

GLOBALISATION AND THE CHALLENGE TO CRIMINOLOGY

EDITED BY FRANCIS PAKES



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Globalisation and the Challenge to Criminology

There is no doubt that globalisation has profound effects on crime, justice and our feelings of security, identity and belonging. Many of these affect both the making of laws and the breaking of laws. It has been argued however that criminology has been too provincial, focusing as it often does on national laws and issues, whilst others have said that globalisation is the stuff of international relations, global finance and trade, not of criminology. This book disputes this by asserting that criminology has a firm place in this arena and globalisation offers the discipline a challenge that it should relish.

Some of the field's top scholars from the UK, the USA, Canada, Australia and New Zealand consider these challenges and present cutting-edge analysis and debate. Topics covered include transnational organised crime, international policing and a range of other issues involving global harm such as genocide, the workings of international financial institutions, the fate of international migrants and the impact of anti-immigration sentiments in Europe. A particular focus is on borders and arrangements that deal with migration and populations that are excluded and adrift.

This book highlights criminology's analysis and engagement in new understandings of globalisation, in particular its harmful and unethical manifestations, and offers a mode of scrutiny and vigilance. *Globalisation and the Challenge to Criminology* will be of particular interest to those studying criminology, criminal justice, policing, security and international relations as well as those who seek to understand globalisation, and in particular, its harmful outcomes.

Francis Pakes is Director of the Research Centre for Comparative and International Criminology at the University of Portsmouth. His more recent work has a strong focus on the nature of globalisation, and its consequences for crime and justice in general and for criminology in particular. He is a former treasurer of the British Society for Criminology and has also published on the intersections of psychology, mental health and criminal justice.

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1 Globalisation and criminology

An agenda of engagement

Francis Pakes

It is not easy to come to the essence of globalisation. For starters, it refers to notions of global finance, branding and migration. We also think of global institutions such as the United Nations or Cable News Network (CNN), and global fame embodied in stars like Usain Bolt, Lady Gaga or Oprah Winfrey. Global brands come to mind. We may consider politicians with global fame such as Barack Obama and Vladimir Putin. But we also cannot help to be reminded of apocalyptic terms such as global meltdown, pandemics and genocide. We might be forced to ponder global resources, from fossil fuel to precious metals and rain forests. There is much to challenge, much to protect, much to celebrate and much to fight against, it seems, when it comes to some of globalisation's most obvious manifestations. It is therefore no wonder that globalisation invokes feelings of profound and intense ambiguity.

Essential descriptions of globalisation involve talk of contradictions. Globalisation is frequently referred to as a set of contradictory processes consisting of both flows and counterflows; efforts to open up the world for trade, production and consumption go hand in hand with measures to constrict this through fences, borders and other types of barriers.

Simple descriptions of globalisation tend to run as follows. Globalisation refers to the growing interconnectedness and integration of people, goods and finance (Held, 1995). Two principal drivers can be identified that explain its acceleration in the last few decades. The first is technology. Information and communication technology has allowed international trade and finance to become despatialised to a large extent. This has allowed outsourcing, for instance and the emergence of a truly global marketplace, increasing the value and prowess of multinational companies. It has never been quicker, easier and cheaper to transfer money, goods, ideas or people over the globe although not all of these 'commodities' travel with the same ease.

The second driver is in the realm of politics and policy. This, on the one hand, refers to the opening up of parts of the world for globalisation, notably the former Eastern Bloc after the fall of the Berlin Wall in 1989 and the collapse of the Soviet Union soon after. The second is ideological transformations in major emerging economies such as in China. That means that large parts of the world are now open for global business which has accelerated global competition in

terms of production, investment and increasingly, consumption. Other components of this driver include globally spread globalisation-friendly policies, furthering free trade (within certain limitations and constraints), competitive taxation of various sorts, and the furtherance of global consumption through global branding and marketing, and much of this is frequently discussed under the banner of neo-liberalism.

It is not difficult to portray both sets of processes as a picture of progress. Innovation in information and communication technology is easily framed within a narrative of advancement: we now have Skype, Facebook and Twitter to allow us to stay connected and informed. Information technology ostensibly serves as the antidote to isolation and ignorance. A plethora of websites including Amazon and Paypal allow us to run our household to a large extent on line. No more queuing up at the post office as our affairs are sorted swiftly and effortlessly on line. Finally, through dedicated websites and chat rooms we find new friends, soul mates or a support network way beyond our street, village or country. The story here is that information and communication technology has enhanced our life beyond compare; a story of advancement and achievement.

