

BOOK REVIEWS

Edited by Jake Phillips & Anne Robinson

THE PUNISHMENT IMPERATIVE: THE RISE AND FAILURE OF MASS INCARCERATION IN AMERICA

Todd R. Clear and Natasha A. Frost (2014). New York: New York University Press. pp 258 (hdbk) £19.99. ISBN 978-0-8147-1719-6

Clear and Frost introduce their book by defining what the 'Punishment Imperative' (PI) is, and how the 'grand social experiment' of mass incarceration has shaped the course of the American criminal justice system over the past several decades: '[T]he Punishment Imperative began with the co-alignment of an array of forces that came together to make the explosive growth in the penal system a social and political possibility.' The authors argue that rising crime rates, media attention to victimization, high political priority, an emerging, large pool of unemployed young black men that came to symbolize an urban 'enemy' in which to wage 'wars' against, and a political economy that emphasized get-tough politics propelled the prison population and extended the reach of the correctional system starting in the 1970s. The book's timeliness allows the analysis of this storyline to be advanced by proposing that 2009 marked a shift in the mass incarceration trajectory, as prison numbers began to meaningfully drop for the first time in years, which, they contend, signifies the fall of the Punishment Imperative.¹² The authors support this (somewhat tentative) claim by arguing that the dominant driver for the reduction of dependence and overuse of prisons is the present economic crisis, though it is more complex than simple austerity: 'So while the current fiscal crisis is a motivating factor for the downsizing of the correctional system, it is not by itself the cause. The de-escalation of punishment is possible mainly because the sentiment of punitiveness has undergone an important shift (11).' This book, then, is about the rise, failure, *and fall* of the Punishment Imperative. Because of that, it is an interesting read for established academics, practitioners, and students alike.

The first several chapters present a thorough and well-researched navigation through the development and growth of the Punishment Imperative. To begin, the historical context which laid the groundwork for the turn in public and political punitiveness in the 1970s is outlined. This introduction leads to a sophisticated examination of the PI as a 'grand social experiment', in which the authors argue that the PI as a social *and* political experiment is

¹² However, the US Bureau of Justice Statistics has recently reported that the national total of prisoners rose by 4,300 in 2013. Refer to: <http://www.bjs.gov/content/pub/pdf/p13.pdf>.

particularly insidious because 'the goal was never articulated, the full array of consequences was never considered, and the momentum built even as the forces driving the policy shifts diminished' (57). This is a persuasive section, specifically because it addresses broader moral concerns about the impact of such wide-reaching, yet often racially targeted, state-sanctioned controls on community and social justice: 'concern about crime became shorthand for a broader concern about what many perceived as the general breakdown of order' (60), in which race became a foundation for punishment (62).

Chapter four provides a comprehensive and engaging analysis of the policies that preceded the Punishment Imperative (namely the 1967 Crime Commission report), those that contributed to the amplification and potency of the PI, and the apparent sea change in rhetoric and reform that is now taking place. The chapter opens with the three recommendations that came out of the 1967 report: attention should be placed on the root causes of crime (e.g. 'eliminate slums and ghettos', improve education, provide jobs, and 'to make sure that every American is given the opportunities and the freedoms that will enable him to assume his responsibilities' (71)); there is a need for investment in the justice system; and, there is a need for innovation across criminal justice system agencies. The authors note, 'It is one of the great ironies in US penal policy that during the forty-year period following this...recommendation, it was so completely ignored' (72). This background creates an intriguing juxtaposition as Clear and Frost then review the evolution and expansion of the often-draconian policies that followed in the succeeding decades (for example, truth-in-sentencing and three-strike laws, as well as felon disenfranchisement from federal programs that assist with housing and education - policies that are in direct contrast to the 1967 recommendations).

The following chapters consider the objectives of the Punishment Imperative, and the overall success/failure of these. Four general conclusions about this 'grand experiment' are drawn: the incarceration rate has been demonstrated to be disconnected from the crime rate; prison expansion has not met its own goals (specifically in deterring and/or rehabilitating); mass incarceration exacerbated many of the social problems that continue to persist; and finally, 'mass incarceration has been perhaps one of the best examples of how tightly entwined politics and punishment can become' (137). The book concludes by arguing that the PI is currently undergoing a 'dismantling'. Reducing imprisonment is now a desirable aim, and the authors suggest three ways in which this could be achieved: repealing mandatory penalties, reducing length of stay, and reducing rates of recidivism (162-3). Several examples illustrate how some states have developed programming to address these aims (like the HOPE model in Hawaii, that seeks to reduce reoffending through a reformed revocation process).

