

Handbook of Criminal Justice Administration

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4 Comparative Criminal Justice

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This chapter offers a review of the most central themes and issues of comparative research on criminal justice. The emphasis is on investigations of the contemporary, rather than the historical, dimensions of criminal justice, particularly the most recent developments in comparative criminal justice research over the past decade. To offer a useful introduction to the rich domain of comparative criminal justice, this review offers a discussion of relevant themes following a trajectory from criminal law and procedure, including adjudication, over law enforcement, to corrections and other forms of punishment. A separate section deals with the significance of ethnicity, age, and gender in comparative criminal justice. The focus of this chapter is on empirical research findings, but in the final section special attention is devoted to conceptual and methodological issues specific to comparative research on criminal justice.

I. NATIONAL SYSTEMS OF CRIMINAL JUSTICE ACROSS THE WORLD

There are major variations among the criminal justice systems of the nations of the world. These national systems, moreover, have undergone important transformations over the course of history. Research has focused attention on such broad comparisons across the world and over time.

Important differences exist between Western systems of criminal justice and their non-Western counterparts (see Adler, 1983; Ebbe, 1996; Fennell et al., 1995; Fields and Moore, 1996). Within Western nations, there are variations in the concepts and goals of criminal justice, but they largely represent variations on a similar theme, especially when compared with other criminal justice systems

in non-Western settings. For example, research has analyzed the roots of the United States system in Anglo-Saxon legal culture and explored the differences that have come to exist between contemporary systems that evolved in that tradition, such as in Canada and England. In a comparative analysis of pretrial prejudice in the Canadian and US judicial systems, for instance, Vidmar (1996) notes that the Canadian legal system, unlike the American system, stresses the right to a fair trial over the rights of a free press, manifested in the judge's right to ban the public and the press from the courtroom if it is deemed to be in the best interest of public morality or necessary to maintain order.

McKenzie (1994) likewise brings out differences within Anglo-Saxon systems, emphasizing the different legal ideologies of criminal justice in the United States and the United Kingdom. McKenzie found that the US system relies on a due process model that emphasizes the rights of the defendant, while the United Kingdom's crime control model stresses the function of criminal justice to punish the guilty. In a similar vein, Hirschel and Wakefield (1995) note some marked differences between courtroom procedures in England and the United States, setting England's structured system of barristers and solicitors apart from the informal, sometimes televised proceedings in the United States.

In comparing different but related systems of criminal justice, researchers often suggest how one system can learn from the other. Thus, comparing the US and French criminal justice systems, Frase (1990) suggests that the United States might adopt from the French system a variety of features, such as more careful selection and supervision of police, prosecutors, and judges; more effective regulation of prosecutorial charging discretion; and increased use of alternatives to plea bargaining.

More important than such suggestions, which may remain without real consequences, are the various trends of convergence between criminal justice systems across different countries that researchers have found to have been taking place in recent decades. For example, describing differences between the US and UK systems, McKenzie (1994) notes that the United Kingdom has shifted towards adopting a due process model, while the U.S. increasingly employs crime control strategies.

Likewise, Zedner (1995a) discusses shifts in criminal justice ideology in Britain and Germany and notes that the once more liberal penal ideology of Britain has moved to a harsher approach, as manifested, for instance, by adopting tougher noncustodial sentences and longer custodial sentences. In contrast, Germany's traditional harsh system of penology has recently shifted towards adopting more lenient strategies, which are manifested in a shortening of prison time and an easement of sentences.

In similar vein, research from Fennell and associates (1995) found that the British and Dutch systems of criminal justice have also converged as the criminal justice procedures in the two countries are being harmonized, as part of a broader

plan of so-called Europeanization in the countries of the European Union. The authors note that transnational efforts such as reform practices based on an international human rights discourse have facilitated this assimilation trend, even though the legal systems of these nations are based on distinct ideologies.

Beyond the differences among criminal justice models applied in the Western world, there are important variations between Western and non-Western systems. Allen (1993) applies a convenient model that differentiates among four systems of criminal justice: common, civil, Islamic, and Socialist systems. Common law systems, for example, in the United States and United Kingdom, are adversarial-based, involving two opposing sides with a lawyer representing the defendant and a prosecutor representing the people. The common law system typically relies on prior court decisions as precedents to be used in later court cases. The civil law or Continental system (which is applied, for example, in Sweden, Japan, and Germany) is an inquisitorial model that typically grants fewer rights to the accused and operates on the premise that pretrial inquiry and application of written law should guide society's quest for justice. Islamic law, which is prevalent in Arabic countries, is rooted in religious values and derives its premises from the Koran. Saudi Arabia, for example, has a criminal justice system that is completely integrated with Muslim religious culture (Adler, 1983). Socialist systems, finally, reflect a Marxist-Leninist ideology that views the criminal justice system as a means of training a nation's people to fulfill the responsibilities the state has proclaimed to be ideal.

