

Book review

Andrew Sanders reviews *'Ad Ius Criminale Humanius' – Essays in Criminology, Criminal Justice and Public Policy* by Inkeri Anttila (ed. R. Lahti and P. Tornudd). Finnish Lawyers' Association, Helsinki, 2001

Inkeri Anttila has been a major figure in Finnish criminology and crime policy for decades. This volume of her selected writings was put together by two distinguished Finnish academic colleagues to mark her 85th birthday last year. Appointed to a chair of criminal law in 1961, she was Finland's first female law professor, having earlier been the first woman in that country to present a PhD thesis in law. In 1963 she became the first director of Finland's first institute of criminology. She was Minister of Justice for a while in the 1970s, and then became director of the UN's newly created institute for crime prevention and control in Europe (HEUNI), based in Helsinki.

than more, prisoners, it should do so. Well, laudable though this is, it is a set of values and objectives shared by many in the UK and elsewhere, not least among readers of CJM. What is different about Anttila is that she managed to put these ideas into practice. For example, she helped bring about a marked reduction in the Finnish prisoner population. If only someone in Britain could do the same! Although many would find the pragmatism revealed in her essays and discussed by the editors frustrating, it did allow her to counter mindless authoritarian populism with hard facts and cold logic.

This volume divides the essays into several sections that represent her many areas of interest.

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British readers of CJM will doubtless be impressed with Anttila's achievements and determination, but may wonder what this story of not-quite-everyday Finnish folk has to do with them. For one thing, most people agree that social policy in general, and crime policy in particular, is too parochial. We can always learn from others. Yet in the UK we pay too little attention to comparative work. When we do look at other jurisdictions they are usually American. When writings from European jurisdictions are available in English, as here, we can only benefit by paying attention.

Anttila successfully combined an academic career with working in government without losing integrity. That is so difficult in the UK, as is Anttila's combination of criminal law with criminology. She was instrumental in re-writing Finland's Penal Code, and wrote a lot on criminal law and criminal policy (some of which is extracted in this book). Her 'official' experience and knowledge enriched her 'academic' work, and vice versa.

Most important, perhaps, is the underlying aim of Anttila's work that comes across so clearly in the editors' introduction to the volume: that society should respect human values in the criminal sphere as in all others. For example, unnecessary harm caused by the workings of the criminal justice system should be eliminated. So, if the penal system could be made to work as well with fewer, rather

There is no space here to discuss them all. One of particular interest is victimology, which she wrote about in the 1970s when it was unfashionable, as well as more recently. From an early date she observed that the victim/offender clash was not necessarily a zero-sum game, whereby one could be helped only at the expense of the other. 'Victim-centred' approaches stimulate alternatives to formal criminal sanctions – what we now regard as restorative justice. Yet she always cautions against seeing either criminality or victimhood as individualistic phenomena.

On a personal note, I remember a HEUNI conference I attended in Helsinki in the 1980s when Anttila was director. Although in her sixties, she was as enthusiastic and energetic as many people half her age. With delight she showed us round HEUNI, her warmth shining through. She is a remarkable woman. I hope this volume gives her at least some of the recognition outside her own country that she deserves.

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Book review

Martin Wright reviews *Restorative Justice & Responsive Regulation* by John Braithwaite. Oxford University Press, 2002. £37.95 hb.

The process is all too familiar: crime statistics appear, popular newspapers print 'Crime soars' headlines (even if only some types of crime have increased), the home secretary feels he must 'do something': punishments and court powers are increased, (as in the White Paper published in July 2002), and the state controls more of everyone's life, taking us closer to an elected dictatorship.

John Braithwaite believes in grass-roots democracy, and in this important book he presents a convincing community-based model for civil society. He applies it not only to criminal justice but to the regulation of large companies, eradication of corruption, and even international peacemaking. To ensure access to justice most cases would be resolved restoratively, leaving enough resources to provide legal aid for all who still needed to go to court. The state should 'steer, not row'.

The core values of restorative justice (RJ) include healing rather than hurting; moral learning; community participation and caring; respectful dialogue – a much wider definition than taking responsibility for a crime and making amends. Values are settled by discussion, not a rule book. Braithwaite reminds us that these methods have been widely used, for example in the *shulha* in Galilee, *ubuntu* in South Africa, and the healing circles for sexual abusers of children in *Hollow Water*, Manitoba, though sometimes, as in China, there have also been legalistic tendencies.

Drawing together earlier work on the 'responsive regulation' of industry and of nursing homes, Braithwaite explains his 'regulatory pyramid': start with broad-based dialogue and persuasion, showing that good practice is in the firm's interest: it is cheaper to be rational. Only when the firm will not comply should enforcement move up the pyramid to incapacitation and punishment as a last resort. He does not explain, however, how this would avoid the 'deterrence trap': a fine large enough to deter has to be so large that it bankrupts the firm and inflicts severe 'collateral damage' on its creditors.

Applying this to criminal justice Braithwaite suggests that it could be used preventively with repeat offenders: they would be told that they will be targeted (certainty provides deterrence), but that by taking part in a restorative process they could get off the target list. This is not exactly voluntary, but there is choice, and it might provide an incentive to avoid 'cracked' trials, where defendants waste everyone's time by not pleading guilty until the last moment. He maintains that if punishments were certain and severe enough, they would induce most offenders to choose the restorative option.