I am not entirely convinced by the authors' claim that the 'de-escalation of punishment is possible mainly because the sentiment of punitiveness has undergone an important shift (11)', but I find their optimism refreshing and overall analyses significant. Despite being a prisons researcher (and an American) well-versed in this history and the contemporary realities it has produced, I found this book to be a remarkable read and thought-provoking from beginning to end.

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WOMEN, PUNISHMENT AND SOCIAL JUSTICE: HUMAN RIGHTS AND PENAL PRACTICES

Margaret Malloch and Gill Mclvor (eds) (2013). London and New York: Routledge: Taylor and Francis group. pp 222 (Pbk) £34.99. ISBN: 978-0-4156-3717-6

This book manages that difficult balancing act of having clear academic focus, but also being a good, practice based read. It draws on presentations and papers from a seminar series and could become a fragmented collection because of that. It retains clarity and shape through a clear conceptual framework. As Malloch and Mclvor (2013:206) say in their concluding thoughts

'Our concern was to highlight the human rights implications of responses to women within the criminal justice system and the extent to which they relate to social justice.'

This focus runs throughout the papers. Two sections focus on practice examples, both practitioner and academic. Two dense and theoretical chapters introduce the work, addressing detail of policies and presenting the conceptual framework. There are two chapters in the 'final thoughts' section, one a clarion call to take the ideas expressed here seriously and the other a reflection by the editors on the thought processes that led to the shape of the book.

Papers more often reflect prison than probation work. Academic practice is represented in chapter 5, interrogating problems of structured measures in researching women's mental health. Echoing Malloch and Mclvor (2013:5) this chapter, as do all chapters, contextualizes law-breaking within conditions that surround offending women 'traceable to social, political and economic contexts'. Recurring and central themes in these accounts are different ways in which women who offend are individually criminalized and punished but triggers and causes for those offences are located in the general discourse of being female. This thread is developed in different ways: Barton and Cooper (2013:143) identify ways in which hostel regimes structure and perpetuate 'idealized forms of femininity' while successive papers make explicit factors linking global experiences of women: exclusion, marginalization, poverty, unemployment, responsibility for children, experience of abuse or sexual violence. This does not lose practice detail: Azrini Wahidin and Roy Aday include analysis of the potential impact of imprisonment in the UK pension scheme as well as analytical questions about how age is framed. In this way the book becomes more than a series of accounts of different ways women are treated in prison and becomes an interlinked examination of conceptualizations of 'woman' across punishments. There are also hints at an analysis that extends the argument to develop a theory of why punishment is given at it is. Lorraine Gelsthorpe (chapter 2) questions the legitimacy of the of criminal justice treatment of women through differential treatment: Margaret Malloch and Gill Mclvor argue for a movement from formal to substantive equality.

The book was published in 2013, as austerity measures increased pressure on poor people and eroded parity between men and women. It may be that the good practice given here

has not survived: looking at the future five years of Conservative policy in Britain both the initiatives given here and the underlying conceptualization of punishment within a human rights framework are at risk. Alison Hosie's (chapter 8) careful and detailed account of using the Human Rights Act (1998) to shape policy in hospital is a case in point. It has clear implications for practice in the general prison estate but current attempts to abolish the legislation may leave this as a lasting record of aspiration and prevent lessons being translated to other agencies.

For me, this book arrived at the right time. Students writing about women had little reading that conceptualized practice: I recommend this book to undergraduates knowing that many will ignore conceptualization. Postgraduate students have the opportunity to read theory and practice in a whole and coherent form. Criminologists have a complex but clear framework in which to think about women. Practitioners are challenged to consider individual and organizational practice. It may be that practice detailed will be lost in the coming years but the book stands as a testament to what can be done and thought and will be important text for this reason. As Kim Pate says (p.204) 'Law and criminalization are choices made by those who we give authority'. This account of choices is timely, detailed and easy to read.

