

MAJOR CRIMINAL JUSTICE SYSTEMS

A Comparative Survey

Second Edition

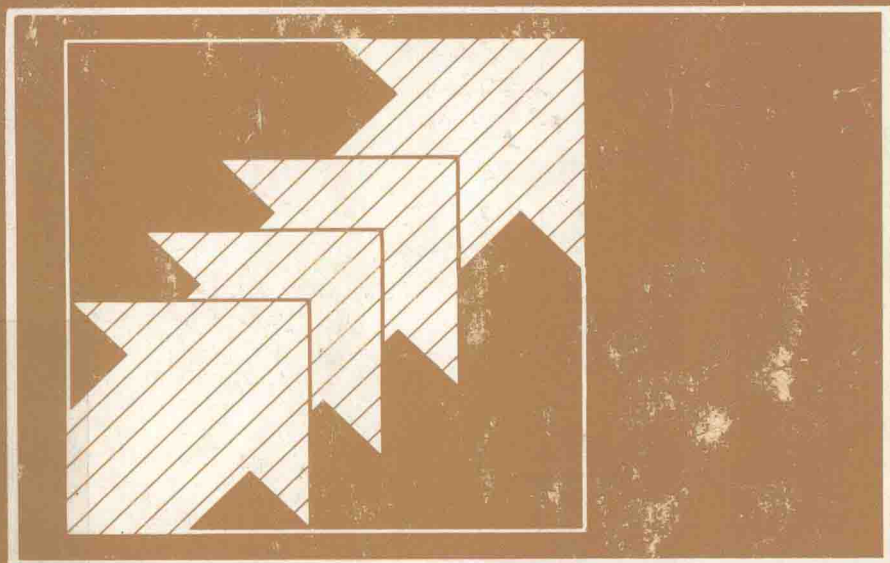
Edited by

George F. Cole

Stanislaw J. Frankowski

Marc G. Gertz

Foreword by Gerhard O.W. Mueller



A SAGE FOCUS EDITION

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Foreword

A book on major criminal justice systems would have been an impossibility a generation ago. The term *criminal justice*, by itself, would not have been properly understood. When used at all, it was used in reference to the judicial apparatus with jurisdiction in criminal matters. The use of the term *systems* in reference to criminal justice would have prompted a blank stare, because the various agencies concerned with crime prevention and control were not viewed as parts of an interdependent system. Comparison was in its infancy—at least as far as crime prevention was concerned—and was restricted to law comparison. Yet even then the systematic, dogmatic, and political differences were regarded as so overwhelming as to cause many scholars to regard comparative studies in criminal law as esoteric and virtually fruitless.

All this has changed in a single generation, largely due to the efforts of a handful of scholars, at a few research centers, in a few countries mostly in the northern tier of the world. Today, thanks to the phenomenal growth of scientific criminology, criminal justice has become a political reality that encompasses all of society's attempts to come to grips with the crime problem. The agencies of criminal justice are now being viewed as parts of a system, an entire sector of a public—and, to some extent, private—endeavor to deal with unacceptable deviance in a humane yet effective and efficient manner. Social, economic, ideological, or political differences are no longer being viewed as an obstacle to comparison. On the contrary, they are seen for what they are: variables worthy of analysis in an effort to determine why countries have such widely varying crime problems—ranging from insignificant to catastrophic.

A whole new methodology for the comparative study of criminal justice systems, all their component parts and all their strategies, had to be created. The interaction of the criminal justice sector with all other

sectors of public life began to be investigated in an effort to turn criminology, as the science of criminal justice, from a theoretical discipline into a practical tool of social engineering. It is at this point that the United Nations has entered the picture. The world organization, having achieved virtual universality of representation with its 151 member states, is deeply committed to the proposition that all nations should be able to enjoy the benefit of the experience of all other nations. In the field of crime prevention and criminal justice, for which the Crime Prevention and Criminal Justice Branch is the Secretariat's administrative organ, this means that the aggregate of world experience must be presented in a meaningful and comparable manner so that each nation can profit from the success—and failures—of all other nations, so that no nation need repeat the costly mistakes made elsewhere. Experience does show that, on the natural path of socioeconomic development, crime becomes a problem whenever crime prevention and the criminal justice system are not built into the overall national development effort.

The United Nation's first world crime survey, with the participation of 66 states, has been approvingly received by the General Assembly (A/Res/32/60). For the first time nations can gauge their own position on the region-by-region charts showing both the extent of criminality and the investment in personnel devoted to crime prevention. The General Assembly has also adopted the first international plan of action, for the remainder of the twentieth century, which is calculated to guide international and national efforts for efficient crime prevention and criminal justice administration (A/32/58, adopting E/CN.5/536, annex IV).

