument that a new framework would be useful for efficiency-focused policy reform thinkers: there has been a persistent, historic problem in the literature regarding how thinkers conceptualise and communicate efficiency reform ideas. Section 5 concludes by articulating a new, revised framework for future criminal justice efficiency-oriented research. Section 6 then offers some reflections from the authors, emphasising the imperfect-but-useful nature of this article's

revised framework. Lastly, Section 7 summarises the key contribution of the article: that its framework can aid policy reform thinkers by helping them to navigate (situate and evaluate) the criminal justice literature's often irreconcilable accounts of efficiency.

Whilst this article is interested in efficiency in the criminal justice system in a broad sense, it focuses its discussion on the lower criminal court literature of England and Wales. The researchers' specialist area of knowledge motivates this narrowing of the literature. This narrowing of focus also serves the paper pragmatically; an analysis of all the efficiency literature regarding the criminal justice system (even if just limited to the UK) would be a project outside the scope of an article of this size. At the same time, the present work argues that researchers can learn lessons from the English and Welsh lower criminal court literature that are transferable to other criminal justice sectors. Certainly, domestic criminal justice processes typically rely on the overlapping contributions of many services including the police, the courts, the prison service, and the probation service amongst others. To this end, when this article discusses the 'criminal justice literature', it does so while largely focusing on the lower criminal court literature of England and Wales but this has some transferable relevance to other criminal justice sectors, including potentially outside the UK. Rephrased, the present article offers readers efficiency-related insights that may be applicable to their own specialised criminal justice context; the insights offered here are not necessarily limited to the lower criminal court process of England and Wales.

2. The Rise of Managerial Efficiency

After reviewing the rise of neoliberalism and New Public Management in England and Wales since the 1980s, this section explains how thinkers have contested managerialism's prioritisation of efficiency over other traditional justice values (such as accessibility, openness, and fairness). This context is important because it emphasises the centrality of efficiency in the English and Welsh criminal justice literature for at least the prior 40 years. Certainly, thinkers have long contested whether efficiency supports or diminishes the concept of justice; it has been *the* focal point in the lower criminal court literature.

According to Bell (2011: 140), neoliberalism emerged in the 1980s when England and Wales (as well as other Western nations) embraced a more "laissez-faire", free-market-oriented approach to governing the public sector. In practical terms, the government oversaw the reallocation of work from the public sector to the private sector (Harvey, 2005; Wacquant, 2009). For example, see how in 1997

the private corporation G4S engaged in a Private Finance Initiative with the UK government to design, build and manage His Majesty's Prison Altcourse (Ludlow, 2015; Prison Reform Trust, 2005). As another example, see the probation service's introduction of Community Rehabilitation Companies that oversaw the management of low-level offenders in the 2010s (Deering and Feilzer, 2015). This ideological drive was motivated by the central belief that the "social good will be maximized by maximizing the reach and frequency of market transactions"; this drive also encompassed bringing "all human action into the domain of the market" (Harvey, 2005: 3). Within this broad ideological shift, the style of management within remaining public services also shifted, taking on more business-like characteristics. The literature refers to this narrower shift within public services as New Public Management (hereafter NPM) (see Hood, 1991; Hood and Scott, 1996; Walsh, 1995).

This NPM shift in England and Wales emphasised that the concept of efficiency should feature more prominently in the running of public services, rendering them more business-like. From the 1980s onwards, the UK Prime Minister Margaret Thatcher (1984: online) emphasised the importance of efficiency in running public services, claiming that "we need more of it" and that "efficiency is not the enemy". Thatcher's opposition leader, Neil Kinnock, similarly upheld support for the concept of efficiency, stating simply that "Justice and efficiency - the two go together" (1988: online). The formation of Thatcher's 'efficiency units' in the 1980s (see Haddon, 2012: 6) and Tony Blair's continued focus on efficiency policy reform from the late 1990s through the 2000s (in Dillow, 2007) demonstrate the widespread political acceptance of efficiency in the reform of public services. The framing of efficiency as normatively good continued under Prime Minister David Cameron's stewardship (2015: online); he argued that efficiency was integral for a 'smarter state'. Evidently, since the rise of NPM in the 1980s, a consistent political drive for greater efficiency has defined the UK government's administration of public services.

The value of efficiency was particularly prominent in terms of how NPM was applied to the reform of the lower criminal courts of England and Wales. Since the 1980s, a range of government-sponsored reports have argued that efficiency is a foundational value that substantiates the criminal courts' delivery of justice. As Le Vay (1989: 39) has argued, "the courts need to be efficiently run if they are to dispense justice". This is a sentiment similarly repeated by Auld (2001: 10): "the fundamental principles of a good system are that it should be just and efficient". Similarly, the Runciman report (1993), the Ministry of Justice's 2012 white paper, '*Swift and Sure Justice*', and Leveson's 2015 '*Review of Efficiency in Criminal Proceedings*' all endorse a pro-efficiency stance. All of these reports advocate for the centrality of efficiency in the courts' delivery of summary justice.

Yet, other thinkers have argued that the emphasis on managerial efficiency in the criminal justice system has degraded the quality of justice in the criminal courts. Moore (2001: 33) is perhaps the most direct thinker who occupies this position; they have argued that the "quality of justice is being eroded by the drive towards managerial efficiency". Meanwhile, Rhodes (1996: 652) described NPM's emphasis on efficiency as the "hollowing out" of state services (similarly argued in Deering and Feilzer, 2018; Nicklas-Carter, 2019). Lastly, Bohm (2006: 127) and Ritzer (1993: 36) have framed the modern criminal justice system as delivering "McJustice", likening it to the efficiency-driven model of McDonald's restaurants. They have asserted that the primary benefit of a McDonaldised justice system is its efficiency and swiftness, with little to offer beyond that (Bohm, 2006: 127; Ritzer, 1993; see also Robinson, Priede, Farrall, Shapland, and McNeill, 2013). These thinkers highlight that when the criminal justice system prioritises efficiency over traditional values such as accessibility, openness, and impartiality, the overall quality of justice declines (also see Spigelman, 2001; Raine and Willson, 1995, 1997, 2001; Yates, 2024). This critique points to a significant volume of opposition against the prioritisation of efficiency in shaping criminal justice policies.