Comparative criminal justice research has also devoted attention to the variations that exist between nations because of their different cultural values and political ideas. For instance, the specific characteristics of the criminal justice systems of Socialist countries have also been investigated. Epstein and Wong (1996), for example, have analyzed the implications of the concept of dangerousness in the People's Republic of China. The authors suggest that in the Chinese systems those perceived as dangerous to society receive harsher punishments than other types of criminals, especially when they engage in so-called counter-revolutionary political actions or have knowledge of state secrets. Other Socialist countries have similarly been found to apply harsher forms of punishment than exist in democratic nations (Arthur, 1996).

To round off this review of national systems, a word needs to be said about systems of criminal justice in Africa. Arguably the one continent of the world that has experienced the most radical changes since the past century, Africa has criminal justice systems facing special circumstances because of the dual heritage of colonialism and traditionalism. Colonialism refers to the time when many countries in Africa were occupied by Western countries including England, Germany, and France. Traditionalism relates to the conventional values and ideas that have historically prevailed in the continent. During colonial rule, Western powers introduced values and criminal justice systems that had not evolved spon-

taneously in the African context, leading to tensions and conflicts within the system. Traditional African values are similarly in tension with more modern notions that may have emerged, especially among the younger generations. These problematic conditions lead to inconsistency in the criminal justice system. In a study of criminal justice in Sierra Leone, for instance, Thompson and Potter (1997) note conflicts that exist between traditional or customary law and English-imported law. Adler (1983) likewise discusses the case of Algeria, where a French-imported system of law is attempting to be combined with Socialist principles and Islamic culture.

These and other transformations indicate that it is crucial to look at national systems of criminal justice not only in terms of broad comparisons across regions of the world but also in historical terms as being subject to transformations over time. Particularly in recent decades, criminal justice research has therefore centered on patterns of change, increasing interdependency between national systems, and lasting problems of multiple traditions of criminal justice. In the next section, more specific forms of these transformations are discussed in terms of recent political and economic changes.

II. COMPARATIVE CRIMINAL JUSTICE AND GLOBAL SOCIAL CHANGE

The patterns of social change that have recently affected and are still affecting criminal justice systems across the world are clearly among the central developments of contemporary comparative criminal justice research. Broadly speaking, these processes of change involve developments centering around civilization and modernization, and, more particularly, the impact of certain economic developments and political changes. This section explains what these changes are and their implications for criminal justice.

A. Civilization and Modernization

Heiland and colleagues (1992) have usefully introduced the concepts of civilization and modernization to analyze long-term changes in criminal justice. The authors posit that a process of civilization is shown in a transformation of criminal justice institutions towards decriminalization, greater tolerance, a reduction of lengthy periods of imprisonment and an expansion of prison alternatives. Societies undergoing civilization processes also incorporate a relatively broad range of crime control strategies, including punitive as well as rehabilitative and preventive measures.

Processes of modernization revolve around the impact of particular demographic, economic, and technological changes that require adaptations by the

criminal justice system. These adaptations, unlike civilization trends, are not planned on the basis of certain ideologies of criminal justice, but are made in consequence of certain changes in social conditions. For example, advances in computer technologies such as Internet services and online banking have introduced new criminal opportunities. Responses to such developments of modernization typically involve the introduction of new and improved efforts to control better an expected increase in crime.

Applying the concepts of civilization and modernization to a range of developed societies (for example, the United States, Japan, and Western Europe), developing societies (for example, Jamaica, India, and Nigeria), and Socialist nations (for example, Hungary and China), Heiland and co-workers (1992) found a trend toward civilization in some countries. In Germany and Sweden, for instance, there has increasingly been greater tolerance toward criminals and an increase in the use of noncustodial sentences that offer alternatives to prison. In the United States, on the other hand, the authors discovered a recent trend away from civilization, with the reintroduction of capital punishment and an increase in prison sentencing.

According to Heiland et al. (1992), the criminal justice systems in developing societies are characterized by a relatively low degree of civilization. These countries typically have harsher penalties and face many corrupt influences on the criminal justice system. However, the decreased use of the death penalty within some developing countries is an indication that these countries are undergoing trends towards civilization. Moreover, since the fall of the Berlin Wall and the collapse of Communism in Eastern Europe, a trend toward civilization has also shaped criminal justice in former Socialist countries.

