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### **Pratt J and Eriksson A (2013) *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*. Oxford: Routledge.**

**Commentators: David Brown, Russell Hogg, Mark Finnane**

**Response: John Pratt and Anna Eriksson**

This review essay combines the comments made by David Brown, Russell Hogg and Mark Finnane at the *Crime, Justice and Social Democracy: 2nd International Conference July 2013*, hosted by the Crime and Justice Research Centre, QUT Brisbane. It is followed by a reply by the two authors John Pratt and Anna Eriksson.

#### **Comments by David Brown**

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John Pratt and Anna Eriksson's *Contrasts in Punishment* (2013) is a book which makes a major contribution to the relatively new field of comparative penology. This field, which compares imprisonment rates and measures of punitiveness across different societies or, as here, different clusters of societies – the Nordic comprising Sweden, Norway and Finland on the one hand; and, on the other, the Anglophone comprising England, New Zealand and Australia (New South Wales) – has been very fertile in recent years, as is evident from the work of Cavadino and Dignan (2006), Nicola Lacey (2008) and David Green (2008), among many others. A key advance of this work has been to challenge the idea of a global explosion in punitive sentiment – a universal penal 'surge' – and, rather, to examine the differences.

The focus on difference offers a number of advantages. It confronts the radical pessimism of the miserabilist: 'it's getting worse everywhere' sort, which in turn feeds into the 'and there is not much you can do about it'. For if it isn't actually the same everywhere, if it's not rooted in the global might of neo-liberalism sweeping everything before it or in some inherently punitive human nature or Kantian requirement for punishment, then we might be able to learn how to do at least some things otherwise. In short, it enlivens a *politics* of penalty, at a local level, a politics of contest, challenge and engagement with the detail, the proposals, the cultural climate and context, which are not determined by overwhelming forces largely beyond our control but constructed out of social relations, mentalities, cultural forms and sensibilities in which we all take part.

Pratt and Eriksson organise their analysis around the two clusters – Nordic social democratic and Anglophone liberal – and ask the central question: ‘what is it about these types of societies that can account for their different ways of thinking about punishment?’ They attempt to answer this question sociologically and, rather than reading the answer off from a broad analysis of differences in political economy, seek the answers in the way cultural differences have been produced in the two clusters, by meticulously and in rich detail uncovering and explaining the production of cultural difference.

The sources they use demonstrate very broad interdisciplinary and cross cultural facilities and skills. These sources include: ‘official commentaries, reports and enquiries, as well as memoirs, travelogues, literary works and diaries’ (p 31) in the manner of Norbert Elias. They use these sources admirably and to great explanatory effect. I found it hugely enriching and inspiring to shift between quotations from a Royal Commission or Government Committee to an observation by Dickens in *David Copperfield*, *Our Mutual Friend*, or *Little Dorrit*.

Layer by layer they build up the way in which ‘[e]galitarianism and moderation became two of the central features of Nordic culture, and helped promote high levels of social inclusion. In contrast, there was more emphasis on individual advancement and division in the Anglophone, which led to higher levels of social exclusion’ (p 30). They argue that the social democratic model of the welfare state ‘helped to increase solidarity between citizens and led to high levels of trust between individuals and between individual and the state’ whereas the Anglophone model of welfare was ‘constrained by its own limitations in bringing about greater egalitarianism and cohesion’ (p 31).

They examine factors such as class relations; degrees of homogeneity as manifest in race and religion; the value and function of education; and the role of the central state in everyday governance. They compare the two different welfare state models, their origins and development, around a range of issues. The authors note clearly how the characteristics of exclusion and inclusion in the Scandinavian cluster have come under challenge since the 1970s, a restructuring in the age of anxiety.

One dimension that is arguably underdeveloped in the book is that of race. It is there but, in common with much of the new comparative penology, it is not a primary focus. But race and colonial and post-colonial histories are arguably the pre-eminent feature of contemporary imprisonment rates in neo-liberal political economies (see generally Cunneen et al. 2013). For most of the leading neo-liberal political economies are also post colonial states and their prison populations are disproportionately comprised of Indigenous minorities, particularly in Australia and New Zealand. Moreover the history of penalty in colonial and post-colonial states is one of differential application and enforcement of criminal law in relation to Indigenous populations; of race specific laws targeted at suppressing Indigenous customs and way of life; of forms of penal-welfare and administrative control involving physical separation and confinement such as the mission system in the late nineteenth century and first half of the twentieth century; and of differential treatment by way of sentencing and penalties, such as the use of corporal and capital punishment, and of systems of internal exile and confinement, as instanced by the use of Rottneest Island in WA as an Aboriginal prison colony (see for example Douglas and Finnane 2012; Finnane and McGuire 2001; Hogg 2001; and, in New Zealand, Pratt 1992) The current high imprisonment rates of neo-liberal political economies involved in the Anglophone cluster utilised in the book is thus an important part of any comparison with the Scandinavian cluster.

Despite the pressures since the 1970s and a level of backtracking in the Nordic cluster, very significant differences between the two clusters remain and the authors use some wonderful examples to highlight the differences in mentalities which emerge in various, often mundane, ways. Two such examples open and close the book.