In summary, since the 1980s, the issue of efficiency has been pivotal in the criminal justice literature. Typically, academics and non-government sponsored reports have provided critical accounts of efficiency reform, emphasising how a drive towards efficiency has the capacity to significantly erode the quality of justice. Central to this concern is that traditional values such as accessibility, verdict accuracy and fairness are being deprioritised in favour of cost-savings, waste-mitigation and speediness. Meanwhile, efficiency reform advocates have emphasised the managerial benefits, often arguing that wider normative and moral concerns do not need to be deprioritised. This debate underscores the importance of clearly defining what efficiency means. Indeed, a lack of communicative clarity may result in policy reformers not fully understanding the risks or benefits of a given efficiency idea. The following section demonstrates how key thinkers in the literature often provide contradictory or unhelpfully ambiguous accounts of efficiency which obstruct the development of useful policy reforms.

3. Efficiency's Conflicting Conceptualisations

The efficiency-related criminal justice policy reform literature is particularly difficult to navigate because it often offers ambiguous and conflicting accounts of what it means to be efficient. In support of this point, this section begins by explaining that although the government-sponsored reports of Le Vay (1989), Auld (2001) and Leveson (2015) have a pro-efficiency stance, their conceptualisations of

efficiency are in conflict. Following this, this section draws attention to how the typically critical academic literature similarly offers wide-ranging and differing accounts of efficiency. Lastly, this section demonstrates how thinkers such as Packer (1968) and Le Vay (1989) offer multiple irreconcilable conceptualisations of efficiency in their own work that they then use interchangeably. Taken together, these points provide evidence to support the claim that it is often unclear what efficiency advocates are attempting to achieve and what efficiency critics are critical of. More directly, this section establishes some of the key problematic issues that justify this paper's offering of a new framework for efficiency-focused policy reform research.

As established in the prior section, Le Vay (1989), Auld (2001) and Leveson (2015) have argued for greater efficiency in the English and Welsh criminal justice process. Yet, these thinkers' conceptualisations are conflictual, bringing into question what it means to argue for greater efficiency in the lower criminal courts. Auld (2001: 101) advocated for efficiency in the form of magistrates receiving greater training and enabling them to move beyond their local area: "there should be a ready mechanism for enabling them, when required, to sit in adjoining areas". Auld's (2001) efficiency proposal would have likely offended Le Vay (1989: 39), who argued that the magistrates' courts fundamentally rely on "the delivery of local, summary justice by local, lay people". Indeed, for Auld (2001), magistrates promote efficiency by working beyond their local area; and for Le Vay (1989), magistrates must retain their local focus as a prerequisite for efficiency. In terms of policy reform, therefore, these two pro-efficiency thinkers are at loggerheads.

Critics of the above assessment may argue that this observed discrepancy between the efficiency visions of Auld (2001) and Le Vay (1989) is not as fatal as suggested here. One could argue that as long as policy reform researchers share an overall vision of efficiency in terms of 'doing more with less', the *means* by which to achieve this vision are arbitrary, or at least a separate issue. The present work refutes this criticism because such means-based differences are the primary concern of policy reform work. Whilst it may be true that Auld (2001) and Le Vay (1989) share a broad conceptual vision of efficiency, if this results in conflicting directions for how to change real-world practices, this brings into question the usefulness of such an abstraction. It would, of course, be impossible to keep magistrates in their local areas whilst simultaneously reallocating magistrates to different regions. Consequently, in order to avoid frustrating policy reform overseers, researchers should be specific when it comes to defining the means (not just the abstract ends) of efficiency.

Further demonstrating this conflict, there is evidence to support the claim that Leveson's (2015) efficiency vision would offend both Auld (2001) and Le Vay (1989). Leveson (2015) proposed that

magistrates' courts (and particularly magistrates themselves) should process cases that are ordinarily disposed of in the Crown Courts. According to Leveson (2015), this would be for greater efficiency because it would lower the cost needed to dispose of cases, owing to the lower criminal courts' focus on speediness and use of volunteer judges (magistrates). In contrast to Leveson's (2015) vision, Auld's (2001: 280) conceptualisation of efficiency prioritised a new form of court specialisation, arguing that the government should establish a new middle-tier "District Court" which would sit between the magistrates' courts and Crown Court. Contrary to Leveson's (2015) position, Auld (2001: 114) was certain that "there should be no significant change in the balance of numbers of District Judges and magistrates, or in the relative volumes or nature of summary work assigned to each of them". Instead, Auld (2001) argued that the UK government should establish a new structure within the court system that allowed for more specialised and arguably appropriate time parameters and processes for judicial staff to dispose of cases. Again, there is a conflict here in the literature regarding what it means to be efficient in delivering criminal justice: Auld (2001) argued against the redistribution of work to the magistrates' courts, whereas Leveson (2015) was in favour of it. Meanwhile, Le Vay (1989) may well have protested Leveson's (2015) efficiency policy reform recommendation on the basis that it would further erode the lay status of magistrates by having them take on more cases, effectively making them case-hardened. In these few examples, it is notable how Le Vay (1989), Auld (2001) and Leveson's (2015) conceptualisations of what efficiency means are in conflict. This is despite all three thinkers being vocal efficiency advocates, each arguing that efficiency is normatively good and more of it should be a goal of reformers. Again, this draws policy reform thinkers' attention to the importance of detailing what it means (or should mean) for the courts to deliver efficient criminal justice.