The experiences in crime prevention and control, criminal justice, offender treatment, and criminal policy are now being widely distributed through the quinquennial world congresses of the United Nations; through the work of the interregional and regional institutes in Europe, Asia, and Latin America; through the publications of the Secretariat—including the *International Review of Criminal Policy*—and through regional and interregional meetings of experts. Technical assistance, providing for a transfer of technology, strategy, and experience in the field of crime prevention and control, is now available to all governments requesting it. In sum, the academic discipline of comparative criminology has become the practical intergovernmental and governmental instrument of crime prevention and control.

It is most timely, therefore, that a group of distinguished scholars from countries that played a leading role in the field—in theory and in

practice—have pooled their efforts in the production of this important volume on comparative criminal justice systems. It is my fervent hope that through this volume the expertise necessary for improving national criminal justice systems by comparison may be more widely spread. I wish the authors every success in their contribution to the important world effort to reduce the human and material waste and suffering that criminality brings with it.

—Gerhard O. W. Mueller
Chief, Crime Prevention and
Criminal Justice Branch,
United Nations

Foreword to the Second Edition

The first edition of *Major Criminal Justice Systems* appeared nearly a decade ago. The world crime problem has increased significantly since then, but so has society's effort to deal with it. There are now 159 nations within the United Nations family, pooling their resources to combat crime. The First World Crime Survey has been followed by a much more detailed and informative Second World Crime Survey (1985), and the U.N. General Assembly's First International Plan of Action has been followed by such development as:

- The Milan Plan of Action (for crime prevention, worldwide)
- The Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order
- The United Nations Standard Minimum rules for the Administration of Juvenile Justice (The Beijing rules)
- The Declaration of Basic Principles of Justice (a) relating to victims of crime, and (b) relating to victims of abuse of power
- And a host of other agreements, models, and guidelines

All these instruments were adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF. 121/22 Milan, 1985), at which a record number of 124 States were represented by delegations. The unanimity with which nations of diverse economic, political, and cultural orientation are tackling the world's crime problems is astounding, yet demonstrates that the danger is commonly perceived.

For a common approach to worldwide crime prevention and control to be effective, there must be a mutual understanding of, and respect for, each other's criminal justice systems and approaches. And here lies the significance of a work such as *Major Criminal Justice Systems*.

It is a pleasure to help launch the second edition of *Major Criminal Justice Systems*. While indeed a new edition, this book is also a sequence to its predecessor by adding a chapter on Nigeria, permitting the researcher to consult the first edition for information on countries that, for brevity's sake, were not included in the second edition.

All the hopes and wishes with which I greeted the first edition appear to have been fulfilled. The book found favorable acceptance by the scholarly community and a multitude of students have learned from it about the divergent experiences of the world's variegated criminal justice systems. Indeed, such a cross-cultural understanding is a prerequisite for dealing with a crime problem that has become so intricately and obviously internationalized as to require global thinking in devising crime prevention and control strategies. May *Major Criminal Justice Systems*, in its second edition, continue to play its important role in educating the young men and women who are capable of dealing with today's and tomorrow's world crime situation.

—Gerhard O. W. Mueller
Chief (Ret.) Crime Prevention
and Criminal Justice Branch,
United Nations
Professor of Criminal Justice
Rutgers University,
School of Criminal Justice

Preface

As events of recent decades have demonstrated, the world is a small space in which travel and communication make it possible for important events to transcend national and even regional concerns. The simple fact that more than 150 countries belong to the United Nations indicates that Earth is made up of an interdependent network of nations where no one country stands completely alone. This is a dramatic change from just fifty years ago, when many nations followed isolationist policies, believing that they could remove themselves from the problems of other states. Only in recent decades has it been recognized that most of the pressing social matters on the contemporary scene—pollution, resource allocation, poverty, and crime—are universal problems.

During the past decade, scholarly activity regarding crime and the administration of justice has greatly increased. Responding to the growth of crime, a concern that affects all developed countries, scholars have conducted research examining the causes of crime, the treatment of offenders, and, as indicated in the foreword by Professor Mueller, such a volume would have been an impossibility a generation ago.

As Mueller also notes, the United Nations “is deeply committed to the proposition that all nations should be able to enjoy the benefit of the experience of all other nations.” This international perspective is the basis upon which this book is organized. We all need to know the experiences of other countries with regard to their criminal justice, which are now being taught in universities throughout the world. Unfortunately, there does not seem to be a comprehensive book that adequately deals with a representative cross-section of the criminal justice systems of the international community. We hope that *Major Criminal Justice Systems* will help to fill this void.

The book was designed primarily to introduce American students of crime to the criminal justice systems of some of the major countries of