Evidence is presented to show how RJ works for victims, offenders and communities; although some research designs are weak, their findings should not be discounted. Braithwaite takes care not to ignore corporate crime; here too persuasion worked better than punishment, provided that punishment was present in the background. In the nuclear industry, for example, 'restorative regulatory justice' led to a big decrease in emergency shutdowns of nuclear plants. We should trust in 'the strength of weak sanctions', meaning that if punishments are less draconian and more restorative, there is more chance of persuading someone in the organization who has preventive capabilities to use them.

Ever optimistic, seeking 'a world where help begets help', he suggests why RJ could be better at crime reduction, rehabilitation, deterrence, incapacitation, cost-effectiveness and justice: for example, its 'undominated dialogue' offers better procedural justice, and is less likely to provoke anger and defiance. Offenders are supported by communities of care, and volunteers are often recruited as mediators; even if communities have disintegrated in modern cities, RJ can help to re-create them. NGOs, as part of civil society, can revitalize democracy by dealing with many cases 'without ever going through the police station door'. He makes practical suggestions: for example, judges should have as much power to order expenditure on rehabilitative measures as they do on prisons.

But Braithwaite keeps his optimism in check by insisting that theories be tested by research, and by devoting Chapter 5 to worries about RJ in theory and practice: the RJ debate is 'debilitated by excessively statist preoccupations'; due process safeguards are however needed.

Restorative principles can also be applied to international conflicts. Presidents, criminal governments and warlords can be tackled by using the enforcement pyramid (which the United States failed to do in Iraq); truth and reconciliation commissions; and the hopeful example of Melanesia, where, amazingly, 10,000 people have been trained in basic mediation. Here again, though, Braithwaite seems to fall into his own deterrence trap: the ultimate enforcement would be military intervention, a euphemism for war. At the time of writing (July 2002), the threat of this form of enforcement, in the form of war with Iraq, looms with potentially devastating consequences.

In the final chapter, Braithwaite characteristically makes another interdisciplinary link, pointing out that social justice is impossible without sustainable development, which in turn requires safe communities. He describes (partially) successful work with gangs in Colombia and Papua New Guinea. Taking conferencing a step further, he proposes preventive 'youth development circles' for all young people in a school, thus not stigmatizing anyone: they would meet six-monthly, set goals and celebrate achievements.

He maintains that disillusion with law is already prompting moves towards alternative dispute resolution, based on non-domination, deliberation, and 'regulated self-regulation'. He offers a wide-ranging vision: of retaining state power but pushing it back as far as possible; of respecting human dignity and incorporating concepts like love and grace; but basing his proposals on extensive research. This book should be read by everyone who is not yet aware of the potential of restorative justice to transform the law and social integration.

The book is well written, though in places a little colloquial for non-native English speakers; the text is enlivened by examples in boxes. There is an excellent index.

Martin Wright is the author of *Restoring Respect for Justice* and a member of the CCJS Council.

Book review

Jackie King reviews *Captive Audience: Media, masculinity and power in prisons* by Yvonne Jewkes. Willan Publishing, 2002

This book is concerned with the media's role in the context of male prisons and is a unique study showing that for prisoners, "the mass media provide a key source of empowerment, offering a range of material from which individuals can create new identities or maintain pre-existing identities, explore their inner selves, form subgroups based on collective fandom, and find autonomy and self respect in otherwise humiliating and disidentifying circumstances".

The findings of the research, undertaken across a variety of male prisons in the UK, are considered in the light of recent innovations in contemporary social theory and analysed via a separate but integrated discussion of macro, meso and micro levels of power and identity. The book will be of interest to all those concerned with prisons, criminology and the criminal justice system, the social role of the media and the construction of identity.

Chapter 1 reviews the literature on the 'effects' of imprisonment and suggests that for the majority of inmates, imprisonment is a degrading and

can assist in this construction of a prison identity. In looking at the macrosocial processes, the question of the extent to which the media can be said to be a locus of power and control is explored, asking whether the availability of media in prisons is shaped by the needs of the institution or the inmates. The book concludes with the paradox of the media's role as both a "transformative resource and a source of empowerment on the part of inmates and as a structural device to limit or close down their agency on the part of prison staff and authorities".

One of the study's key findings is that power is not unidirectional, but flows in and through prisons in multifarious and complex ways. Media — in their role as both a resource and a constraint — have altered the delicate balance of power within prisons and continue subtly to change and shift relations of dominance and subordination. An understanding of this paradox — that the media are used as both a source of empowerment by prison inmates and, at the same time, as a means of control over them — enables us to begin to address some important questions that remain at the heart of prison literature; namely, why is it that

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dehumanising experience. Within this context, the chapter highlights what the media can provide for this captive audience to offset or compensate for this experience. Chapter 2 relates prisoners' individual experiences of imprisonment to the enveloping structural and social conditions. Chapter 3 provides the research context and methodology, while chapter 4 argues that the primary resource required to survive a prison sentence relatively intact, and to be able to revert to one's pre-prison identity on re-entering the community, is the facility to be 'oneself', a process which is explored in relation to media resources as technologies of identity, agency and memory.

While chapter 4 looks at the prisoners' microsocial sphere of media use, chapter 5 looks at the mesosphere of culture, interaction and hyper-masculinity, that is the intermediate realms of prison communities and cultures, and argues that in public at least "prisoners must suspend their pre-prison identities and construct social identities that conform to the dominant masculine prison culture". The author suggests that media forms and content

at a time when prisoners apparently enjoy greater standards of living than formerly, are more integrated into the world beyond the prison walls than ever before, and are enjoying greater civil and legal rights than their predecessors, their personal testimonies indicate that they may be experiencing a greater depth and weight of imprisonment than at any time previously?

This is a much needed, provoking analysis on the use of media within prisons, and begins to chart the territory for future debates on the use of media in this context.

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