The wider academic literature also offers varying, often conflictual accounts of efficiency. Marsh (2016: 51) has argued for reforms that challenge the "real inefficiencies" of the process, while criticising Leveson (2015) for undertheorising what it means to be inefficient. In this way, Marsh (2016) is an efficiency advocate but disagrees with Leveson (2015), who somewhat paradoxically also claims to be an efficiency advocate. Unlike Leveson (2015), Marsh (2016) has framed greater efficiency in the criminal justice process as being attached to more robust standards for ensuring accurate verdicts of guilt. Complicating matters further, Farrington (2016) has argued in favour of inefficiency. For Farrington (2016: 83), inefficiency is normatively good because it ensures that the courts can commit to "a proper judicial standard" which involves, in part, the costly but accurate allocation of guilty verdicts and the delivery of punishments. To this end, despite Farrington (2016) advocating for inefficiency, and Marsh (2016) advocating for efficiency, substantively these two thinkers are arguing for the same ends. Certainly, therefore, conceptualisations of efficiency are wide-ranging in the

criminal justice literature: advocacy for efficiency does not necessitate agreement on how practices should change or the ends that those practices should seek to achieve.

Thinkers also have conflicting, inconsistent conceptualisations of efficiency within their own work. For example, in some sections of Le Vay's (1989: 2, 31) paper, they argue that efficiency relies on the scrutiny of "the relationship of resources and work" and ultimately, efficiency equates to financial savings in "cost per case" terms. Yet, at other times, Le Vay (1989) has argued that in the interests of promoting greater efficiency, there should be substantially greater funding given to IT projects (the digitisation of court work), the hiring of more staff to prevent case delays, and the development of a costly national management agency. Under this latter conceptualisation, Le Vay (1989: 39) frames efficiency as dedicated to delay mitigation, restating the adage "justice delayed is justice denied". In Le Vay's (1989) work, therefore, efficiency simultaneously refers to cost-savings (which may generate delays) and delay mitigation (which will incur greater costs). Rephrased, Le Vay's 1989 work presents reformers with an inconsistent understanding of what it means to be efficient in the criminal justice process.

Critics may argue here that this is simply a misreading of Le Vay (1989), as overcoming delays and reducing running costs (costs per case) are compatible goals. Problematically, however, Le Vay (1989) does not establish when each conceptualisation of efficiency should be the priority when they inevitably come into conflict. Indeed, what is the criterion that renders spending sufficiently efficient? Le Vay (1989) was somewhat tacitly aware that his conceptualisation of efficiency was inconsistent: sometimes he equated efficiency to cost savings, other times he equated it to increased spending that results in a speedier or more modernised/digitised process; "improvements in efficiency are not invariably expressed in reduced spending" (Le Vay, 1989: 59). Again, therefore, this produces a difficult task for the policy reformer because it is unclear what efficiency means in the criminal justice process – what is the exact goal and means by which to achieve 'efficiency'? Le Vay's (1989) work forthrightly claims that it is specifically directed towards offering such policy reform ideas; therefore, it should be more exacting on this issue. Such ambiguity is problematic for mobilising real-world, concrete change.

Similarly, multiple distinct conceptualisations of efficiency emerge when examining Packer's (1968) work, and problematically, these conceptualisations often interchange. This is a point that is articulated in Macdonald's (2008) work. As Macdonald (2008: 26-28) demonstrates, Packer's (1968) framing of efficiency reflects three distinct forms: "investigative efficiency", "operational efficiency" and "deterrent efficacy". In greater detail, Macdonald (2008) argues that Packer (1968) sometimes uses the term efficiency in the sense that the police are reliable finders of truth (investigative

efficiency). Meanwhile, in other extracts, Packer (1968) uses the term efficiency to mean that the courts operate speedily when assigning verdicts of guilt and innocence (operational efficiency) (Macdonald, 2008). Finally, Macdonald (2008) argues that Packer (1968) sometimes uses the term efficiency to mean that a reliable criminal process can have a crime deterrent effect in society (deterrent efficacy). These varying conceptualisations become a problem when Packer (1968) uses the term 'efficiency' without explicit reference to what he means. It becomes unclear whether he is discussing police fact-finding, in-court speediness or a macro-level crime deterrent effect, or perhaps something else entirely when he discusses criminal justice efficiency. Consequently, the task of the policy reformer becomes difficult when Packer (1968) does not provide adequate concrete context regarding how he uses the term.

In summary, it is evident that whilst the issue of efficiency has occupied a significant portion of the historic criminal justice reform literature, there is conflict within this literature about what efficiency means (or should mean). This is despite some thinkers claiming to be united in either their advocacy or critical stance towards efficiency in the criminal justice process. Additionally, criminal justice reform thinkers (such as Le Vay, 1989, and Packer, 1968) have offered conflicting accounts of what efficiency means within their own work, adding an additional layer of confusion about what it is they are arguing for when speaking of efficiency reform. Collectively, this section has drawn attention to how there are complexities within the criminal justice efficiency reform literature which are a problem for policy reformers: conceptualisations of efficiency are often ambiguous and conflictual, across and within thinkers' works.

4. Applying Macdonald's (2008) Framework

Developing from the work of Packer (1968), this section argues that the work of Macdonald (2008) offers useful insights for situating and evaluating various (often ambiguous and conflictual) conceptualisations of efficiency that exist in the criminal justice process literature. This section supports this argument by first explaining Macdonald's (2008: 2) claim that "to adopt a simple yes/no approach to the different ways in which values are held, as Packer did, is inadequate" and that instead, researchers should adopt a multidimensional framework. Second, this section explains Macdonald's (2008) interpretation of Max Weber's work, and how criminal justice thinkers can understand accounts of efficiency as either non, weak, or strong ideal-types. These types aid readers in clarifying the various perspectives within the efficiency reform literature, ultimately drawing attention to how it is an oversimplification to frame this literature as representing two camps (those for efficiency and

those critical of efficiency). Certainly, it is better to view the conceptualisations of efficiency that are present in the literature as resembling a constellation of differing interpretations. Throughout, this section draws upon the ideas of thinkers discussed in Sections 2 and 3, demonstrating the merits of Macdonald's (2008) framework for navigating the contemporary efficiency-oriented policy reform literature. This is necessary for the subsequent section of this article which seeks to advance Macdonald's (2008) research framework.