There is a similar interpretation forced upon the latter driver which goes that the unlocking of large parts of the world represents genuine humanitarian progress. Peoples that previously were subdued and deprived of opportunity are now able to engage in the good things in life such as travel, consumption, education and career. For millions, perhaps billions, there is hope for a better life, owing to political change that allows them to free themselves from the strain of toxic ideology and state repression and totalitarianism.

But this is where the contradictions start. On the other hand, the degree and pace of globalisation has brought urgent issues to the fore. Two of these are directly related to these drivers. The negative effects of global finance are now plain to see for all further to the financial crisis of 2008 and the resulting fall out in much of the industrialised world. The ease and ubiquity of IT and our reliance on it brings with it the fear of cybercrime in many guises, from cyber bullying to attacks on IT infrastructure that supports state security and much in between. It makes for life and luxury to be regarded as perennially precarious.

The spread of globalisation-friendly policies is equally subject to heated debate and controversy. Whereas the talk is of spreading prosperity it is arguable that such policies fail to deliver to those on the receiving end. Stiglitz has made this argument for a number of years and in this volume, Friedrichs and Hauptman make a similar argument. This is due to several processes are at work that are at times difficult to disentangle. The first is that neoliberalist policies imposed on countries in financial need, through the World Bank and the International Monetary Fund (IMF) make in fact life harder for citizens in those countries (see Klein, 2007, for a fierce critique). Another is that within countries, both developed and developing, the differences between the 'have's' and the 'have nots' tend to increase. Whereas countries may be keen to brand themselves as 'open for business' and be attractive to investors and speculators, GDP may increase

but unemployment may rise and wages may drop as workers find themselves competing in a global context. The third is that through outsourcing and the shifting of manufacturing to the areas of the world with the cheapest wages, local unemployment may soar in developed parts of the world where manufacturing jobs will disappear whilst at the same time in developing countries wages need to be kept low and the labour market as little regulated as possible. The upshot of this may be that workers worldwide fail to experience the benefits of globalisation. Fourth, these developments have enhanced the clout of international corporations from oil companies to banks. They have become 'too big to fail', which leads to levels of liability that are too big for most individual countries to bear. It brings the challenge of regulating such business and holding them accountable for harm. It raises the question of who is in charge in our globalised world. Fifth, issues of sovereignty have also been eroded through supranational institutions such as the United Nations, the European Union, the G8, G20, etcetera. If there is such a thing as global governance, it is probably is governance via summit, either at the United Nations, G8 or G20 meetings or the World Economic Forum in Davos. How effective and fair such governance is remains to be seen. At any rate, the narrative of progress (e.g. Friedman, 1999) looks bleaker a good decade later.

To add to all this there are the unwanted or unexpected consequences of globalisation. They frequently occur in the realms of culture, identity and community. These include undesirable flows and movement, none more so than of people, in particular those '*sans papiers*'. The chapters by Muller (this volume), and Weber and Pickering (this volume) consider policies that deal with the movement of bodies and the harm caused by these policies of exclusion. There are further sentiments brought about or intensified by globalisation to which governments have felt it imperative to respond to over and beyond strengthening borders. Quests for national identity have intensified and measures against those that threaten it have become harsher and at time no less than brutal. Pakes's (this volume) chapter considers such manifestations in several European countries.

Finally, there are overall aspects of globalisation that are difficult to evaluate: does globalisation lead to peace and prosperity as Friedman (1999) has argued in the past, or is globalisation is an accelerator of inequality and a harbinger of poverty and conflict? If the latter is the case and there are good arguments that it might be, then, as Bauman has argued, globalisation throws an ethical challenge (Bauman, 2001). The quest for global governance is, or at least must be, closely linked for the quest for global justice. This often is not conceptualised as criminal justice per se although issues of genocide and the absence of any sort of justice in weak or failed states is incorporated in a search for global modes, means and platforms to provide accountability and fairness. Conceptualisations of what global justice means and what it might look like are certainly emerging at the moment (e.g. Brock, 2009). Needless to say, globalisation is likely to put unsustainable strains on our natural environment that will produce human suffering. Shortages in food, fresh water, fuel and essential materials for industry may well bring out conflicts and movements on scales not seen before. Therefore the

ethical challenge needs to incorporate issues of sustainability and a fair distribution of available resources.