First, there is the example in the Introduction, of the opening of Halden prison in Norway by the King of Sweden in 2010. Dubbed 'the world's most humane prison' by Time magazine, the description of its opening, replete with 'a chorus of 30 men and women, each wearing a blue [prison officer] uniform who gave a spirited rendition of *We Are the World*' and with references to 'a sound studio, jogging trails and a free standing two-bedroom house where inmates can host their families during overnight visits' tends to produce gasps of incredulity, mirth even: such images seem so incredible and unthinkable to us. By way of contrast is a New Zealand news report that prisoners in that country 'could be forced to build their own gaol cells from shipping containers' and further reference to just such a facility consisting of 13 twelve metre-long containers. Images then of two societies, one proud of a response to lawbreakers marked by humanity and tolerance, the other boasting of the Spartan nature of the facilities.

The second example is the one that closes the book: the reaction to the British riots in 2011 on the one hand; and the Norwegian public reaction to the terrible massacre carried out in Oslo in the same year on the other. In the British example we see the riots being denounced by the Home Secretary as simply products of 'sheer criminality' and by the Prime Minister as signs of a 'broken society' in 'moral collapse'. By way of contrast, outside Oslo City Hall, 150,000 to 200,000 Norwegian citizens, one third of the population, marched, held hands and carried roses, while they listened to the Crown Prince declare that 'tonight the streets are filled with love' and their Prime Minister call the march a 'march for democracy, a march for tolerance, a march for unity'. As Norwegian sociologist and criminologist Nils Christie, quoted by the authors, put it: 'what has happened is a catastrophe that can only be met by holding on to the foundational values of Norwegian society'.

The book manifests an extraordinary research effort. It supplies the detail, the 'how' often missing from more generalist comparative work. But at the same time, rather than getting lost in the detail – which tends to happen in some largely descriptive accounts – that detail is pulled into the themes and explanatory narrative which runs through the book and makes it such a joy to read. This readability is enhanced by a clarity and elegance of exposition, such that the book can be read by specialist and non-specialist alike.

I would like to finish my comments by reflecting for a moment on how the book might be used normatively and politically in the current conjuncture. In particular I would like to address a common response to comparative work in this field, one that has been addressed to me on a number of occasions when I have invoked comparisons between penal policies in different countries, and will no doubt be addressed to this work. This is the response (in one case from a prominent Australian criminal lawyer) that 'this is all very well, but we can't suddenly all become Scandinavians'. This of course is true: indeed the whole point of the book is that very complex and historically developed cultural differences underlie penal policy. But that does not mean that we throw up our hands and treat this research as simply an interesting study in cultural difference.

Firstly, we can use the research as a mirror, held up to the body politic, in a way that things we take for granted as somehow inevitable – 'that is just how it is' – are contestable, subject to challenge and different ways of looking and thinking: they could in fact be otherwise.

Secondly, the divergence in values between the Nordic social democratic welfare approach to penality and the Anglophone liberal approach are not mutually exclusive. While neo-liberalism has made substantial inroads in the Anglophone societies, I have argued elsewhere (Brown 2005, 2011) that both 'the social' and 'the penal welfare complex' are not dead but severely battered and, in particular in relation to prisons, severely distorted and reconfigured by the new KPI-driven forms of risk-based managerialism. But social democratic values still underlie elements of government policy, of public opinion and, in particular, the thinking and habitus of many criminal justice system workers, including prison officers, albeit that it may not enhance

their individual promotion prospects to give voice to these motivations too volubly, especially where they do not fit with the latest metric.

While societies like New Zealand, Australia and England, as the authors argue, had more limited and residual commitments to social democratic values such that their safety nets were flimsier, less universal and more easily torn asunder, there are still residual sentiments, values, policies and programs that might be re-discovered, rescued, built on, revived and reformulated in some way. Other value systems emphasising collective wellbeing over individual advancement, such as certain Maori values of collective responsibility, might be linked and articulated with a revived social democratic narrative.

I would like to think that it isn't too much of a jump in credulity to imagine, just as Halden prison was opened by the King of Norway, so too the launching of this book, if it were taking place 75 years ago, might have been conducted by then New Zealand Labour Party strategist John A Lee, or that country's socialist Prime Minister Michael Joseph Savage or his successor Peter Fraser or, again, some 30 years later and from a different party, by Attorney General Ralph Hannan, or the Secretary of Justice Jack Robson, or in the 1980s the nation's Prime Minister David Lange. As a young Auckland defence lawyer, I well remember David Lange on his feet, day after day in what was then the Auckland Magistrates Court, arguing, mostly very persuasively, why his clients should not be imprisoned, not just because that was his job, but because he believed: he believed imprisonment was not an appropriate sentence for a wide range of less serious crimes, nor an appropriate place for the predominantly poor, working class Maori, Pasifika, and Pakeha clients, to resolve the difficulties and problems that had brought them before the court.

These are people with values and policies which are not only different from much current penal thinking but which also subsist in contemporary consciousness, who are not Scandinavians but who are part of local New Zealand and Australian traditions, heritage, and culture. One response to this book that we might make then, is to attempt to rediscover these latent influences, identify the points of continuity and the values sustaining them, and attempt to articulate them in contemporary debate; bring them more squarely back into play in the penal field.

I think this book has assisted that possibility and I congratulate the authors on a rich and wondrous piece of work, an enthralling and instructive read and a very significant contribution to international comparative penology and penal politics.