To begin, it is necessary for researchers to accept a multidimensional framework in order to avoid making incorrect assumptions about how different values relate to each other. This is a point argued by Macdonald (2008) when criticising Packer's (1968) spectrum-based framework for understanding values in the criminal justice process. Indeed, Packer's framework problematically accepted that:

> "There are people who see the criminal process as essentially devoted to values of efficiency in the suppression of crime. There are others who see those values as subordinate to the protection of the individual in his confrontation with the state. A severe struggle over these conflicting values has been going on in the courts of this country for the last decade or more", (1968: 4).

To this end, Packer (1968) framed efficiency as being dichotomously opposed to civil protections. He later articulates this dichotomy of social values as the Crime Control and Due Process models of criminal justice. Macdonald (2008: 68) contested this framing, arguing that values do not exist on a spectrum of "polar opposites" and that it is a falsehood to believe that as "adherence to one set of values increases so adherence to the other set necessarily diminishes". Rather, Macdonald (2008) argued that social values (such as efficiency) are interpretative, and that values can be supportive of each other either because they are subjectively defined in an overlapping manner, or because the consequences of some contexts demand it. Efficiency and civil protection practices/processes do not necessarily have to be in competition or categorical. The merits of Macdonald's (2008) multidimensional framework can be further observed when examining the relationship between Packer's (1968) civil protection and efficiency values more closely. Consider, for example, how a policy reformer may eliminate some dubious fact-screening processes that occur in the criminal courts in order to reduce the state's capacity to commit abuses of power. Such a policy change would result in an unnecessary process (a dubious fact-screening process) being removed from the criminal court system, allowing for the swifter suppression of crime in society. In this example, efficiency gains are compatible with civil protection gains, the two values are not mutually exclusive as Packer's (1968) work suggests. To reiterate using the phraseology of Macdonald (2008: 19), "a simple yes/no approach

to the different ways in which values are held, as Packer did, is inadequate". As this demonstrates, Macdonald's (2008) multidimensional framing of values is superior to Packer's (1968).

Second, Macdonald (2008) offers a useful interpretation of Max Weber, specifically regarding how accounts of efficiency can be either non, weak, or strong ideal-types. As Macdonald (2008) explains, there is a distinction between a simple description of practice in a plain analytic sense (a non-ideal-type), a construct that is a prescription for what normatively ought or should be (a weak ideal-type) and finally, a purely logical theoretical construct which is useful for thought experimentation and exposition (a strong ideal-type). Before advancing further, it is necessary to explain these typologies in greater detail:

For Macdonald (2008: 77), a non-ideal-type is "a description of a particular strategy or approach (historical or proposed)". For example, Leveson (2015) describes the use of live link video conferencing technology as a means by which to promote greater efficiency because of how it can reduce the need for prisoners to travel to the courthouse. To this end, Leveson's (2015) video conferencing account matches the non-ideal-type because it serves as a description of what efficiency looks like in practical terms. This is perhaps the simplest of Macdonald's types; it refers to specific practices that could be interpreted as being for efficiency.

Meanwhile, Macdonald (2008: 77) frames a weak ideal-type as a construct that can be used as "a prescription of what ought to exist". This construction type is applicable to the latter half of Le Vay's (1989: 39) work, where they frame efficiency as "justice delayed is justice denied". This is a distinct type of conceptualisation because it relies on a normative claim: delays obstruct a good outcome (justice). As Le Vay expressed (1989: 39), "we firmly reject the proposition that there is something objectionable about bringing considerations of efficiency and effectiveness to bear on the running of courts". This conceptualisation moves beyond a simple description of what does or can exist, it argues instead for what should or ought to exist – it becomes a normative goal. This isolated, normative understanding of efficiency can be compared with that of Jones (1993). In this work, efficiency is framed as the technical relationship between a high rate of convictions compared to a low financial/administrative cost for a given courthouse (Jones, 1993). At the same time, Jones (1993: 19) clarifies that "it must be recognized that this search for efficiency may itself undercut substantive justice ends". For Jones (1993), normative claims are decoupled from plain, analytic efficiency constructions. There is a distinction then between descriptions of practice (the non-ideal-type) and claims about what is normatively desirable (the weak ideal-type).

Importantly, Macdonald (2008) emphasised that weak ideal-types require rationalisation, as it is on this basis that such conceptualisations are justified and can be contested. Indeed, it is on this rationalisation basis that policy reform researchers can criticise and disregard some conceptualisations of efficiency. With this framework, Le Vay's (1989) work can be criticised on the basis that they do not offer an in-depth explanation as to why justice delayed is justice denied, they simply assert it. This is in contrast to Herbert (in Ministry of Justice, 2012: 3) who also argued for greater efficiency in the criminal court context, stating the same adage, "justice delayed is justice denied". Unlike Le Vay (1989), Herbert (in Ministry of Justice, 2012: 3) offers an in-depth rationalisation for this claim, tethering speediness to the "interests of victims, witnesses and the public" and arguing that delays deny historic legislative directions enshrined in the Magna Carta. By applying Macdonald's (2008) framework, policy reform thinkers can disregard Le Vay's (1989) conceptualisation of efficiency whilst accepting Herbert's (in Ministry of Justice, 2012): Le Vay's account is comparatively under-rationalised and ultimately, is less able to stand up to critical scrutiny.