Berberoglu (2009) is quite unequivocal in his assessment of the nature of globalisation: it is the highest stage of imperialism operating on a world scale in which processes of globalisation constitute the mechanisms to facilitate global plunder and oppression. Anti-globalisation is in effect the class struggle gone global (Berberoglu, 2009). His assessment represents an interesting antidote to the often-phrased notion that we need a new frame of reference in order to understand globalisation. Berberoglu's point seems to be that the old paradigm of class struggles and capitalism works just fine.

There is no doubt that globalisation at present plays out unevenly and often in disastrous ways. It leaves weaknesses in global regions there to be exploited by legitimate business, states, as well as organised criminals and terrorists. Part of the case for global governance is to tackle effectively transnational harmful behaviour resulting from exploiting criminogenic asymmetries between the regulated North and the less regulated South (Passas, 1999). The dumping of toxic waste is one such example whereas in the past, nuclear tests on far away atolls is another example of a tendency for legitimate and illegitimate actors to take hazardous conduct and goods to where they can be dealt with the least amount of cost, reputational damage and risk of litigation or other forms of enforcement. Global asymmetries are key globalisers and often not for the good.

Those who seek to study or even govern globalisation are chasing a moving target. The very nature of globalisation provides a real challenge to any sort of global governance whatever shape that might take: uncertainty about its nature and about what happens next requires great agility in making sense of it. There certainly is an argument to be made that globalisation is modern day colonialism. Others have argued that globalisation has led to a global class struggle only obscured by issues of nationality. The high visibility of American globalisation cannot be denied: we can listen to American artists anywhere where there is Internet, and McDonalds, Starbucks and Microsoft have a global reach through branding of incredible strength. American cultural hegemony is certainly identifiable world-wide. But there is a sense that the 2008 global economic crisis is accelerating a process of de-hegemonisation away from the United States towards several locations of which India, China and possibly South America are the main contenders. Others argue that considering hegemony or dominance in terms of geographic region is already underplaying the despatialising aspects of globalisation and that the emerging social and financial state is one in which global corporations are the defining force. At any rate, globalisation has no master plan and does not have a single direction. That makes governance particularly problematic: how can we control a set of processes so paradoxical, elusive yet ubiquitous?

Brock (2009) argues that, like it or not, we already have global governance given shape by agencies such as the United Nations, the World Trade Organisation, the International Monetary Fund. Nederveen Pieterse (2008), however, calls the 1990s institutional architecture of globalization around the IMF, World Bank

and World Trade Organisation increasingly fragile. The IMF has reduced financial clout, whereas financing from Chinese sources has become globally popular. The influence of newly industrialised economies (e.g. China and India) is increasing and so is that of the G20 and G77. A new development he charts is not a widening gap between developed and developing countries but stronger bifurcations and inequalities within developing countries, of which he uses China and India as examples. Some areas will boom (e.g. Hyderabad, Friedman, 1999) but other rural areas and the urban poor will (continue to) suffer. Nederveen Pieterse puts it graphically:

For every swank mall that will spring up in a booming Indian city, a neglected village will explode in Naxalite rage; for every child who will take wings to study in a foreign university there will be 10 who fall off the map without even the raft of a basic alphabet to keep them afloat; for every new Italian eatery that will serve up fettuccine there will be a debt-ridden farmer hanging himself and his hopes on a rope.

(Nederveen Pieterse, 2008, p. 713)

It seems customary in many publications on globalisation to build it up and convince the reader that the world has changed profoundly only to subsequently emphasise that despite all the 'flow speak' (Bude and Dürschmidt, 2010) we should not forget to appreciate the 'cultural thickness of everyday territoriality' (p. 482), i.e. that life for the most part remains rooted in locality. Despite email, smart phone and credit card I still am where I am. Bude and Dürschmidt argue that too enthusiastic talk of globalisation loses sight of limits. Talk of borderless worlds and limitless choice is vacuous at least in light of the lived experience of the vast majority of people on earth. Our experience remains limited, not limitless. Instead, place has emerged or re-emerged as the most potent organiser of our fate. Being born on one or the other side of Fortress Europe, or in Mexico as opposed to Arizona makes a massive difference to life expectancy, entitlements to health care, education and social security. Where we ask 'what side or you on', it is perhaps most poignant in relation to borders, and less in terms of ideology.