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## References

- Brown D (2005) Continuity, rupture, or just more of the 'volatile and contradictory'? Glimpses of NSW penal practice behind and through the discursive. In Pratt J, Brown D, Brown M, Holdsworth S and Morrison W (eds) *The New Punitiveness: Trends, Theories, Perspectives*. Cullompton, Devon: Willan: 27-46.
- Brown D (2011) Imprisonment rates, social democracy, neo-liberalism and criminology. In Bosworth M and Hoyle C (eds) *What is Criminology?* Oxford, UK: Oxford University Press: 76-94.
- Cavadino M and Dignan J (2006) *Penal Systems: A Comparative Approach*. London: Sage.
- Cunneen C, Baldry E, Brown D, Brown M, Schwartz M and Steel A (2013) *Penal Culture and Hyperincarceration: The Revival of the Prison*. London: Ashgate.

- Douglas H and Finanne M (2012) *Indigenous Crime and Settler Law*. Basingstoke, UK: Palgrave Macmillan.
- Finnane M and McGuire J (2001) The uses of punishment and exile: Aborigines in colonial Australia. *Punishment and Society* 3(2): 279-298.
- Green D (2008) *When Children Kill Children*. Oxford, UK: Oxford University Press.
- Hogg R (2001) Penalty and modes of regulating Indigenous people in Australia. *Punishment and Society* 3(3): 335-379.
- Lacey N (2008) *The Prisoner's Dilemma*. Cambridge, UK: Cambridge University Press.
- Pratt J (1992) *Punishment in A Perfect Society*. Wellington, New Zealand: Victoria University Press.

### Comments by Russell Hogg

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Pratt and Eriksson's *Contrasts in Punishment* is a path-breaking contribution to 'big picture' comparative criminology. It is criminological analysis at its most exciting, reminding us, as it does, that punishment is much more than a mere negative reaction to crime: it is a defining feature of a society, a phenomenon that is deeply implicated in its wider cultural, economic, social and political relations and values. In his comments David Brown has summarised the main arguments and many strengths of the book and I will attempt in mine to avoid excessive duplication.

Given its quite monumental sweep this is anything but an enviable project. There are formidable challenges in conducting comparative research of any kind on punishment (see Nelken 2010). Most obviously, there is simply the issue of the accessibility and comparability of basic criminal justice data across jurisdictions. Penal researchers have consequently relied heavily on imprisonment rates as the principal marker of measurable differences in levels of punishment and punitiveness between societies. Of course, low Nordic imprisonment rates have made them exemplars of leniency in the eyes of many criminologists, reformers and critics (and societies others should seek to emulate where possible).

But at a deeper level significant national variations in cultural meaning may be hidden by and within the data that are available. The challenges multiply with attempts to meaningfully explore the history and culture of different societies necessary to shed light on these variations. They become truly forbidding when six different societies are being compared. The authors certainly explore the quantitative differences between the Nordic and Anglo clusters, but much the greater part of the research and analysis is concerned with qualitative differences – with the minutiae of prison policies, practices and conditions and with the analysis of history and culture needed to make sense of the different penal mentalities in the two clusters. This research is quite prodigious in its scale and depth (see footnote 2 on p 210 which describes the research method).

There is a strong (and familiar) normative message behind the book (signalled clearly in the reference to the penal *excess* of the Anglophone world), but the central concern remains with explanation and interpretation: lending macro intelligibility to differences in the way the two societal clusters punish. Ultimately, there may not even be much political comfort here for those seeking progressive penal change in the Anglo world: away from its excesses towards something more like Nordic styles and levels of punishment.

If, as they argue (at p 206), penal differences between the Nordic and Anglo worlds are explained by 'deeply embedded cultural values that have come into existence over the last 200 years or so', this imposes real limits on what can be expected from political action in the penal domain. And it is here that I wonder whether the authors may have somewhat understated the importance of politics relative to culture in their analysis. Perhaps cultural values, whilst critical, are more variable, dynamic, even self-cancelling than this acknowledges, and shouldn't be allowed to bear so much of the weight of the analysis. In Finland, for example, the imprisonment rate at the beginning of the post-war period was several times that of all the other societies, both Nordic and Anglo. It thereafter underwent a dramatic decline. This looks like the consequence of a conscious political project, notwithstanding the importance of culture perhaps in providing some of the enabling conditions for such a project.

The high levels of internal social cohesion and interdependency characteristic of Nordic societies ('bonding social capital' in Robert Putnam's terms), coupled with the stress on conformity, might cause some to suspect that these would be *more*, rather than less, punitive societies. *Gemeinschaft*-type societies have often been associated with *more* repressive policies towards transgressors and outsiders. The Nordic record in some areas – for example their past use of eugenic measures like compulsory sterilisation and segregation of the 'mentally unfit' – could certainly be cited as evidence of this.

The authors would probably argue that such measures were less directly rooted in any popular punitiveness than in the power and authority commanded by scientific expertise and technocratic elites in Nordic societies, a feature that has *also* been a crucial source of their more progressive and lenient penal policies. (A reminder (*à la* Michel Foucault) that regimes of power founded on rational systems of knowledge may be (at best) two-edged.)

Eugenic ideas (sterilisation, labour colonies for vagrants, and so on) were also popular in the Anglo world, as the authors point out, and particularly with many Fabian socialists (like Sidney and Beatrice Webb), but the ideas did not gain the same policy traction because of the greater Anglo scepticism towards scientific positivism and state power and a more jealously protective attitude towards their traditions of (negative) personal liberty. (The limits of this should not however be overlooked, notably where the liberties of Indigenous peoples and racial minorities were concerned).