This weak ideal-type construction also helps clarify how thinkers such as Le Vay (1989), Auld (2001), Leveson (2015) and Marsh (2016) can all be advocates for efficiency but be in conflict about what this actually means in practice. Whilst all these thinkers offer arguments for greater efficiency in the criminal justice process, their justifications for this vary, often significantly. Le Vay (1989), for example, argues that preserving the laity and localness of magistrates is a normative goal of efficiency. Meanwhile, Marsh (2016) argues that preserving verdict accuracy is a normative goal of efficiency. Leveson (2015) on the other hand, emphasised that speediness and cost-savings ought to be the goal of efficiency reforms. From these varying normative accounts of efficiency (otherwise known as weak ideal-types), each thinker proceeds to develop equally varying real-world reform recommendations (otherwise known as non-ideal-types). In this way, Auld (2001), Leveson (2015) and Marsh (2016) are united only in a superficial sense as advocates for efficiency. Upon closer inspection, it becomes clear that their ideas of efficiency are distinct because of their equally distinct normative claims (their weak ideal-type constructions) and because of their differing practical real-world change recommendations (non-ideal-type constructions). Rephrased more simply, Macdonald's (2008) framework helps readers identify how the literature often uses the term efficiency in unique ways, rendering what it means to be an efficiency advocate as somewhat meaningless. Instead, Macdonald's (2008) framework suggests readers should focus on how writers use the term efficiency to signpost a normative end, and/or how writers use the term to describe a practice or process. This more sophisticated framework (compared to Packer, 1968) helps to clear the semantic confusion that surrounds the criminal justice efficiency literature.

Similarly, this framework provides greater clarity regarding the discrepancy between Marsh (2016) and Farrington (2016). To reiterate Section 3, Marsh (2016) is for efficiency, whereas Farrington (2016) is for inefficiency. Yet, these two thinkers both adopt similar normative accounts for what is desirable; namely, processes that ensure verdict accuracy. In this way, Marsh (2016) and Farrington (2016) are opposed only in a superficial sense: they agree on what is normatively desirable despite their framing of what is efficient/inefficient. Macdonald's framework is useful therefore because it allows readers to recognise that it is an oversimplification to frame the literature as resembling the two irreconcilable, dichotomous camps of efficiency reform advocates and efficiency reform critics (which Packer's 1968 framework encourages). Certainly, there is great variety regarding thinkers' normative constructions of efficiency as well as their visions for how such goals can be practised in real-world terms.

The final type that Macdonald offers is the strong ideal-type. This is a "purely logical" theoretical construct which offers a "one-sided accentuation of one or more points of view" (Macdonald, 2008: 16). As Weber explains, an ideal-type of this kind is a "mental construct [that] cannot be found empirically anywhere in reality" (in Macdonald, 2008: 46). This type of construction is exemplified in the aforementioned "investigative efficiency" (Macdonald, 2008: 26, see Section 3) because this construction relies on the police/prosecution being inerrant and infallible truth-seekers. This is, of course, an impossible reality. Whilst such strong ideal-type theoretical constructions are useful because they aid in thought experimentation and exposition, Macdonald (2008) contends that they cannot be used as policy reform recommendations because of their extreme impractical character.

In conclusion, the work of Macdonald (2008) is evidentially valuable because of how it helps researchers logically situate and evaluate different conceptualisations of efficiency within the criminal justice policy reform literature. Macdonald (2008) has provided a framework that differentiates between three constructions of efficiency (the non, weak and strong ideal-type), emphasising their different uses and their distinguishing criteria. These constructions show that viewing the literature as simply divided into proponents and critics of efficiency reform is an oversimplification. Instead, it is better to frame the literature as multidimensional: it offers various efficiency constructions that are either normative claims, descriptions of practice, or thought experiments. Collectively, Macdonald's (2008) framework forms a useful basis for navigating the criminal justice efficiency reform literature; however, as discussed in the next section, there is room for improvement here.

5. A Revised Framework for Policy Reform Researchers

This section revises Macdonald's (2008) conceptual framework to enable criminal justice thinkers to better navigate the efficiency reform literature. First, this section explains and then applies Chase's (1938) claim that abstractions can obstruct useful communication about real-world affairs, and subsequently, this section argues that Macdonald's framework should make use of a new construction type, the 'high-order abstraction'. Second, this section argues that Macdonald's (2008) framework would benefit from simplification, drawing attention to some of his unnecessary labelling choices. Third, this section argues that Macdonald's (2008) framework should be expanded to more explicitly integrate quantitative accounts of efficiency, enhancing his framework's explanatory power. In addressing these points, this section serves to finalise its justification argument for why a revised framework would be beneficial for efficiency-focused criminal justice researchers. Following this, this section offers a summarised table of its revised framework, demonstrating its ability to provide additional insight and clarity regarding seemingly irreconcilable accounts of efficiency that exist in the criminal justice literature. Collectively, and to reiterate, this section justifies and presents the article's key contribution to readers: an improved framework for efficiency-focused policy reform research.

To begin, Chase's (1938) work offers insights that can enhance Macdonald's original framework, specifically regarding how high-order abstractions can obstruct the development of clear policy reform recommendations. As Chase (1938: 6) explains, an abstraction refers to the labelling of "clusters and collections of things", with higher abstractions being "essences and qualities". Meanwhile, a referent is "an object or situation in the real world to which [a] word or label refers" (1938: 5). The distinction, therefore, is that abstractions are ambiguous and conceptual while referents are concrete and empirical. Chase (1938) argued that when writers use high-order abstractions (rather than referents) to explain other high-order abstractions, the actionable meaning of statements is problematically obscured. To this end, when the criminal justice literature offers a conception of efficiency without some connection to real-world situations or objects (a referent), the meaningfulness of this literature is significantly reduced for policy reform purposes; indeed, it is unclear how to implement a policy reform that makes use of such a vague conceptualisation of efficiency.

Chase's (1938) concerns regarding the action-undermining aspect of abstractions can be applied to Kinnock's (1988) use of efficiency (previously discussed in Section 2). In explaining what efficiency is, Kinnock recounts:

> "you can get some form of efficiency by ignoring social justice. You can say that you are slimming down, sharpening up, shaking out, and call it efficiency", (1988: online).

In this extract, it is unclear what 'social justice', 'slimming down', 'sharpening up' and 'shaking out' mean. These are abstractions that have unclear real-world referents. This ambiguity would not be problematic if these terms received expansion in the remainder of Kinnock's (1988) statements. Kinnock (1988), however, fails to do this. As a consequence, if readers are to acquire an understanding of Kinnock's 'efficiency', they must examine the wider historical and political context of Kinnock's (1988) statement, going beyond the text, and then make inferences of a sort that amounts to guesswork. To focus only on Kinnock's (1988) use of 'social justice' in the above extract, it is unknown whether he is referring to the establishment of increased human rights protections, positive action, anti-racism legislation or something else entirely. This example draws attention to how Chase's (1938) work can be used to enhance Macdonald's (2008) framework, by offering insight into how highly abstracted constructions of efficiency can be criticised for lacking clarity. High-order abstractions of this type obstruct effective communication about concrete, real-world affairs; and therefore, Macdonald's (2008) original framework should be expanded in order to help users identify such undesirable constructions of efficiency.