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FOUNDATIONS FOR YOUTH JUSTICE: POSITIVE APPROACHES TO PRACTICE

Anne Robinson (2014) Bristol: Policy Press. pp 340 (pbk) £21.99 ISBN 978-1-4473-0698-6

Foundations for Youth Justice offers a refreshing perspective on how we work with young people who come into contact with the Youth Justice System (YJS) in England and Wales. The YJS has long advocated child-centred approaches to working with young people who offend, but in practice, this is not necessarily the case. Complex, and sometimes competing, national and local frameworks and rules have dominated and confounded youth justice practitioners' work with young people. Since 2010, however, under the coalition government, there has been some positive relaxation of these confounding rules, such as the move toward 'decentralisation...allowing greater freedoms to determine services at the local level' (p.58). Many obstacles and challenges do, however, remain for those working within youth justice. Not least, austerity measures that further reduce resources available to youth offending services and the agencies that work with them. Robinson neatly draws together the literature on youth justice and goes further to offer some pragmatic changes in youth justice practice. In addition, each chapter concludes with an *implications for practice* section which will be of particular use to youth justice practitioners because it summarises the key elements of each chapter and their meaning for practice.

The book is structured into three broad sections: The first, *theories and concepts of youth and justice*, draws on research and literature exploring young people's transition to adulthood and the social construction of youth and proceeding life stages. Robinson highlights the varied methodological approaches to researching youth and the conflicting conclusions from such studies, particularly in relation to the impact on policy formation and the subsequent reflection in youth justice practice which may not be meeting the needs of young people. The first section further explores youth justice histories and the competing nature of welfare and justice/punishment principles. Many of the issues discussed such as gender and youth justice (p.45-47) and debates regarding the role of relationships between practitioners and young people (p.47-48) are long-term concerns in the wider youth justice literature, yet in policy and subsequently practice, there is little evidence that these long-term concerns are being fully addressed. Section one closes with reflections on theories and concepts of youth and historical responses from policy and practice. Drawing on the issues presented in section one and particularly on findings from the *Edinburgh Study of Youth Transitions*, Robinson offers a vision for youth justice practice and proposes a youth-centred practice model (p.61-66). This essentially places the young person at the centre of all youth justice work, advocating a more constructive approach with five core principles of (1) participatory problem-solving, (2) diversion from the formal YJS, (3) prevention not punishment, (4) proportionate intervention and (5) community-based intervention.

The reader should remain cautious of the applicability of some of the studies drawn on in the first section such as those from Scotland and the United States and those with adult offenders. The contextual and cultural differences between these studies and youth justice in England and Wales must be addressed before drawing firm conclusions for

practice. Nonetheless, the lessons drawn from these studies can be valuable. A lack of focused research on a number of the issues addressed by such studies in youth justice practice in England and Wales remains.

The second section, *issues for young people*, provides further exploration of areas of young people's transition to adulthood such as: (1) transition from school to work, (2) social and intimate relationships, (3) mental health and well-being, (4) growing up in public care, (5) alcohol and drugs and, (6) anti-social behaviour. The content and analyses in section two is timely and thoughtful. For example, Robinson considers the recent rise in the participation age from age 16 to 18 and the importance of quality employment provision for young people seeking work (p.82). Again, each chapter concludes with an *implications for practice* section which builds on the youth-centred practice model from section one, providing the reader with pragmatic insight on each specific area addressed.

The third section, *issues for youth justice practice*, focuses specifically on youth justice practice and offers a nuanced guide through the youth justice process. The section begins with a discussion of risk and harm, safeguarding and multi-agency work, through the processes of early intervention, the courts, restorative justice, community and custodial sentences. With reflection on the *youth-centred practice model* and implications for practice, section three provides a valuable contribution to the youth justice literature. Few publications have addressed the youth justice process in such a clear and accessible manner, with pragmatic explanation and reflection.

Overall, the book is written concisely, thoughtfully and purposefully. As old debates are repackaged and debated time and again, the youth justice literature needs a positive injection of challenge and pragmatic forward movement. Anne Robinson provides this in *Foundations for Youth Justice*, which should inspire further positive thought, reflection and research and be of interest primarily to youth justice practitioners and students of youth justice, but also to policy-makers and a wider academic audience.

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YOUNG OFFENDERS: CRIME, PRISON AND STRUGGLES FOR DESISTANCE

Mark Halsey and Simone Duggan (2015) Basingstoke: Palgrave Macmillan, pp 280 (hbk) £60.00 ISBN 978-1137411211

This book is ambitious, bold and deeply insightful. It is also often a troubling read. Halsey and Duggan present data from longitudinal research in which fourteen young men were followed from their mid-teens into early adulthood, not an easy transition as they struggled with problematic involvements in crime and with the criminal justice system. These are narratives of individual lives placed in their social and family contexts, none of which provided safe, nurturing environments and opportunities for growth. And they are narratives that point to the difficulties of moving out of crime into 'conventional' adulthood when the building blocks are simply not accessible, even though in their different ways and at different times, all these young men aspired to put their 'offenderhood' behind them and to live trouble-free lives.

