

### Book Review

**Cavadino, M and Dignan, J (2008) *Penal Systems: a comparative approach*, London: Sage. ISBN -- 978 -- 0 -- 7619 -- 5203 -- 9. Price -- not listed.**

At first appearance, the scope of this volume is ambitious, and dotted with potential pitfalls for the unwary, as the authors present and analyse information from 12 different countries, with at least one from each continent, exploring the links between criminal justice policies and penal systems on the one hand, and society's political economy, on the other.

The challenging task, created by the editors does not follow the convention of inviting different authors from different countries to contribute chapters. All the chapters have been written by the two English authors with information supplied by 11 associate criminologists in other countries. The information was pulled together by sending a series of questionnaires to each associate, followed up by requests for further information. Drafts were submitted to the associates for their comments and approval. The assimilation of the selected nation's information on policies and systems, works, achieving a considerable authorial coherence with a prose style that is clear, consistent, challenging, witty and readable. There is also a glossary of penal terms at the outset as well as vital distinctions between different types of modern state in the West and the East -- neo-liberal, conservative corporatist, social democrat and oriental corporatist.

Parts one and four of the book attempt an overview of all the countries studied (England and Wales, France, Germany, Italy, Holland, Sweden and Finland, the USA, Australia and New Zealand, South Africa and, finally, Japan). Part two does, admittedly, contain nine chapters about the individual countries and historical trends in their penalty but even this part is organised around the concept of "penal crisis" with the aim of comparing the different countries tendency to this omnipresent dilemma. Part three contains five chapters about specific aspects of penal theory and practice, youth justice and prison privatisation; here, there is a genuine attempt to give the reader a comparative vision of penalty in different jurisdictions.

Finally, echoing George Orwell's picture of the future from his novel 1984 -- "imagine a boot stamping on a human face -- for ever.", the authors attempt to anticipate other options which we might be less inevitable than an expanding list of harsher penalties and prison building programmes.

The most striking feature of the book is the typology of political economies and penal tendencies. The authors list the 12 countries and the different typologies. Neo-liberalism's arch exemplar is the United States, followed by similar penal policies in

England and Wales, Australia, New Zealand and South Africa. What are the characteristics of Neo-liberalism, certainly, it seems, the reverse of what we might mean by the word liberal. It refers to free-market capitalism with extreme income differentials and individualised, atomised communities where there are pronounced tendencies towards social exclusion and ghettoisation. These countries operate, essentially, under a law and order ethos with high rates of imprisonment per hundred thousand, particularly of minority citizens. They are also receptive to prison privatisation and a mixed range of providers to deliver community punishments.

The second type of modern society is described as conservative corporatist, where the standard bearer is the German Federal Republic. Other related countries to this model include France, Italy and Holland. Under corporatism, important national interest groups are integrated with the nation state and granted a degree of control over those they represent, on condition that this control is exercised in line with consensual national interest. Welfare benefits are more generous and social rights more recognised than in neoliberal countries. Rehabilitation is still the dominant penal ideology, with most of the corporatist countries, making modest use of prison and a limited response to the privatisation agenda. However, even countries like Holland, long esteemed in Europe as a beacon of penal enlightenment, has been taking neo-liberal measures over the past decade in terms of harsher punishments and greater use of prison.

The third model is social democratic corporatism -- most exemplified by Sweden, but including Finland, now boasting the lowest use of prison in Europe. Within these countries in terms of social policy, the approach has sought to combine corporatism with an egalitarian ethos and generous, universalistic, welfare benefits. This model goes furthest in acknowledging the unrestricted rights of social citizenship and the special position of the sick, vulnerable and the young. The dominant penal ideology here is rights based and inclusive with low rates of prison usage and a minimal response to privatisation.

Finally, the authors have chosen Japan as an example of the oriental corporatist society. Japanese capitalism has been described as a form of bureaucratised corporate paternalism, including a high degree of occupational security and a hierarchical career structure. There is in Japan, an adequate welfare programme with limited income differentials. Penalogically, speaking, it is highly distinctive. It has a low and stable crime rate in spite of increasing urbanisation and social dislocation. On the surface, the Japanese criminal justice system may look similar to the West but it is very different, imbued by Japanese attitudes and values of inclusion, apology based restoration and rehabilitation. Japan's proportionate rate of imprisonment is the lowest of any of the countries covered in this book (53 per 100,000 in 2002). However, despite the Japanese reliance on informal methods of control and social inclusion for the majority of offenders, their treatment of prisoners, in particular, serious long-term prisoners, has been characterised by international human rights agencies as cruel and repressive.

There are also some interesting, though not surprising, findings in the thematically focused chapters. Among general patterns in youth justice, it can be seen that the

countries which afford the greatest degree of protection against the risks of prosecution and the imposition of formal sanctions, are the Nordic democracies, and the rather special case of Japan. The conservative corporatist states form an intermediate group in which young offenders are offered a moderate degree of protection, while the states offering minimal levels of protection are the neo-liberal countries. Predictably, too, in the same rank order as above, the age of criminal responsibility is highest in the Nordic states and lowest in the neo-liberal countries. In the latter jurisdictions, you are more likely to see some muddled and discriminatory policies where, exceptionally, juvenile offenders can make appearances in adult jurisdictions.

It is no surprise, too, that private sector involvement in prisons, and, increasingly in the delivery of non-custodial punishments originated in the neo-liberal group of countries. The drive to privatisation has been fuelled by the law and order rhetoric in such countries, the hurried inclusion of harsher penalties with, almost inevitably, the rise of prison populations. Meeting the demands of greater expenditure on prisons, by raising taxes or public borrowing would not have been popular in neo-liberal economies. Hence the attraction of inviting the private sector to invest in buildings and staff in return for guaranteed contractual payments over a number of years. Prison privatisation has made less progress in other parts of Europe and the Nordic states, where there are deep-seated assumptions about the relationship between individual citizens (including prisoners), the state and the marketplace.

In conclusion, the authors draw together some sobering lessons. First, penal crisis is associated with high levels of punishment, and, more specifically, a high imprisonment rate, giving rise to overcrowding and problems of conditions, control and legitimacy. Second, sentencing is the crux of the penal crisis. Quite simply, sentences passed on offenders by courts have the greatest impact both on prison numbers and on how near or far a country is to penal crisis. Third, more crucial than any legislative or governmental measures appears to be the penal culture among sentencers. Reformers need to find ways to successfully encourage a desired shift in the sentencing culture.

To the authors, the biggest issue is whether penalty is fated to become harsher and harsher. With increasing globalisation and penal populism it certainly looks the case but strange things happen. Who would have imagined that the Russian Federation perhaps, under the harmonising influence of the Council of Europe would have abolished capital punishment in 1996? The collapse of the financial market across the world, in recent months, could, indeed, force a radical rethink about the costs of feeding the prison leviathan. The authors, too, tentatively express some faith in widening the debate with the public about punishment, emphasising the potential role of citizen participation in the execution of punishments as we have seen in the work of Community Reparation Boards in Vermont, USA, and in some pilot locations in the United Kingdom, whereby locals decide the most appropriate task within the community for unpaid work with the court retaining responsibility for the duration of the offenders order.

Perhaps, as we face a decade of financial instability, the time is ripe to rethink responses to crime beyond the irrationality of penal harshness- this book will add light to that

process.

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