So, globalisation matters but so does place. The new does not replace the old but somehow co-exists with it. That is perhaps what has prompted Savelsberg to argue for a 'process turn' in the study of globalisation. Global challenges interact with local conditions making the case of broader comparative analysis (Savelsberg, 2011; Pakes, 2010; also Bowling, 2011). Area studies and cross-national remain important: 'Global challenges and scripts encounter local cultural conditions, rooted in religion and collective memories, and distinct institutional arrangements' (Savelsberg, 2011, p. 82). How those play out is both difficult to predict and fascinating to observe.

That there is a role for criminology here should be obvious. First, we need to address our traditional subject matter, matters of crime, harm, power and justice as given shape in local conditions and global developments. This is a substantial

challenge, although many top academics are leading the way (e.g. Bosworth and Hoyle, 2011; Aas, 2007; Drake *et al.*, 2010). Second, we need to identify the hot spots, the places where globalisation hurts. These spots can be specific geographic areas. One of those is the Isle of Lampedusa, a focal point of immigrants from North Africa into the European Union. In addition, hot spots can be conceptual in nature. Borders are the best example of such hot spots and subject to acute reconceptualisations (e.g. Muller, this volume; Zureik and Salter, 2005). Issues of 'crimmigration', citizenship and deportation are others (see Stumpf, this volume). Schinkel (2009) identifies the detention centre where '*homo sacer*', illegal residents, outsiders without entitlements, are held. The detention centre serves symbolically as heterotopias and physically as the affirmation of exclusion (Schinkel, 2009). Where Muller speaks of borderlands as a firing line of globalisation, Weber and Pickering (this volume) talk about death at the global frontier. It is clear that globalisation is forcing a drastic reconceptualisation of places of engagement for criminology. At the same time, we should join the quest for and critically examine manifestations of and claims to, global justice with the ambition to transcend time and place.

This volume contains a number of contributions that chart how the world of criminology is adapting to cope with globalisation. It is clear that strictly sticking to national boundaries, as if they were 'do not cross' crime scene tapes, is obscuring from our sight a lot of harmful behaviour. Several contributions take that transnational or global perspective and do so with verve. Others comment on how traditional criminology has adapted and its level of analysis comes to incorporate global developments. Yet others look at how policing or criminology inquiry is coping in the new landscape. Altogether, it brings a degree of optimism that a substantial part of criminology is truly global: follow the global harm, not the local law. Together they demonstrate that after a slow start, criminology is well and truly engaged with globalisation, and it is set to transform the discipline at its very core.

Together the contributions in this book show the vibrancy of international and global criminology. David Nelken looks at issues in method and content in comparative criminal justice, which is subject to much debate in the field currently (Pakes, 2010; Nelken, 2011). Daniel Silverstone looks at organised crime. His key message, refreshingly perhaps is that much of 'conventional' organised crime, at least in the United Kingdom, remains rather rooted in the local. David Friedrichs and Dawn Rothe in contrast look at harmful behaviour by global financial institutions, such as the World Bank and the IMF. They make a strong case that criminology should concern itself much more urgently with such forms of global harm doing. The role of policing in relation to globalisation is scrutinised by Mathieu Deflem and Samantha Hauptman, and also by B.K. Greener. Mathieu Deflem and Samantha Hauptman consider the policing of international terrorism, in particular in the aftermath of 9/11. B.K. Greener considers policing efforts in international peace keeping missions. Both chapters highlight some of the transformations of global policing and the ethical and practical challenges these pose.

Juliet Stumpf considers crimmigration, the increasing alignment of processes, aims and discourses of immigration law and criminal law, frequently to devastating effect. Leanne Weber and Sharon Pickering consider issues of deportation and the definite and at times harrowing consequences of deportation policy and practice in many Western countries. In doing so they highlight the importance of borders and citizenship, something Ben Muller takes on in his vivid description of Borderworld, an area governed by biometrics, drones, exclusion and division. In an evocative chapter Susanne Karstedt looks at the challenge to criminology posed by genocide and mass atrocities, an area of research that criminology traditionally has been reluctant to engage with. Finally, Francis Pakes looks at globalisation's counter processes, such as neo-nationalism, or parochialism often expressed in a desire to close borders. In particular he charts the rise of anti-immigration anti-Islamic parties in several European countries and their wider effects in policies on criminal justice, immigration and human rights and civil liberties. His message of vigilance is one to take further. There is no doubt that apart from many beneficial effects, globalisation causes or enhances inequality and suffering. That calls on criminology to be engaged, to place its finger where it hurts and expose new means of harm production. It is encouraging to see colleagues do exactly that. I would like to extend the invitation to others in the field of criminology and beyond. Globalisation has made the global struggle for justice and fairness perhaps harder but certainly more important. In that struggle it is important that the voice of criminology is heard.