To use another more contemporary example, consider the problematic use of efficiency in the Justice and Home Affairs Committee's (JHAC) 2023 report. This work is particularly relevant to the focus of this article because of how it is specifically a policy reform recommendation document. Indeed, it should be exceptionally clear in its prescriptions of policy change. One of JHAC's (2023: 10) recommendations is as follows:

> "The imposition of rehabilitative requirements should be guided by the individual circumstances of the case so as to ensure maximum efficiency of sentences".

In this example extract, it is unclear what is meant by 'maximum efficiency of sentences'. It could mean the ability of a sentence to reduce reoffending, or it could mean to improve offenders' compliance rates with rehabilitative requirements, or it could mean to achieve cost-savings in delivering rehabilitative sentences, or something else entirely. It is unclear how efficiency is to be understood here even when read in the wider context of the document. The term is left unhelpfully abstract; it requires defining: what is the 'maximum efficiency' of a sentence?

This problem is demonstrated further when examining the Ministry of Justice's 2024 report that responded directly to JHAC's (2023) above policy reform recommendation, stating that:

> "We agree. The Probation Service seeks to ensure efficiency of sentences by both maximising use of court time and considering individual circumstances to recommend the most appropriate sentencing option(s) in PSRs [Pre-Sentence Reports]".

Here, the Ministry of Justice (2024) has imposed its own interpretation regarding what it means to be efficient, rendering the statement 'we agree' as somewhat meaningless. As it was unclear what the efficiency goal was of JHAC (2023), the Ministry of Justice (2024) cannot state that they agree with their recommendation in a meaningful sense. What has happened here is that the Ministry of Justice (2024) has offered their own account of what it means to be efficient, bringing into question the purpose of the JHAC (2023) making a policy reform recommendation.

Compounding the issue, the Ministry of Justice's 2024 report relies on abstractions to fully explain its interpretation of efficiency. For the Ministry of Justice (2024: 29), 'maximum efficiency' means to "maximising use of court time"; but what does this mean? Perhaps it means that probation officers should be stationed in the courthouse for the longest allowed time period, ensuring that they are available whenever they are needed. Or perhaps to 'maximise use of court time' means that more probation officers should be stationed in the courthouse, so that there is never an opportunity when a probation officer is unavailable. Or perhaps this phrase means that probation officers who are stationed in court should write as detailed reports as possible, in the time allotted to them as to better inform sentencers. Or again, it could be something else entirely. To restate, while the Ministry of Justice (2024) does attempt to link this reform recommendation to real-world, concrete practice (probation officers' use of Pre-Sentence Reports), it remains unclear what exactly efficiency means in this context. Despite attempting to rectify the ambiguity issues that are present in the JHAC (2023) report by offering their own more detailed account of what it means to achieve 'maximum efficiency', they have ultimately used one abstraction to explain another resulting in ineffective communication. Understandably, this form of vague, interpretative communication is unhelpful for effective policy reform because it is unclear how exactly practice should be improved.

Consequently, the present article argues that Macdonald's framework should be expanded to incorporate a new construction type, the 'high-order abstraction'. This follows in the prior discussion of Chase (1938) regarding how constructions of efficiency can have their meaning obscured by an over-reliance on abstract terms – as is the case with Kinnock (1988), JHAC (2023) and the Ministry of

Justice (2024). This type serves to warn researchers of undesirable constructions that are worthy of criticism, owing to their unhelpful ambiguity.

Second, Macdonald's (2008) typological framework can be simplified. As explained in the prior section, the non-ideal-type centres on "a description of a particular strategy or approach (historical or proposed)" (Macdonald, 2008: 77). This construction type is rephrased here as a 'referent-based construction' because it has more to do with the collection of descriptive labels of empirical, real-world things and situations (as described in Chase, 1938) than it does with the general concept of ideal-types. Certainly, it would be logical to label a type by what it is (based on referents), rather than what it is not (a non-ideal).

Advancing further, Macdonald's (2008) weak ideal-type could be improved. The distinguishing feature of this construction type is its normative grounding: it functions to make claims about what ought or ought not to be. This normative grounding is at odds with ideal-types as prescribed by Weber, as Macdonald (2008: 16) recognises himself, "[the ideal-type has] no connection at all with value-judgments, and it has nothing to do with any type of perfection other than a purely logical one". Therefore, a more indicative label for Macdonald's (2008) weak ideal-type construction would be the 'normative construction' type, signifying its grounding in claims of what ought to be. Macdonald's (2008: 67) remaining construction type, the "strong ideal-type", can therefore be relabelled simply as the 'ideal-type', thereby more accurately reflecting Weber's original phraseology without the addition of 'strong' – it is simply an ideal-type.

Third, Macdonald's (2008) framework can improve further by explicitly integrating quantitative (rather than just qualitative) constructions of efficiency. This process of applying numeric representation (measurement) to indicators (specific empirical observations) is known as operationalisation (also see operationalism discussed by Bridgman 1927; also see Coleman 2008; Bryman, 2021). This process allows abstract terms (such as efficiency) to gain quantitative meaning by becoming grounded in empirical, measurable parameters. For example, see Le Vay's (1989: 31) "cost per case" metric or Leveson's (2015: 20) discussion of "cracked" trials (the number of trials that do not go ahead as planned). In view of this, it is logical to group such quantitative accounts of efficiency in the aforementioned referent-based construction type as they hold a close relationship with concrete, real-world affairs. By adjusting Macdonald's (2008) original framework to explicitly incorporate such quantitative accounts of efficiency under the referent-based construction type, the utility of his work improves because it can encapsulate a wider range of efficiency constructions.

