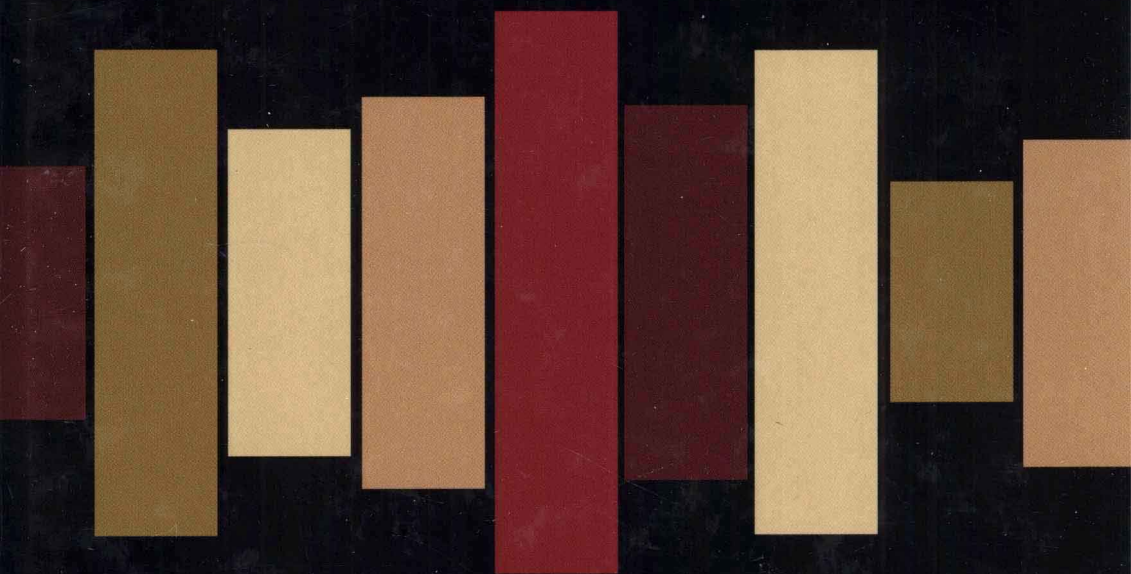


International and Comparative Criminal Justice and Urban Governance

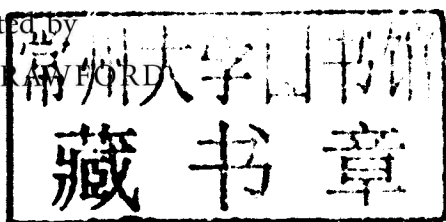
Convergence and Divergence in
Global, National and Local Settings



Edited by Adam Crawford

INTERNATIONAL AND
COMPARATIVE CRIMINAL
JUSTICE AND URBAN
GOVERNANCE:
CONVERGENCE AND
DIVERGENCE IN GLOBAL,
NATIONAL AND
LOCAL SETTINGS

Edited by
ADAM CRAVEFORD



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FIGURES

Figure 9.1	Political economy, imprisonment and homicide.	<i>page</i> 220
Figure 9.2	Table summarising main institutional linkages in different varieties of political system.	221
Figure 10.1	Prison rate per 100,000 total population 1950–2007.	252
Figure 12.1	Federal and provincial imprisonment rates (counts per 100,000 residents) 1958–2007.	307
Figure 12.2	Imprisonment rates in the USA, Canada and England and Wales (per 100,000).	313
Figure 12.3	Provincial imprisonment rates (1978–2007).	316
Figure 12.4	Ontario imprisonment rates (total, sentenced and remand) per 100,000 residents (1978–2007).	317
Figure 13.1	Rate of youths found guilty in youth court (per 10,000) (12–17-year-olds).	343
Figure 13.2	Rate of youths sentenced to custody (per 10,000) (12–17-year olds).	345
Figure 13.3	Rate of sentencing for three relatively minor offences – Part 1.	347
Figure 13.4	Rate of sentencing for four relatively minor offences – Part 2.	347
Figure 13.5	Length of custodial sentence.	348
Figure 14.1	Individualism and prison population 1999–2005.	373
Figure 14.2	Individualism and prison conditions 1999–2005.	373
Figure 14.3	Egalitarianism and prison populations 1999–2005.	374
Figure 14.4	Egalitarianism and prison conditions 1999–2005.	374
Figure 14.5	Mature democracies: individualism, prison population and prison conditions 1999–2005.	377
Figure 14.6	Mature democracies: egalitarianism, prison population and prison conditions 1999–2005.	377
Figure 14.7	Mature democracies: support for ‘respect for authority’, prison population and prison conditions 1999–2005.	378
Figure 14.8	Mature democracies: support for exclusion of offenders, prison population and prison conditions 1999–2005.	378
Figure 14.9	Mature democracies: support for ‘income differences as incentives’, prison population and prison conditions 1999–2005.	379

