

Book reviews

Criminal Justice in Europe. Fennell P, Harding C, Jorg N, & Swart B, (eds) Oxford, Clarendon Press (1995). ISBN 0 19 825807 0 pp.404 £55.00

Would-be readers of this expensive book should know that *Criminal Justice in Europe* does not offer exactly what its title suggests it might. It is primarily concerned with the laws, rules and administrative practices which govern some aspects of the judicial and penal systems of England and Wales and the Netherlands, and whether or not these laws, rules and administrative practices are converging.

“It is hard to believe that there is a sentient being left in the western world who is unaware of the fight to the death over Europe which is currently engulfing British politics.”

Readers looking for a contemporary text which offers a broad-ranging account of recent developments in European criminal justice systems should seek out the exemplary *Western European Penal Systems: A Critical Analysis*, edited by Vincenzo Ruggiero et al (1995) published by Sage. Not only does this text deal with the interplay of politics, policy and practice in the criminal justice systems of eight individual European nations, it also offers a perceptive comparison rooted in an analysis of an emergent pan-European politics of crime control. Moreover, at £12.95 it is £42.05 cheaper than *Criminal Justice in Europe*.

Criminal Justice in Europe offers a wealth of descriptive detail to those with an interest in those areas of Anglo-Dutch

criminal justice with which it deals. These include: the question of the convergence of inquisitorial and adversarial systems; the impact of the European Convention on Human Rights on criminal justice policy in the two countries, the EC and criminal law, policing, prisoners' rights, sentencing, drugs legislation and policy, mentally disordered offenders and diversion in youth justice.

Remarkably, however, in virtually all of these chapters, the discussion of changing laws, rules and procedures proceeds with only scant reference to the radical ideological, social and economic changes which have transformed northern European states in the past fifteen years or so. Here and there contributors note that there has been, for example, a shift from 'humanitarianism' to 'instrumentalism' in criminal justice, or that 'society' has changed, but there is no serious attempt to locate the criminal justice systems under discussion within their historical or socio-political context. Thus the chapter on diversion in youth justice is so concerned to offer a thorough description of the legal and administrative machinery of diversion in the two nations that it fails to note that the convergence which characterised Anglo-Dutch youth justice systems in the 1980s and early 1990s was reversed by Home Secretaries Clarke and Howard who abandoned their predecessors' minimalist, delinquency management strategy in the face of impending electoral defeat.

And this, in turn, raises the crucial question of why most countries in mainland Europe have managed to keep the issues of youth crime and youth justice in a more or less 'depoliticised' realm, while in the UK they are regularly dragged to the centre of the political stage to be mercilessly exploited by unscrupulous politicians of all hues. Clearly, something historically, culturally and politically distinctive is going on here which has to do, for example, with different valorisations of citizenship, children, the individual, the family and the state, but in *Criminal Justice in Europe* it goes unremarked.

The assertion that the book

offers us a 'comparative study' of two criminal justice systems is also problematic. In their introduction, the editors are at pains to stress the key role of comparative research in initiating a process of critical reflection upon our own culturally-determined taken-for-granted assumptions. However, this important insight appears to have had little influence upon the ensuing chapters which offer only parallel descriptions of systems rather than a thorough-going, reflective comparison. It is as if the contributors believe that if they simply lay all the facts before us, the comparisons will leap from the page. And, of course, they don't.

And the punchline? In the conclusion we learn that the main tendencies identified in the foregoing chapters are that the movement towards European convergence has been more politically acceptable in the Netherlands than in Britain, and that it has had a different impact in different policy areas. This, it is suggested, probably has something to do with national cultural and political differences. It is hard to believe that there is a sentient being left in the western world who is unaware of the fight to the death over Europe which is currently engulfing British politics. So why doesn't *Criminal Justice in Europe* tell us something we don't know? It doesn't, because it is, first and foremost, a protracted and meticulous exercise in description, a 'what', rather than a 'why', book. As a result it leaves the key questions posed, so tantalisingly, in the introduction, unanswered. These, regrettably, are questions which a thorough-going comparative study should have attempted to answer, at least.

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Eurodrugs, Ruggiero V., and South N. UCL Press. 1995. pp.240 ISBN 1 8 5728 10 2 0 Price £13.95 pbk

This ambitious and exciting book provides both a descriptive and analytic account of drug use and drug markets in Europe and proposes a re-appraisal of subculture and anomie theories that continue to dominate understanding of drug use and dealing. The limitations of this approach in the late twentieth century European context are considered. This work is particularly timely given the opening up of internal borders in central Europe and critical developments in eastern Europe and the former Soviet Union.

The authors focus on a set of themes from which they develop five hypothetical propositions. Crucially, they approach the subject by treating drugs as a commodity, with important implications for the understanding of the nature of the drug markets and the characteristics of those who participate in them.

The complex relationship between markets and consumption are examined in detail. Much attention has already been given to the impact of poverty and deprivation here. Ruggiero and South illustrate how control measures and treatment responses also contribute significantly to the overall shape of the market.

Through case study comparison of Turin and London, two modes of criminal enterprise are singled out for focus. Firstly, crime in association, the province of the entrepreneur characterised by a technical division of labour and crime in organisation with a corporate structure and a social division of labour. Shifts in the nature of criminal activity are observed, using fordist and post fordist concepts to explore the internal dynamics of operations. The authors suggest that the market in Turin is based on an industrial/productive model, whereas London is more closely allied with commercial undertakings. As well as the two case study cities, the historical development of drug cultures and markets in a number of European countries are also presented and how mobility and residence

restrictions and the different definitions of public and private space shape the nature of encounters and transactions.

The issues explored are broad ranging and include the decline of professionalisation, deskilling and massification to women and race. Although one would like to have seen more consideration to the latter two, in a text of this scope it is at least encouraging to see these issues given more than cursory attention. What we are able to discern is that the markets are volatile and shifting, constantly adapting to internal and external threats. Globalization and local circumstances are related in complex ways and each can impact on the other, rather than the global entirely regulating the local. Similarly, the illicit economy is contingent on the condition and shape of legal trade and commerce. Thus, economics and sociological analysis are synthesised to provide an overview of how markets function and why they develop in particular ways in a given context.

In the London case, we are reminded of how the British obsession with border controls

rests on faulty premises and how connections with former colonies remain as important as internal trade barriers in Europe. These are important factors in considering the highly racialised nature of trafficking.

One hypothesis tested and somewhat disproved relates to monopolistic tendencies and counter tendencies of competition. Turf wars largely occur at the lower levels or on the margins of activity, yet competitive tendencies appeared in their research to prohibit the establishment of effective monopolies.

The sheer heterogeneity of the contemporary drugs scene renders consideration of subculture theories problematic. Here, the authors raise some intriguing issues which are worthy of further attention and we are left to ponder. The place of drugs in criminology and our understanding of organised crime is confirmed here and the extensive bibliography is in itself a valuable set of signposts for further study.

Lynne Smith, Middlesex University

Official Journal of the Association of Police Surgeons and the Association of Australasian and Pacific Area Police Medical Officers

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