

# editorial

## international perspectives

Editor for this issue Rob Mawby sets the theme in context.

Until recently, most of the English-language writings on the criminal justice system focused on the situation in England and Wales and the United States. For this reason, in this issue we include a wide range of features on other societies, including many from the developing world. There, Oliveira notes some blemishes to the Utopian image that is often presented and Doebbler underlines the ways in which Islamic laws may repress women, whilst Cox describes the way the law is used against Islamic fundamentalists in Uzbekistan. Ironically, as Blagg describes for Australia, some of the more positive aspects of pre-industrial order maintenance - such as restorative justice - may be denied to the remaining indigenous minority.

Awareness of criminal justice systems in other societies gives us a broader perspective in other ways; it helps us appreciate that elsewhere systems are organised differently and based on different principles. Alternatively, it may point to similarities between systems we consider quite different, as Aldous and Leishman argue for Japan and Selmini for Italy.

This raises the notions of change and globalisation that are central to many discussions in an international context and have important practical dimensions, as illustrated in the articles here. For example, we might wish to consider how far the widespread political changes in China and Central and Eastern Europe have led to changes in the use of imprisonment or wider community sentences, issues addressed by Yue, Coyle and Canton. Or consider the hazardous steps towards justice in countries such as Kosovo and Haiti. We might also want to assess how successful the import to England of US innovations in electronic monitoring or intensive probation has been, especially as the USA further endorses the 'Texas solution'.

Many early attempts at international comparison were

carried out by practitioners and reformers such as Raymond Fosdick and John Howard. Their heirs are still active, as illustrated in the contributions to this issue from human rights lawyers like Dakwar and Concannon. However, more of the recent contributions have been made by academics. International comparative research has become an essential ingredient of the developing criminal justice discipline.

The most obvious academic approach is to draw explicit comparisons between two or more countries. With regard to Japan, comparisons with the US are common (Bayley 1976; Clifford 1976). Nearer to home, Downes' (1988) comparison of the Dutch and English penal systems was formative. Slightly differently, others have noted the similarities and differences between countries that might be 'grouped' as examples of one system. For example, the similarities and differences between colonial police systems have been the subject of detailed scrutiny (Anderson and Killingray 1991; *ibid* 1992). Similarly, Rutherford's (1986) distinction between expansionist and reductionist penal philosophies remains illuminating in allowing us to draw comparisons both between countries and within countries at different points of time.

A second approach is what we might term the global perspective. Material may be drawn from a number of countries to illustrate similarities and differences in structures or issues facing policy makers and practitioners. In this issue, Oades considers global trends in corrections.

A third category of international comparison is where authors focus on the role of international or multinational agencies. A good illustration of this is analysis of institutions such as the Council of Europe and the European Court of Human Rights. Jones' description of international agreements aimed at the sex tourism industry is another

example. However, as Dakwar and Cocco illustrate for Israel and Kosovo respectively, international involvement is sometimes circumscribed.

A fourth approach involves wider international surveys. The most obvious example here is the international crime victim survey (ICVS) which has been conducted on four occasions since 1989. This includes questions on the impact of crime, the extent to which crimes are reported and the basis for victims' decisions, levels of satisfaction with the police, the availability of victim assistance, and public feelings about crime, policing and sentencing.

While research based on these alternative approaches is becoming more and more common, the fact that much of it is so recent in origin owes much to the intrinsic difficulties of undertaking international research (Mawby 1999).

One of these concerns problems with the available data. In the UK, if we want to carry out an analysis of the criminal justice system we may draw on a number of primary and secondary sources, but these have not necessarily been readily available in other countries. This is, as Aldous and Leishman, Jones and Santucci remind us, changing as sources become more readily available on the internet, and *Crime Prevention and Community Safety: an international journal*, runs a regular www. feature. Yet these sources are only the starting point for any serious academic analysis. Partly as a result, as Leishman and Aldous remind us, we frequently apply less rigorous conditions to crossnational analysis. Original research is one means of minimising data deficiencies.

Extensive observational research is, of course, a viable option where the focus is on one country - possibly compared with one's own and where language does not present an insurmountable barrier. Other forms of data collection, for example using personal interviews, are less common (for exceptions, see Mawby 1998 and the ICVS).

A second, and related problem, concerns the question of definition. It is well established that definitions of crime vary between societies. So do definitions of police and probation, and - as Walker *et al* (1990) illustrate - there are even marked differences between countries in what constitutes a prison! Researchers then are in a difficult position,

where they are often not comparing like with like, or indeed may be unaware of any differences that do exist.

Despite this, crossnational research is important. Teasing out the similarities and the differences between criminal justice systems, explaining the differences, drawing examples of good practice that might be introduced elsewhere, and learning from experiences of bad practices; these are the key features of international criminal justice studies. While the difficulties surrounding such endeavours may be considerable, the potential benefits make the challenge worthwhile.

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