This takes me back to the question of politics, of the degree of autonomy enjoyed by political and policy elites to shape policy preferences and cultural values. Politics should here be taken to include a society's political constitution and decision-making processes, its key political cleavages, its forms of political mobilisation (parties, movements, interest groups, and so on) and prevailing political ideas and ideologies.

The Nordic countries are highly centralised states with robust and stable fiscal regimes. They have proportional representation (PR) voting systems, introduced early in the twentieth century (in the case at least of Sweden by traditional elites anxious to safeguard against government becoming too responsive to the demands of the newly enfranchised working classes). Along with a smaller working class base (due to their later, milder industrialisation), this necessarily pushed Social Democratic parties into coalition governments, the adoption of an ethos of compromise and a more consensus style of politics. Ironically this created the very conditions for an enduring social democratic hegemony. It presents a contrast with the see-sawing politics of the majoritarian democracies in England, Australia and (until the recent introduction of PR) also New Zealand.

Doubtless ethnic and religious homogeneity and egalitarian and solidaristic cultural values provide firm foundations for the strong Nordic state traditions, but the upshot is that state actors and political elites may be empowered to in turn shape or determine policy preferences

and political values and directions to a greater extent, to act with greater autonomy confident of the concurrence (if not always the active support) of the people. Where the state is accorded authority and legitimacy its capacity to intervene in, and to influence and lead, society is increased.

This is an argument made by Sven Steinmo (1993) in a comparative study of taxation regimes (and their closely related welfare systems) in Sweden, the United Kingdom and the United States. Taxation provides an interesting parallel with crime and punishment. Presumably Swedes, like people elsewhere, don't particularly like paying tax, just as, one suspects, they don't like crime and think offenders should be punished. Yet as is evidenced by the tax hauls in Nordic societies – compared to those in the Anglo cluster – people are accepting of very high tax rates (see Table 1). This is not because Swedish tax rates are steeply progressive: they are not. This may be a significant indicator of the legitimacy of the Nordic states in the eyes of their people. Certainly the robust fiscal base of Nordic social democratic states is crucial to their generous systems of social provision, their inclusivity and their greater legitimacy. Complementing this are high levels of state intervention into economic life that aim to maintain high living standards and, crucially also, full employment and high levels of labour market participation (and the economic inclusion of women) which are necessary to sustain the robust tax base. That is to say, Nordic welfare states are not a drag on economic growth, prosperity and innovation, but the key to what is presently their superior performance in these areas when compared with the Anglo world.

**Table 1: Comparative taxation revenues: Nordic and Anglo clusters**

	<i>Total tax % GDP</i>	<i>Tax average worker % labour cost</i>	<i>Govt expenditure % GDP</i>
Sweden	45.8	42.8	51.3
Norway	42.1	42.7	54.8
Finland	42.1	42.7	54.8
United Kingdom	35.0	32.5	48.7
Australia	25.9	26.7	36.9
New Zealand	31.3	15.9	42.3

Source: OECD 2013

Public acceptance of lenient penal policies may also be more likely in societies where contrasts in social obligations (like paying tax) and in socio-economic status and living standards are less stark. Such conditions are less likely to inflame invidious comparisons with the living conditions and standards of ordinary Nordic citizens.

Nordic societies may be less punitive but, as Pratt and Eriksson show, they are more highly and more tightly regulated than Anglo societies (even if regulation is typically protective, preventive, and normalising in nature). It needs also to be recognised that terms like 'punitive', 'tolerant' and 'lenient' are culturally loaded. Nordic controls on alcohol would be read by many in the Anglo world as evidence of their (Nordic) excess. Likewise, by Anglo standards, Nordic taxation rates would be widely regarded as 'punitive' (see above), given this objection is promptly invoked as soon as there is any suggestion that a government in the Anglo world might raise taxation rates (or reduce generous tax breaks) affecting the rich. And if we considered attitudes and responses to white collar crime of various kinds – for example, the failure to prosecute any bank or senior banker in relation to the GFC despite the evidence of endemic fraud and other wrongdoing – penal excess hardly springs to mind as an accurate descriptor. The authors point out that the Nordic societies take a much tougher stance on white collar crime but, unfortunately, there is little detail on this difference which might shed useful light on differences in political and penal culture, although not fitting the moderation/excess binary.

But the other point that bears underlining, particularly at this political moment, is that, by the standards widely trumpeted by elites in the Anglo world (not equality, inclusivity, penal moderation, and so on but economic growth, productivity and innovation), the Nordic societies are much more successful than their Anglo counterparts. They are living proof that societies can prosper with (and indeed because of) bigger government (which is effective, efficient, transparent), higher levels of social provision, greater regulation and less reliance on punishment.

This is more or less the opposite of the 'free economy, punitive state' creed that has been preached across the west – and particularly in Anglo societies – for more than 30 years now. Remember Margaret Thatcher's TINA ('there is no alternative')? The Thatcher/Reagan revolution has led to steepening inequalities, increased social polarisation, growing job insecurity, high levels of youth unemployment and recurrent financial crises, and may be putting us on course to environmental disaster. It involved a conscious political strategy to roll back social democratic institutions and undermine public confidence in the role of government, except in the domains of policing, punishment and national security. In the wake of the GFC though, there are signs that confidence in free market orthodoxy may also be sinking, with mass protests across the globe and political attention returning to issues like inequality.