That is the deep irony revealed in the biographies of these men. So much of the intervention in their young lives - from education, social care and criminal justice agencies - had been at best irrelevant, and at worst had compounded their difficulties and had frustrated efforts to change. All fourteen had prolific patterns of offending and incarceration from adolescence onwards. Interestingly, an appendix provides charts for each individual illustrating days spent in the community and in custody both as juveniles and as adults, which is a sobering sight. Naturally, each life course is unique and some had fared better than others moving into adulthood. The structure of the book, having set the scene and outlined the fieldwork, presents twelve stories, starting with those closest to desistance (Billy, Charlie and David) who are roughly 'on track' through to the 'catastrophic turn' seen in the lives of Sam, James and Chris. In between, other lives are characterised by 'recurring breakdown (Joel, Paul, Reggie and Ben) or 'major derailment' (Lee and Matt).

Methodological purists might balk at the involved relationships evident here but, as the authors note, it would have been difficult not to respond at an emotional level when confronted with the pains, hopes and fears of these young men over the ten years. And at certain points, they responded at a practical level too, giving food parcels at moments of crisis, relaying messages to family members and so on. Such demonstrations of empathy and support - often strikingly absent from these young men's experiences of official agencies - encouraged a rich and deep sharing of stories. They are also indicative of one of the main themes of the book, which is that desistance during the transition to adulthood is not a purely personal process, but is affected by the complex interplay of personal factors with social context and structural position. Again and again, the power of generativity, of giving back, is brought to the fore, most often in relation to partners and children, but crucially involving caring for self and for the future as well as caring for others. While these young men increasingly desired opportunities for generativity in periods of stability, they were difficult to hold on to when their lives became tough and circumstances worked against them.

Within the terms of Terrie Moffitt's (1993) typology of adolescent-limited and life-course persistent offenders, all but Billy, Charlie and David would be classified as life-course persistent. However, the authors contend that this binary distinction fails to reflect the complexity of lives and make sense of individual trajectories. All the young men at some stage showed and acted upon motivation to change. Certainly all recognised the futility of continuing to offend, although entering adulthood with few sources of social and cultural capital, the attractions of short-term criminal capital inevitably remained. What is also striking from the young men's stories is how the actions and reactions of criminal justice agencies created points of tension, with disproportionate restrictions or intrusions for example, causing them to lose heart and slip back into a fatalistic 'fuck it mentality'. Home detention and parole conditions were particular sites of difficulty, in numerous instances precipitating breach and fresh sanctions. The criminogenic potential of criminal justice practices and the master status of offender comes over powerfully in the depiction of the struggles that they faced, with examples of being 'given a break' by sympathetic judges or other professionals very much the exception.

The authors present selectively from their extensive data and offer telling analyses of the biographical twists and turns of these twelve young lives. The details are given in rough chronological order, but developing comments and themes requires some backwards and forwards movement along the sequence of life events. Importantly for building authenticity and biographical coherence, participants were asked to nominate a small number of NSOs or nominated significant others, and the partners, parents and other family members they identified were then able to contribute their perspectives and insights. The resulting twelve narratives are compelling, not least because Halsey and Deegan strike such a balance between attending to the feelings, drives and actions of their participants on the one hand, whilst on the other offering a critique of social practices and institutions grounded in detail from the narratives. The final chapters round off the discussions by drawing together the major difficulties revealed by the young men's narratives. The authors avoid a prescriptive approach to improvements but do suggest areas for attention, principally in helpful early support to prevent the accumulation of damaging experiences and negative labelling so vividly exemplified in their participants' narratives.

Certainly this is an important study within the desistance field which has tended to focus on desistance processes in adults rather than in those transitioning to adulthood. As a systematic longitudinal study it offers a wealth of data, with possibly only the tip of the iceberg presented in this book. Even so, it is powerful and will provide food for thought to a varied readership across practice, policy-making and educational contexts. It deserves to be widely read and to have lasting impact.