Taken together, these reconsidered types of efficiency construction (high-order abstractions, referent-based constructions, normative constructions and ideal-types) are better positioned to help readers because they more succinctly indicate their purpose and function compared to those offered in Macdonald's (2008) work. Rephrased, this typology draws upon a broader philosophical ground whilst also benefiting from being clearer: the labels of each type more effectively describe their function. To conclude this section, here is a summarised table of this article's framework which, to reiterate, has the purpose of aiding criminal justice researchers when navigating efficiency reform literature:

	What is it?	How might thinkers use it?	Example
Referent-based Constructions	A thinker creates a referent-based construction by describing actual or possible real-world practice. This involves detailing actionable situations including the people/objects within those situations in technical, concrete terms. Such constructions are empirical and can be qualitative (a description of practice) or quantitative (following the aforementioned operationalisation process).	Thinkers can use referent-based constructions to describe a prominent practice or a collection of practices that do or could exist in the real-world. The usefulness of such a construction can be to offer an overview of what current practices define the criminal justice system in a purely analytic sense. For policy reform purposes, thinkers can pair a referent-based construction with a normative construction, to propose what should be or what should not be. By itself, however, referent-based constructions cannot make such normative claims.	See Jones's (1993) account of efficiency. Here, efficiency is framed as the production of convictions at the lowest administrative and financial cost in a given courthouse. Whether this is normatively desirable is a separate issue. As Jones (1993: 195) emphasises, "it must be recognized that this search for efficiency may itself undercut substantive justice ends". Jones's account acts only as a description of what can be, not what ought to be.
Normative Constructions	A thinker creates a normative construction by offering a rationalisation that justifies what is or is not desirable. Wherever possible, a thinker's rationalisation should build directly upon concrete referents. The result is that abstractions are kept to a minimum and clarity of communication is preserved.	Policy reform researchers can use normative constructions as a general direction for policy reform, outlining what conceptually ought or ought not to be. Researchers can also compare and criticise normative constructions based on their rationalisations: whether they are substantively supported or not.	See Ward's (2014) account of efficiency. Here, Ward (2014: 14) argues that "efficiency within the criminal courts ought to be being based on the way people experience their passage through them". Ward (2014) supports this argument in part by explaining how court users (a concrete referent) are more likely to report a positive experience and subsequently take a positive view of the justice system if they feel listened to by court staff. This can have positive effects such as increased court user compliance with court orders. In this way, Ward (2014) offers a rationalisation of why this vision of efficiency is normatively desirable.

Ideal-Type Constructions	A thinker creates an ideal-type by taking a referent-based construction and accentuating select features and practices to their logical extremes. This is to the degree that it becomes non-implementable in practical terms.	Thinkers can use the ideal-type construction to aid in thought experimentation and exposition. From these thought experiment-based discussions, thinkers can develop ideas that may aid in the forming of normative rationalisations about how the criminal justice process should be. Thinkers cannot sensibly frame ideal-type constructions as a normative or directly-actionable policy reform goal because of their extreme theoretical, non-practical nature.	See Macdonald's (2008: 278) 'investigative efficiency', which presumes "the police/prosecutorial screening process is a perfectly reliable indicator of legal guilt". This construction is not implementable in practice but can be used for thought experimentation and exposition.
High-Order Abstractions	A thinker creates a high-order abstraction when they attempt to construct one of the other types listed here but they overuse abstract terms. This is to the degree that the thinker's account of efficiency is effectively meaningless. Such constructions require significant interpretation that amounts to guesswork before they can be implemented in practice.	The only use of this construction type is for criticism. This construction type is undesirable for policy reform research purposes because it relies too heavily on abstractions (rather than real-world specificities). It impedes meaningful discussions about real-world practicalities. A critic can use the label of 'high-order abstraction' to signpost that a particular construction is not useful for policy reform work.	See Kinnock's (1988) conceptualisation of efficiency. Here, efficiency is explained as relating to 'social justice', 'slimming down', 'sharpening up' and 'shaking out'. These terms are not explained in detail; they are left unexplained and overly abstract. The result is that Kinnock's account of efficiency does not convey practical, real-world meaning on its own terms. Certainly, readers would have to make significant inferences to extract such meaning. Also see JHAC (2023: 10) when discussing 'maximum efficiency'. In this case, while there is some relationship to the use of Pre-Sentence Reports (a referent), that relationship is not made clear. The result is that the phrase 'maximum efficiency' requires interpretation to give it actionable meaning, which equates to a form of guesswork. Constructions of this type are not useful for prescriptive efficiency reform.

Figure 1. A table to show a revised typological framework that integrates the theoretical contributions of Chase (1938), Packer (1968) and Macdonald (2008)

The above revised framework provides insight into seemingly irreconcilable accounts of efficiency that exist in the criminal justice literature. As Sections 2 and 3 have described, on initial inspection, the criminal justice efficiency reform literature resembles two groups of thinkers, efficiency advocates and critics. However, in applying Macdonald's (2008) ideas (see Section 4), it becomes evident that this grouping of thinkers into two camps (efficiency advocates and critics) is misleading. It is more accurate to frame the literature as offering a constellation of understandings regarding what it means to be efficient in the criminal justice process. Importantly, and as established in this section, the usefulness of these efficiency constructions varies depending on their utility as either: (1) a descriptive account of practice (referent-based construction), (2) a claim about what ought to be (normative construction), or (3) an account that is useful for thought experimentation (ideal-type construction). Alternatively, there is the final undesirable construction (the high-order abstraction), which describes those accounts of efficiency that fail to meet the requirements of the prior three because of an excessive reliance on abstractions. It is along this direction that reform researchers can more robustly navigate (situate and evaluate) the criminal justice efficiency literature.