Commentators across quite a broad political spectrum are beginning to reflect these concerns. It is remarkable that even that venerable global beacon of free market thought, *The Economist* magazine, recently mounted a sustained critique on growing inequalities throughout the world, seeking a new progressive politics centred on attacking monopolies and vested interests, providing social support for the poor and the young and reforming taxes. In the rich world, *The Economist* concluded, 'Scandinavia is the most inventive region' (Leader 2012: 14) and 'the next supermodel' (Wooldridge 2013: 9).

Penal differences, as the authors of *Contrasts in Punishment* show, are closely related to other differences (cultural, political, economic). If therefore lessons are to be drawn from this timely book that are to inform penal politics in the Anglo world, then surely one of them is that prescriptions in relation crime and punishment must be inserted into a larger political narrative, a vision in which the other contrasts between Nordic and Anglo societies are also highly instructive. This is not to suggest in any way that they can simply be imitated; that they can actually serve as the 'supermodel' suggested by *The Economist*; or that Nordic societies are without their own problems, challenges and shortcomings. But they are a reminder that social democracy is alive and kicking; that societies that invest generously in the skills, health and social well-being of their citizens are presently the most productive, prosperous and socially inclusive societies in the world (as well as being the least punitive). The lesson is not that we need a politics of imitation therefore but rather one of rediscovery and reinvention, drawing on national and local progressive traditions and values in the Anglo societies.

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## References

- Nelken D (2010) *Comparative Criminal Justice*. London: Sage.
- OECD (2013) *Country Statistical Profiles: Key Tables from OECD*. Available at [http://www.oecd-ilibrary.org/economics/country-statistical-profiles-key-tables-from-oecd\\_20752288](http://www.oecd-ilibrary.org/economics/country-statistical-profiles-key-tables-from-oecd_20752288) (accessed 11 June 2013).
- Steinmo S (1993) *Taxation and Democracy*. New Haven: Yale University Press.



*The Economist* Leader (2012): True progressivism: A new form of radical centrist politics is needed to tackle inequality without hurting economic growth. *The Economist*, 13 October.  
 Wooldridge A (2013) Special report: The Nordic countries: Northern lights. *The Economist*, 2 February.

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### Comments by Mark Finnane

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In their original and provocative study John Pratt and Anna Eriksson seek an answer through comparative historical sociology to a question about differences in punishment. Their subtitle captures exactly the difference they want to explore: 'Anglophone excess' versus 'Nordic exceptionalism'. The excess is one of high imprisonment rates, especially and notably in recent decades. The exceptionalism is that of a group of countries, which Pratt and Eriksson show have relatively low rates of imprisonment and other penal practices which are distinctly less punitive, ranging from design of prisons through the variety of dispositions (for example choice of when to serve time).

As much as the object of the book is one of explanation, the semantic overload of the word 'excess' already gives the game away. This is a book founded on a (no doubt preferable, but nevertheless political) policy choice for changing the direction of contemporary punishment in the Anglophone bloc, making those countries a bit more like the kind of places that the Nordic countries appear to be. Whether, in the light of the analysis of this book, the Anglophone countries can in fact have any hope of changing their penal preferences is a question to which I will return.

Pratt and Eriksson loosely hypothesise their approach, seeking in the cultural and political history of these two groups of countries an answer to understanding the different value systems that seem to structure such contrasting penalties. To this historian at least, such an undertaking addresses one of the sharpest limitations of much contemporary sociology and criminology: their ahistoricism. Their undertaking is necessarily also a brave one, given the variety of geographies – cultural and political and legal – as well as length of time that such a project must contemplate. The book will be a major resource for future researchers seeking to inform themselves of the history of penalty, as well as scholars seeking to test its findings in further studies.

I have a number of comments and observations and some questions and perhaps provocations. An early chapter, under the title 'The production of cultural differences', seeks an understanding of the differences in values associated with contemporary punishment in the historical formations of culture (especially religion), society and politics. This is the focus of my attention.

First, it seems to me that this is less an attempt to write a history of these differences than to observe how contemporaries and later observers discerned the characteristics of these societies. There is a methodological problem here: what kind of inquiry, with what kind of evidence, will satisfy the expectation that we can understand the values of a society in all its complexity in terms of a single postulate about that society's cultural history? To test an example that would be familiar to an Australian audience, I note the authors' use of mateship as a central feature of Australian society. Not only is the main source of their observations, Ward's (1958) iconic *The Australian Legend* (p 49) – which suggests that the 'birth' of this legend owes more to a romantic literary tradition of the pastoral and was the product of urban writers projecting their visions onto the outback – a work that more recent accounts have questioned

but it has been compellingly argued by John Hirst that there is another tradition, the ‘pioneer tradition’, that is rather closer to the account of the dominance of the self-made man that the authors see as the dominant mode of the Anglophone societies. Mateship is a value that can underpin both individualist and collectivist readings of Australian society and political traditions – but how can we grasp its concrete effects anyway?