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2 The challenge of globalisation for comparative criminal justice¹

David Nelken

This chapter is concerned with the extent to which globalisation can and should be taken into account in studying criminal justice comparatively. The questions it touches on include: Does it still make sense to think about criminal justice systems in terms of separable national jurisdictions at a time of global links between crime threats and criminal justice responses? In what ways do the nation-state or other, more locally based, justice practices shape or resist 'global' trends? To what extent is a global 'gaze' on crime threats possible and desirable? How can such a perspective avoid the risks of ethnocentrism or relativism by which what purports to be global is in fact local (Nelken, 2009b)?

There has been an undoubted rise of interest in global criminological issues.² But this has so far largely gone hand in hand with a continuation of older type of comparative enquiries. Even the best studies of comparative criminal justice devote themselves principally to explaining differences in national laws, ideas and practices across different jurisdictions (see, for example, the descriptive comparisons of juvenile justice in different jurisdictions in Muncie and Goldson (2006) or the cross-national collaborative efforts to test hypotheses on the organisational variables that affect police integrity and corruption in Klockars *et al.* (2004)). On the other hand, most studies of the best ways to respond to supposed transnational threats or to spread human rights pay little attention to the difficulties of comparative enquiries, except perhaps to lament the obstacles created by difference between places. These endeavours, to some extent, have different aims and audiences. But trying to keep comparative and globalisation issues strictly apart has little to recommend it other than to allow for the continuation of 'business as usual', and it risks, as will be seen, missing a variety of interesting interconnections.

It may seem at first sight that there is no obvious connection between the details of lower criminal court procedure and the problem of how to combat various threats posed by serious transnational crime. But even the world of 'high policing' is less often engaged in a strenuous life and death struggle with transnational organized crime than in developing a more technologically advanced response to traditional 'high volume crime' (Sheptycki, 2002). International law and conventions that seek to spread or enforce human rights have obvious

implications for matters such as corruption, terrorism and immigration – but they are relevant also to the length of ordinary criminal trials (Nelken, 2008). More generally, responding to transnational phenomena such as irregular migration has profound effects on the provisions, temper and everyday practice of local systems of criminal justice. Conversely, for a wide range of questions regarding international relations, human rights, truth commissions, restitutive justice and transitional justice it is the proper role of international criminal justice as compared to more local means of handling conflict that is a matter of debate (Karstedt, 2009).

Certainly, there are still remarkable differences in the types of conduct for which people are punished in, say, the United States, China, Thailand or Saudi Arabia, as well as in the type of penalties used. Local conditions also have a lot to do with explaining the differing involvement of immigrants in crime in different European countries and the response to this (Solivetti, 2010). But decisions made by criminal justice actors here and elsewhere increasingly (have to) relate to their understandings about criminal justice elsewhere and the desire to be similar or be different to them. Finland's successful efforts to reduce its incarceration rates have been linked to its desire to come into line with published evidence of the rates in other Scandinavian countries (Lappi-Seppälä, 2007). Conversely, the introduction of international crime victimisation surveys had an influence on policy makers and (to a lesser extent) public opinion in the Netherlands where it produced 'a wholesale change in the philosophy of criminal justice policy' (Downes, 2011: 40). This does not mean of course that those doing the comparison have got it 'right'. Typically, actors construct ideas and practices in other societies in terms that reflect their own concerns and assumptions – even when they are seeking to collaborate with them. As scholars come to study these 'second-order' comparisons they will increasingly need to move from 'methodological nationalism' to more cosmopolitan approaches (Beck and Sznaider, 2006).

In seeking to throw more light on the relationship between globalisation and criminal justice I shall first summarise the 'state of the art', then move on to discuss the way globalisation affects the units we want to compare and how it is linked to the alleged decline of the nation-state. I shall point to the need to see globalisation as a contested process, and then consider its implications for social justice and for diversity. The aim will be to show the need for careful research into globalisation's significance for criminal justice at national, regional and local levels rather than simply taking it to be an unstoppable force for convergence.

Broadening a discipline

Comparative criminal justice textbooks and readers reveal considerable uncertainty about how best to integrate the effects of globalisation into traditional classificatory and descriptive schemes. Material that fits awkwardly into the normal comparative paradigm is sometimes relegated to a separate book (Reichel, 2007), to an early chapter (Reichel, 2008), or a closing one (Dammer *et al.*, 2006).