6. Anticipated Criticism & Further Applications

Before concluding, it is useful to address some criticisms that may be levelled at this article's revised framework, alongside some further discussion regarding how the framework can be applied in other contexts beyond that of criminal justice efficiency reform. First, this section explains that it sides with Macdonald's (2008) novel interpretation of (strong) ideal-types because it serves as a useful heuristic device in policy reform research. Second, this section makes clear that the framework offered in this article is interpretivist in nature; it does not seek to repeat the mistakes of logical positivism. Lastly, this section argues that there is potential for the framework offered here to be applied in different fields of reform research, beyond that of criminal justice efficiency. In addressing these points, this section further fortifies the theoretical basis of the revised framework while indicating how it can be applied in other fields.

First, it is necessary to make clear that Macdonald's (2008) work, which the present article partially incorporates, contains an important and unusual interpretation of Weber's theory of ideal-types. Contrary to Macdonald's (2008) account, Weber (1949) makes clear that ideal-types are deeply entwined with empirical observations of practice: the ideal-type itself emerges initially as an abstraction from observing practice and subsequently, it shapes how researchers understand the practice that they observe. It is the present authors' view that Weber almost certainly would not

accept the claim that a theoretical abstraction cannot be used for practical recommendations. This appears to be a nuance that goes overlooked in Macdonald's (2008: 67) work where he claims that a strong ideal-type "could not sensibly be advanced for practical implementation". Macdonald's (2008) reading is true in a prima facie sense, as Weber's (1949: 90) work does state that "In its conceptual purity, this mental construct [the ideal-type] cannot be found empirically anywhere in reality". Yet, within this same section of Weber's (1949: 90-91) work, he acknowledges that such ideal-types are used as a means by which people bring into the real-world "representations" of specified "utopias", demonstrating how ideal-types can be used as a means to direct real-world change. Rephrased, Weber's original theory of an ideal-type is expressly concerned with practical affairs, not just thought experimentation as Macdonald (2008) argues. To this end, Macdonald (2008) does seem to misunderstand Weber regarding what an ideal-type is. Macdonald (2008) effectively renders his own conceptualisation of what an ideal-type means; it is distinct from Weber (1949).

Given that this article recognises this misreading, it may surprise readers that the present work continues to frame ideal-types as not useful for policy reform on the grounds that they do not focus on practical affairs – just as Macdonald (2008: 67) argued when describing the 'strong ideal-type'. Macdonald's (2008) unique interpretation of Weber is useful in setting a standard for clarity when describing efficiency-based practices. It would appear that for Macdonald (2008), generating a 'representation' of a utopia (an extreme conceptualisation of reality) allows for too broad a range of interpretation. Such extremity renders these constructions inadequate for policy reform prescription. The present work engages with Macdonald's (2008) thinking at this level: Macdonald's interpretation of a (strong) ideal-type is useful because it neatly categorises some of the literature's various interpretations of efficiency whilst also establishing a standard for identifying which constructions of efficiency are effective for policy reform.

Second, while the revised framework encourages researchers to categorise various accounts of efficiency under four construction types, it is crucial to emphasise that this framework is interpretivist in nature – it is not essentialist or positivistic. Users of the revised framework must recognise that while the literature presents various interpretations of efficiency (such as those described in Sections 3 and 4), their categorisation based on the four typologies outlined in Section 5 represents yet another interpretative act. This approach contrasts with essentialist and positivistic methods which often depend on the assumption that there are objective components underpinning accounts of social values, including efficiency (as discussed by Comte in his original 1865 publication). This latter approach to utilising the revised framework is logically untenable; employing the revised framework necessitates embracing a broad interpretative stance. Rephrased, the four construction types detailed

in the framework equate to a heuristic device that seeks to aid researchers when thinking about the criminal justice efficiency literature. It is not an objective tool for systematising accounts of efficiency.

Lastly, the revised framework as presented in Section 5 could have broader utility within the social sciences, not just in the field of criminal justice efficiency reform. The observations made in the present article about various conflicting and ambiguous conceptualisations of efficiency, which obstruct the criminal justice literature, are similarly reported by Powell et al. (2011: 1) when examining the meaning of 'social justice':

> "'Social justice' can be seen as a poorly defined 'motherhood and apple pie' term. Virtually everyone is in favor of 'social justice' but their interpretations of the term vary widely (there are many different varieties of apple!)".

As with Powell et al. (2011), the present article has also identified that social value constructions (e.g., efficiency) can take on many complex meanings owing to their interpretative nature and application to different contexts. To this end, it is not inconceivable that the difficulty described in Section 3 could emerge in other fields, such as the study of social justice in social policy reform. Consequently, the present article welcomes the adaptation of its framework to other disciplines and their study of social value constructions more broadly, to aid in navigating such complex literature.

7. Conclusion

This article began by discussing the influential English and Welsh lower criminal court works of Le Vay (1989), Auld (2001) and Leveson (2015). In doing so, this article has drawn attention to how the term efficiency has been used problematically over a long period in this literature, and how it will continually be used in this way unless thinkers accept a new approach. Owing to how thinkers have used the word efficiency to mean divergent things, it is an oversimplification to divide the literature into dichotomous camps of efficiency advocates and critics (as explained in Section 3). The revised framework provided here can help avoid such an oversimplified reading, allowing researchers to embrace a more nuanced yet manageable overview of such complex literature. This article presented its framework for better conceptualising ideas of efficiency after critically discussing the theoretical works of Chase (1938), Packer (1968), and Macdonald (2008). In utilising Chase's (1938: 6) work, the present research has argued that 'high-order abstractions' obscure meaningful policy reform discussions and therefore researchers should avoid constructions of this type. The present work offers three other construction types that build on the work of Macdonald (2008) which aid in fruitful policy

reform research: referent-based constructions, normative constructions and ideal-type constructions. Together, these four types serve to support policy reform researchers when navigating the efficiency-oriented criminal justice literature. Lastly, this article has argued that this typological framework could be applied to other disciplines (not just socio-legal studies) and other social value-based concepts (not just efficiency). Ultimately, this work's revised framework aims to foster more rigorous, nuanced debates on subject matter that is prone to miscommunication and to support the development of effective policy reform.

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