Second, the oppositions that Pratt and Eriksson work with are those of cohesion, stability and homogeneity in the Nordic bloc; diversity and mobility in the Anglophone sphere. But how far is their account then captive to what they hypothesise as a set of values lying at the heart of penalty in each country cohort? For this project can only work with such an account of historical difference by obscuring some countervailing developments. For this reader, brought up on a diet of labour history, there is a striking absence in this account of the Anglophone tradition: namely, the significance of collectivist thinking that underlay the early success of the labour movement in Australian and New Zealand especially, a collectivism that stressed equality and recognition. A telling absence in this book is any mention of two of the major intellectual products of the period before the Great War – William Pember Reeves’ account of state socialism in the antipodes and Albert Metin’s *‘socialisme sans doctrines’*. Each work (one by a political eminence of the late colonial period; the other by a European visitor) registered the powerful sense of contemporaries about the transformative work being done in the colonies, where such ideas were successful much earlier than in Britain. The attempt to argue for a cultural value system centred on the individualism of the self-made man in Anglophone countries must surely need to take account of these other collectivist strains in their history.

Third, the temptation to construct a single culture of Anglophone countries leads to some serious questions about what’s left out. Notably in respect of race, the very distinctive positioning of Aborigines in the Australian penal landscape is largely written out of this history. The impetus of colonial penalty in respect of race was highly contested, with much evidence of diminished punishment of Aboriginal offenders when it suited settlers to ignore them or recognise mitigation for cultural reasons, while at the same time (especially in Western Australia) special gaols were being built and special laws passed to address the issue of cattle stealing. Ethnic differences within settler communities also played out in ways that undermine a sense of the cultural homogeneity of an Anglosphere: it was a New Zealand born and educated historian of the Irish (Patrick O’Farrell) who argued powerfully that Australia’s difference from his homeland was based on the very much more important role of the Irish in (some) Australian colonies than in New Zealand. And this, by extension, might equally be said of religious difference, though the lessons might not always be what they seem. Pratt and Eriksson make much – and persuasively it seems – of the importance of Lutheranism to the value formation of the Nordic bloc. But what were the consequences of religious diversity in England, Australia and New Zealand? Were they really so divisive and differentiated as suggested (p 51) or is the historical story one of assimilation and moderation of difference, a weakening of religious difference? And with what consequences for our understanding of cultural value systems? These are challenging and difficult questions but the answers may not always drive in the direction of constituting a unified Anglosphere.

Fourth, there is a challenge to any characterisation of this study as one that deals with Australia as one of the Anglophone bloc, on the basis of data about only one jurisdiction (NSW). Seeing NSW as proxy for Australia inevitably creates some questions about the historical robustness of the changes in penalty argued here. If the ‘self-made man’ was at heart of Anglophone cultures, how are we to explain the early demise of the death penalty in some Australian jurisdictions (Queensland for example abolished it in 1922); and what are we to make of later differences between different State jurisdictions in intensity of the rise of imprisonment after 1970s?

Fifth, let me raise a question about the relationship between patterns of penalty and the political rationalities that inform punishment and sometimes search for alternatives to it. Pratt

and Eriksson do not shrink from acknowledging a dark side of Nordic political preferences for state-directed solutions to social problems. This is evident above all in the radical sterilisation and other eugenic policies which were pursued in the inter-war years in degrees not evident in the Anglophone countries with their liberal individualism. A reader of this necessarily chilling period of experimentation might expect to be brought back to consider the longer term consequences of this experience. We must wonder about the longer term consequences, if any, for contemporary policy and practice in relation to populations of difference in the Nordic countries. As it happens, the liberal individualism that characterised the Anglophone countries of this study proved much more resistant to the enticements of radical eugenics. All the same, the traces of this period of radical state interventions in the private lives of the vulnerable might be a bit more present in the Anglophone countries than is commonly acknowledged. In this respect, one also wonders whether a more expansive definition of incarceration, going beyond imprisonment to encompass mental hospitals and other institutions, might show less disparity between the Nordic and the Anglophone than emerges in this book. We might ponder for example the implications of Eoin O'Sullivan and Ian O'Donnell's new book (2012) on what they call 'coercive confinement' in Ireland, which has stressed the importance of taking account of *all* institutions of compulsory confinement if we are to consider the true dimensions of incarceration and exclusion across the twentieth century.

I want to return to a question alluded to earlier: what are the consequences for political and policy choices of the analysis presented in this book? I would argue that there is a strong, perhaps too strong, element of cultural determinism in the historical analysis of this book; too little recognition of the significance of punishment as a constant site of political choices and preferences. In that respect, *Contrasts in Punishment* might also be considered a profoundly pessimistic book. On the one hand we are offered the vision of another kind of penalty, less exclusive, more interested in keeping the imprisoned engaged in positive social relations. On the other hand, the cultural and historicist account of the development of two different value systems underpinning long-standing differences in penal traditions, if taken at face value, might be taken as precluding the possibility of significant change at any time in the even distant future. Such pessimism might all the same force us to ask whether such a determinist account has really taken into account the possibility of variation within cultures and systems; of potential for different tracks to be pursued. In response Pratt and Eriksson might suggest that in fact they have acknowledged the possibility and that history offers some laboratory lessons – for example, in the Anglophone cultures' flirtations of the 1980s with alternatives to incarceration and the adoption of last resort measures; on the other failed experiment of Swedish tough penalties in the early 1990s which may have contributed to the early demise of the conservative forces in that country. Against the tide of history it seems that politics can still play its part, and alternative ways of punishing may yet challenge the suffocating weight of the past.