- Figure 14.10 Mature democracies: support for 'laziness is reason why people live in need', prison population and prison conditions 1999–2005. 379
- Figure 14.11 Mature democracies: income inequality, prison population and prison conditions 1999–2005. 381
- Figure 14.12 Mature democracies: ethnic fractionalisation, prison population and prison conditions 1999–2005. 381
- Figure 18.1 Directed governance model. 474

TABLES

Table 6.1	Targets of accountability.	<i>page</i> 151	
Table 6.2	Targets of accountability and religious affiliation.	152	
Table 6.3	Preferred measures of accountability for the harm inflicted during the war.	153	
Table 6.4	Measures of accountability and religious affiliation.	154	
Table 6.5	Reasons for prosecution.	155	
Table 6.6	Reasons for prosecution and religious affiliation.	155	
Table 6.7	Meeting with the perpetrator.	157	
Table 6.8	Meeting the perpetrator and religious affiliation.	157	
Table 6.9	Reasons for meeting the perpetrator.	158	
Table 6.10	Reasons not to meet the perpetrator.	159	
Table 6.11	Forgiving the perpetrator.	160	
Table 6.12	Forgiving the perpetrator and religious affiliation.	161	
Table 8.1	Political economy and imprisonment rates.	194	
Table 11.1	Divergence.	278	
Table 11.2	Convergence.	282	
Table 11.3	Rereading divergence.	292	
Table 11.4	Rereading convergence.	296	
Table 12.1	Relationship between US incarceration rates in 1973 and 2006.	321	
Table 13.1	Rate (per 10,000 12–17-year-olds) of finding cases guilty (total criminal code, excluding traffic).	344	
Table 13.2	Rate (per 10,000 12–17-year-olds) of sentencing cases to custody (total criminal code, excluding traffic).	345	
Table 13.3	Proportion (and number) of all cases sentenced to custody (Canada).	346	
Table 14.1	Prison population (rate of imprisonment) and prison conditions 1999–2005.	368	
Table 14.2	High individualism and preference for norm compliance: prison population and prison conditions.	375	
Table 14.3	High individualism and support for chance-oriented versus outcome-oriented egalitarianism: prison population and prison conditions.	376	
Table 16.1	Individuals detained by conventional UK forces in Afghanistan	426	
Table 16.2	Individuals detained by conventional UK forces in Iraq	429	

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The ICCJnet combines WUN and non-WUN partners with interests in a range of interrelated themes that coalesce around the internationalisation of crime control, by exploring questions of comparison (both convergences and divergences) in the development of policy, norms and institutional infrastructures. The network is interested in both the development of international institutions and processes, as well as comparisons between national and sub-national developments. Questions about policy transfer, lesson-drawing and international trends in the co-ordination and delivery of modes of criminal justice and crime control are at the

forefront of research concerns within this network. The ICCJnet has three main research themes which are reflected in this collected volume: (1) international criminal justice and global governance, (2) comparative penology and penal policies and (3) comparative urban governance and international policing agendas. With support from WUN, the ICCJnet funds an annual international visiting fellowship which was held by James Cockayne at the University of Sydney in 2009 and by Dr Ilaria Bottiglieri (Senior Researcher at the International Development Law Organisation) jointly at the Universities Sheffield and Leeds in 2010. For further information about the ICCJnet visit the website at: www.wun.ac.uk/research/iccjnet.

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CONTENTS

List of figures page viii

List of tables x

Notes on contributors xi

Acknowledgements xv

- 1 International and comparative criminal justice and urban governance 1

ADAM CRAWFORD

PART 1 International criminal justice 39

- 2 Unintended justice: the United Nations Security Council and international criminal governance 41

JAMES COCKAYNE

- 3 The International Criminal Court and the state of the American exception 67

JASON RALPH

- 4 Universal crimes, universal justice? The legitimacy of the international response to genocide, crimes against humanity and war crimes 86

CHRISJE BRANTS

- 5 Locating victim communities within global justice and governance 109

MARK FINDLAY

- 6 Dealing with war crimes in Bosnia: retributive and restorative options through the eyes of the population 140

STEPHAN PARMENTIER AND ELMAR WEITEKAMP

- 7 Shaping penal policy from above? The role of the Grand Chamber of the European Court of Human Rights 168
DIRK VAN ZYL SMIT AND SONJA SNACKEN
- PART 2 Comparative penal policies 191**
- 8 Penal comparisons: puzzling relations 193
MICHAEL CAVADINO AND JAMES DIGNAN
- 9 Why globalisation doesn't spell convergence: models of institutional variation and the comparative political economy of punishment 214
NICOLA LACEY
- 10 Penal excess and penal exceptionalism: welfare and imprisonment in Anglophone and Scandinavian societies 251
JOHN PRATT
- 11 The impact of multi-level governance on crime control and punishment 276
LESLEY MCARA
- 12 Explaining Canada's imprisonment rate: the inadequacy of simple explanations 304
CHERYL MARIE WEBSTER AND ANTHONY N. DOOB
- 13 US youth justice policy transfer in Canada: we'll take the symbols but not the substance 331
JANE B. SPROTT
- 14 Liberty, equality and justice: democratic culture and punishment 356
SUSANNE KARSTEDT
- PART 3 Comparative crime control and urban governance 387**
- 15 Victimhood of the national? Denationalising sovereignty in crime control 389
KATJA FRANKO AAS