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RESIDENTIAL CHILDREN'S HOMES AND THE YOUTH JUSTICE SYSTEM. IDENTITY, POWER AND PERCEPTIONS

Julie Shaw (2014) Palgrave Macmillan. pp 208. (pbk) £58.00. ISBN 978-1-137-31960-9

Julie Shaw's *Residential Children's Homes and the Youth Justice System* is a much needed addition to the area of criminology and youth justice. As is apparent from the title, the book focuses on children in care: their experiences of care homes, interactions with the criminal justice system, and personal reflections on self and identity. The relatively limited criminological research in this area is surprising, especially when one considers that 24% of English prisoners have been in care at least once during their childhoods (Ministry of Justice, 2012). Shaw's account, then, is a welcome addition to the field, providing an academically rigorous analysis of the subject matter.

The book is divided into three principal sections: 'Part I: Setting the Scene', 'Part II: Research Findings' and 'Part III: Conclusions'. Each of these is subdivided into further sub-sections. In Part I, Shaw begins by presenting a summarized account of the historical experiences of socially deprived children in England. This includes detailing governmental responses to provide support to such children. She goes on to outline more recent developments around the rights of the child, including specific statutory instruments and the UN's efforts to place 'the child' at the centre of such legislation. Like the preceding historical narrative, these sections of the chapter are easy to digest, focus on the appropriate issues, and contain enough detail to be informative, but not so much as to bewilder the reader. Shaw then moves on to a critique of more recent governments' efforts on children's rights. This portion of the chapter seems less balanced, with the author criticizing the efforts of several governments without much evidence. For example, on p.32 she accuses the Coalition government of presiding "over a period of economic slowdown [and] social disturbance...which has impacted negatively upon the lives of many children", yet on the next page states that "in June 2013, the government announced an additional £200 million would be invested in the [troubled families] scheme". This is not the only example of political criticisms that are unsupported by the evidence, something which seems out of place in an otherwise meticulously researched book. An example of this detailed research is at the conclusion of Part I, where Shaw pithily outlines the theoretical perspectives which underpin the book, and describes in detail the methodology employed throughout the study. The time taken by the author to describe her methodological approach - including justifications for using this approach and details of her sample - will prove useful to any academic or student who wishes to engage with the text.

Part II presents the findings of this study, and whilst it is clear that the results are not really intended for a lay audience, there are substantial research findings which students, practitioners and policy makers will find useful. The section is divided into several thematic areas, and the 'voices' of participants are clear throughout this part of the book. Moreover, the results are well analysed, giving appropriate emphasis to the perspectives of children in care as well as a reasoned analysis of the issues raised. Shaw is careful to not just include the responses of children in care, but also of social workers, residential care workers and other practitioners. These multiple perspectives add to the validity of

the data, and their inclusion illustrates Shaw's recognition that those who work in residential children's home offer useful information on the subject-matter. Part II of the book is also easy to read, with Shaw sub-dividing each section and blending in the primary data well with analysis and references to existing research. A particular strength of this section is the detailed analysis of the role police play within the care system, including the 'normalization' of police-presence in such institutions. Again, Shaw is careful to present multiple perspectives - including from magistrates, solicitors and police officers themselves. This - combined with references to policy documents and other statutory instruments - creates data triangulation, something which adds to the validity of the findings, and makes the conclusions more convincing. If there is one criticism of Part II, it is the limited references made to sexual exploitation of children in care. Although there is a brief mention of historical institutional abuse and gangs targeting children in care (p.140), it would have been wise to include more on this topic, perhaps questioning care workers and other adult participants as to their opinions on this issue.

However, any such omissions are not a substantial weakness, especially when one considers the detailed conclusions and recommendations in Part III of the book. Shaw is able to synthesize her findings with existing policy, summarizing current practices as well as recommending future steps which should be taken by children's homes. The conclusion of this book contains ample information, and could be of real benefit to practitioners and the care system itself. Shaw's concluding remarks reflect the fact that she is comfortable with applying her findings to the 'real world' and that this book is not purely an academic text. This is something which is apparent throughout the book; and, along with the importance given to the children's voices, is the standout feature of the text. Like much of the book, Part III feels contemporary, is easy to read and demonstrates the author's expertise in the subject matter.

Residential Children's Homes and the Youth Justice System reads as an informative text, full of contemporary information and detailed analysis. Although the book would have benefitted from a wider ranging literature review, this is one of the few criticisms that can be levelled at it. Overall, Shaw ensures that there is ample detail and vivid first-hand accounts from children in care. Through this primary data, the author is able to show that children in care can be both the victims and perpetrators of criminal and delinquent activity. Shaw does not overly rely on her own past research, and ensures that a multiplicity of views are included to give a fresh feel to the text. This book will provide both students and practitioners with a comprehensive account of the experiences of children in care.

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