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## References

- O'Sullivan E and O'Donnell I (2012) *Coercive Confinement in Post-Independence Ireland*. Manchester, UK: Manchester University Press.
- Ward R (1958) *The Australian Legend*. Melbourne, New York: Oxford University Press.

## A response to David Brown, Russell Hogg and Mark Finnane

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Let us introduce this response with the observation that in the 'big picture criminology' that Hogg describes *Contrasts in Punishment* as painting, some fine points of detail will inevitably be brushed over by the thick strokes being put on the canvas. But by the same token, a picture that is full of nothing but detail tends to lose its focus, its coherence and force. We are very pleased indeed that *Contrasts in Punishment* falls into the former rather than the latter category, as all three commentators acknowledge, directly or indirectly.

Let us also take the opportunity, first, to talk in general terms about the origins and development of the research for this book. Its central question was how it became possible to think so differently about the place and role of punishment in the Nordic and Anglophone societies, as reflected in their rates of imprisonment and prison conditions. From its beginnings (the first seeds of the research were sown in late 2003), it was decided that the way to approach the issues raised by the Nordic penal practices that one of us – John Pratt – serendipitously<sup>1</sup> came across would be to explain the differences that existed between these societies and the Anglophone countries, rather than focus on penal development in one of those Nordic countries. This approach also lent itself to looking at differences between these two *clusters of societies*, rather than making a one-on-one comparison – for example Norway and New Zealand. For obvious reasons this would have more sociological impact and validity than a project that looked at two small societies at opposite ends of the globe. Such a project would then address some of the broad themes and similarities that run across each cluster, and the relationship that these have to the similar penal arrangements that are to be found in each – but which would be largely unimaginable in the other. Having said that, it also follows that *Contrasts in Punishment* is not a history of all institutional confinement across the six societies that we did the research in (Finland, Norway and Sweden and Australia, England and New Zealand). That was never its purpose and it would have been an impossible task anyway.

What of the selections for the clusters? The reasons for these are discussed in the book's introduction but, of course, there is a problem with Australia. As Finnane indicates, unlike the other societies, state rather than federal government has determined its penal development. How was that problem to be addressed, given that this project, like any other, had finite resources and that its purpose, anyway, was not to write a history of punishment across Australia as a whole but to show, instead, the interconnections and inter-relationships between the three Anglophone countries that then led to close similarities in their penal arrangements? The only solution, it seemed, was to concentrate on New South Wales, the largest and most long-established state, and that this would then be representative of Australia as a whole. Was that legitimate? With the resources available and the analytical framework that had been developed, there seemed no other choice. This is not to say, of course, that there have been no periodic divergences from New South Wales' pattern of penal development in the other Australian states, but it was the *typicalities* of punishment in Australia that feature in this book. Readers hoping to come across a history of all Australian penal development and its inevitable inconsistencies and divergences should look elsewhere.

How, though, with the selections that were made, should we then go about explaining the differences in the ways in which it had become possible to think about punishment between the

two clusters of societies? The explanation we developed is that the *longstanding* differences – divergences in prison rates and conditions are only their most recent manifestations – have been informed by and are the product of deeply embedded cultural values: that is, frameworks of knowledge that provide ways of seeing and thinking about and understanding the world, including the place that punishment should have in it. But how should one go about establishing these frameworks of knowledge? The way this was done, following the example of Norbert Elias (1939 / 1979) was indeed, as Finnane notes, to show how ‘contemporaries and later observers discerned the characteristics of these societies’. This was done to show how people were seeing and thinking and understanding the world from within those societies. As is alluded to by Brown, more favourably, this involved drawing on official commentaries, reports and enquiries, as well as memoirs, travelogues, literary works and diaries.

Now, of course, these values did not emerge out of thin air. They were the product of the social arrangements of these societies / emerging societies in the early nineteenth century: in particular, their respective class relations; levels of homogeneity; the value given to education; and level of central state governance. Chapters 3 and 4 then show how, from these arrangements, the different ways of seeing and thinking in these clusters were built up ‘layer by layer’, to use Brown’s expression, in such a way that egalitarianism and moderation became two of the central features of the Nordic world. This then made possible the political choices that brought about their characteristically high levels of social inclusion. In contrast, the Anglophone cultural characteristics gave more emphasis to individual advancement and division, bringing about political choices more likely to lead to social exclusion. It was not, then, that we were downplaying politics in our analysis; rather, we were showing the context out of which a series of differing political choices became possible.

What of the absences from the text? When undertaking historical research of this order, there is a high risk that some important sources will go missing (despite the book’s 26 page bibliography); or that some of the sources that are used are open to interpretation and question. Finnane, for example, questions our use of Ward’s (1958) concept of Australian ‘mateship’. This was done to show how, notwithstanding the homogeneity of Australia’s nineteenth century settler population, the shallow and fleeting interdependencies Ward associated with this concept meant that there was little of the stability and cohesion that Nordic homogeneity made possible. Instead, Finnane argues, an alternative ‘pioneer tradition’ is more in keeping with the dominance of the self-made man idea that we associate with Anglophone cultural characteristics. That would certainly have been another way to develop our argument; but it does not seem to detract from it.