- 16 Cosmopolitan liberty in the age of terrorism 413
CLIVE WALKER
- 17 Restorative justice and states' uneasy relationship
with their publics 439
JOANNA SHAPLAND
- 18 Governing nodal governance: the 'anchoring' of local
security networks 461
HANS BOUTELLIER AND RONALD VAN STEDEN
- 19 From the shopping mall to the street corner: dynamics
of exclusion in the governance of public space 483
ADAM CRAWFORD
- 20 Gating as governance: the boundaries spectrum in social
and situational crime prevention 519
SARAH BLANDY
- 21 French perspectives on threats to peace and local
social order 545
SOPHIE BODY-GENDROT
- 22 The question of scale in urban criminology 567
MARIANA VALVERDE
- Index* 587

International and comparative criminal justice and urban governance

ADAM CRAWFORD

Introduction

The power to define acts as crimes and the institutionalisation of processes of criminalisation are intimately bound up with the law-making power and identity of the nation state. Similarly, the ability to enforce criminal norms through coercion is equally entwined with the state's claim to sovereignty and its monopoly over the use of legitimate force. Consequently, criminal law and criminal justice represent pre-eminent and central symbols of state sovereignty, and claims over the state's capacity to regulate populations and activities within the confines of its territorial borders. Crime control, therefore, is intrinsically tied up with questions of national identity and self-characterisation. It is infused with, and reflects, the moral, cultural and political frames of reference that inform a society and constitute membership (i.e. citizenship) for given peoples within specified geographical boundaries.

Increasingly in recent years, the capacities, competencies and legitimisation claims of the nation state have been called into question – in the field of crime and social control as elsewhere. 'Fluidity', 'liquidity' and 'movement' appear as the defining characteristics of the contemporary age (Lash and Urry 1994; Bauman 2000; Castells 2000). In the modern era, people, goods, capital, technologies, information and communications, as well as 'risks', appear to be on the move in ways that cut across territorial boundaries and question the capability of the state as the ultimate 'power-container'. The development of cross-border and international political, legal and economic institutions has directly challenged the sovereignty of a nation state within its own borders in the most obvious and tangible ways. In the UK, it is the challenge presented by the progression and enlargement of the European Union that excites the most heated public and political debates about sovereignty.

However, the trends are not merely *upward* to transnational and supranational institutions under pressures of globalisation. They are also *downward* to regions, localities, communities and consumers and *outward* into the new policy networks and ‘partnerships’ incorporating commercial businesses, private interests and ‘third sector’ or charitable organisations, which are increasingly refiguring relations between centre and periphery in diverse spheres of social life – including the crime control complex. Thus, the decline of state sovereignty in the face of greater interdependencies of political economies and the globalisation of world markets only present one dimension of contemporary trends. Global pressures co-exist alongside an increasing salience of locality. The sameness of globalisation also confronts and affronts assertions of local identity. Place is at one instance ‘disembedded’ (Giddens 1990) – disconnected from and stretched across time and space – but also re-embedded in an increased significance accorded to locality, local social order and the local ‘structures of feeling’ (Taylor *et al.* 1996) that remain essential in how ordinary people interpret and make sense of the world. There appears to be an increasingly profound relationship between globalised conditions and local circumstances and outlooks. And yet, the manner in which these tensions are played out, expressed and resolved are decidedly uneven. As commentators have noted, processes of ‘globalisation’ and ‘localisation’ are not necessarily antagonistic but often are interconnected through pressures towards social integration. Giddens has insisted that ‘the ever increasing abundance of global connections. . . should not be regarded as intrinsically diminishing the sovereignty’ of states, but rather seen as ‘in substantial part the chief condition of the world-wide extension of the nation-state system in current times’ (1985: 5). As such, it may be too soon to herald the ‘hollowing out of the state’ (Jessop 1993; Rhodes 1994) or celebrating its premature demise. As Bayley rightly warns, we should not get carried away with ‘a giddy sense at the moment among many intellectuals that the state is *passé*’ (2001: 212). Nonetheless, a re-articulation of powers and governmental authorities across diverse aspects of social life and at different levels of governance is well under way and the challenges to traditional ways of thinking about the ambitions and capabilities of the nation state remain pre-eminent questions of our time. In different ways these are some of the key themes that animate various chapters in this volume (notably in Parts 1 and 3)

Echoing Giddens’ insights into the impact of globalisation on state sovereignty, Katja Aas (in her chapter) uses the example of