Let us look now at some of the more specific points raised by the reviewers. First, the issue of race, and its role in explaining the differences in prison rates. Our purpose was to show how the Indigenous peoples of Australia and New Zealand – new societies often slavishly modelled on Britain for much of their history, but with their own distinctive cultural characteristics as well – were effectively written out of these societies, until around the 1970s, as the dominant white settler values came to be entrenched. During that period they did not feature to any significant degree in the thinking underlying the New South Wales and New Zealand penal systems. As noted by Brown and Finnane, one of us (Pratt 1992) had already written about the ‘silencing’ of Maori criminal justice practices in the latter system. Here, though, our emphasis was much more on the dynamics of those forces that shut them out, rather than how this affected them (there were also the questions of how much material could be included – the final product was 135,000 words – and at what level of generality the book was to be written that also had to be taken into account). Nonetheless, if we, for example, had included Western Australia in our research as well as New South Wales, the pattern of Australian penal development would have taken on a rather different hue. In that particular respect, we do regret that limitation. We would still maintain, though, that we have provided an account of the *typicality* of Australian penal development in this text.

Race occurs again in relation to current prison rates in these clusters, with the colonial heritage reflected in the disproportionate levels of Indigenous imprisonment in Australia and New Zealand: does this not largely explain their difference from the Nordic countries? Not really, because both Norway and Sweden have become dramatically more heterogeneous since the 1970s, with their high levels of immigration, particularly refugees and asylum seekers (1 in 8 Swedes was now born outside the country). That these societies have been able to manage such sharp changes to their racial composition again points to their embedded social inclusion mechanisms. However, as the Breivik mass murders in Norway and widespread rioting by ethnic minority youth in Sweden in 2013 demonstrate, there are limits to how far those mechanisms can be stretched. But while, in Australia and New Zealand, Indigenous people have now become much more visible, they find themselves at the bottom of all the social indicators of these societies without the Nordic inclusionary mechanisms, and grossly disproportionately imprisoned.

But let us now return to the role played by politics in the differences in punishment between the clusters of societies. Obviously, given our argument that these are structurally determined, the respective policies that mark out these clusters are not simply interchangeable. Anything comparable to the Norwegian prison 'waiting list', introduced in the 1980s, to prevent any expansion of the prison estate, would simply be derided in the Anglophone world. However, these differences still have important implications for our involvement in local penal politics. At the most basic level, the book shows that there are indeed different ways of thinking about responding to crime from what both Left and Right politicians in the Anglophone world have been saying in recent years: that the only way to have a safe society is to put more and more people in prison, under increasingly restrictive conditions, irrespective of the social and economic costs. What we see from the Nordic countries, as Hogg argues, is that it is possible to achieve high levels of social cohesion and trust in government *by making the state stronger*, rather than weakening its authority. The way to do this is to give it more protective and preventive powers (notwithstanding that there may also be a price to be paid for this, as Finnane and Hogg point out). The way the Nordic countries are currently doing this is by spending more on education, engineering income equality and developing more extensive rather than more narrow welfare states. In so doing, they have been able to avoid the levels of *penal saturation* that we have become familiar with in the Anglophone world.

It is also clear that individuals still have an important role to play in bringing about penal change. The values of these clusters are not written in stone. Change can and does happen. Finland provides a particularly good illustration. It rejoined the Nordic family of nations in the 1960s when it had the highest rate of imprisonment in Western Europe. Up to then, it had become a victim of its own geo-political history. After getting caught up in the Russian revolution of 1917, it had been frozen in time, a very repressed and very poor society. From the 1960s, however, a small group of individuals in powerful positions in government, universities, the media and the criminal justice system, worked together to redirect Finnish society towards the values of the Nordic countries and in so doing began to bring about extensive social and penal change (Lappi-Seppala 2000). Fifty years later, Finland now has one of the lowest prison rates in the West. To bring about any similar initiative in the Anglophone world, what is needed is for the body politic referred to by the reviewers to demonstrate such leadership. For reasons outlined in the book, however, this seems unlikely to happen.

We are very surprised though that, in marked contrast to Brown and Hogg, Finnane finds the book 'profoundly pessimistic'. It ends with the response of the Norwegian people to the Breivik catastrophe: 77 people murdered, many more injured or wounded. It was a response not of hatred and vengeance, but one that reaffirmed the characteristics of Norwegian society: solidarity, cohesion and unity. Here was a society, they seemed to be saying, which was strong enough to take in its stride and absorb a catastrophe of that magnitude. To us, this represents

not just a remarkable achievement of Norwegian social arrangements but, in addition, a triumph of the human spirit in the face of such adversity. If this book, whatever its merits or faults, has been able to shed light on those arrangements and what these can lead to, then it will have achieved a great deal.

To conclude, we are grateful to the reviewers for their comments and for this opportunity to respond to them. We hope that *Contrasts in Punishment* will be seen as a significant contribution to the developing field of comparative penology, one that provokes questions and helps to generate further enquiries in this field. Rather than close down this area as 'the last word', so to speak, it was always intended that it would open it up for further analysis and discussion.

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<sup>1</sup> The origins of the project, and its subsequent development, are set out in the book's preface.

## References

- Elias N (1939 / 1979) *The Civilizing Process*. London: Blackwells.
- Lappi-Seppala T (2000) The fall of the Finnish prison population. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 1(1): 27-40.
- Pratt J (1992), *Punishment in a Perfect Society*. Wellington: Victoria University Press.
- Ward R (1958) *The Australian Legend*. Melbourne: Oxford University Press.