B. The Impact of Economic Modernization

Modernization trends have taken place at various times in the history of criminal justice systems. Most spectacular in recent years has been the transition to a free market economy in many countries of the world. Whereas once certain countries, especially the Communist countries of Eastern Europe, had an economy planned by central governments, their economic markets are now opened up to enable free trade and enterprise. These economic changes have created new opportunities, but have also led to an increase in crime, particularly drug trafficking and money laundering.

In recent years, the criminal justice response to the trade in illegal drugs has been influenced by developments in the production of drugs, on the one hand, and the internationalization of the US-instigated war on drugs, on the other. Research has revealed important geographical shifts in the production and distribution of drugs (Mora, 1996; Dobinson, 1993). The Far East has traditionally been a focus of concern because it was generally seen as the production center of

heroin. More attention has recently gone to Middle and South America and other nations that have a cocaine-producing industry. Furthermore, because of heightened drug control in some countries, particularly Columbia, Bolivia, and Peru, a shift has occurred in the concentration of the drug industry to other nations, such as Brazil and the Southern Cone of Latin America. In these countries, enhanced policy actions have resulted in an increasing number of arrests of drug traffickers and destructions of drug-producing laboratories and drug-transporting airstrips. Yet these actions have not managed to end the production of drugs, but rather seem to have moved its centers into other regions.

Research has also discussed the implications of the US war on drugs for criminal justice systems in other nations. Ethan Nadelmann's (1993) excellent study has shown the influences of US drug police agents on their counterparts in Europe and Southern America. This dominance of the United States in the policing of drugs has led to increasing controls over the enforcement strategies and criminal justice policies of drugs in other countries. As a result, the internationalization of the war on drugs has taken on truly global proportions (Vaughn et al., 1995; Friman, 1994). In the 1980s, the Japanese government, for instance, launched a war on drugs as a direct result of US pressure to adopt harsher measures.

Changes in the global drug situation are also affected by modernization processes that have taken place in some countries (Sillaste, 1996; Gaylord and Levine, 1997). For example, since Communism was abolished in the former Soviet Union (now known as Russia and the Commonwealth of Independent States [CIS]), these countries have been experiencing a growing drug problem. In China, likewise, the transition from a Socialist to a capitalist economy has created new opportunities for crime and corruption.

Among the most spectacular effects of recent developments in the drug economy are the increasing number of money-laundering schemes associated with the drug trade. Money laundering affects many countries. As Taylor (1991) notes, money-laundering activities blur the boundaries between illegal and legitimate business, especially when and because they are often associated with legal and respectable financial institutions. For instance, in the 1980s it was discovered that the Bank of Credit and Commerce International (BCCI) had been playing an important role in international criminal activities. The case is now widely known as the BCCI scandal. It was revealed that the bank was connected to drug trafficking, money laundering, smuggling, arms trades, and terrorism (Passas, 1993).

C. The Global Move Towards Democratization

Among the countries that in recent years have been reformed as democracies, the former Soviet Union and South Africa have received the most attention in

criminal justice research (Savelsberg, 1995; Louw, 1997). In Russia and the other countries of the CIS that used to form the Soviet Union, the criminal justice system is in a state of disarray. It is unclear what the direction is of the new system of criminal justice that will replace the old communist system (Allen, 1993). In Russia, for example, the public still views the courts and other criminal justice agencies as instruments of repression. Furthermore, it is uncertain whether Russia will adopt a Continental criminal justice system that stresses crime reduction, or a common law ideology that emphasizes due process requirements. Based on research by Sanders and Hamilton (1992), Russian residents appear to favor a model that guarantees individual rights, but the outcome remains undecided.

In South Africa, there has also been a breakdown of the criminal justice system since the abolition of a politics of apartheid, the political system in which the white minority had all power and controlled the black majority of the population (Steytler, 1991; Louw, 1997). The South African organization of criminal justice remains poorly developed, with inadequately trained and underequipped personnel, inefficient information technologies, low wages, and a hopelessly outdated incarceration system. Given the long history of the country in mistreating the black population, the popular perceptions that view South African criminal justice systems as a means of oppression are difficult to eradicate. Such perceptions pose serious obstacles to the fulfillment of democratic reforms.

III. LAW ENFORCEMENT IN GLOBAL PERSPECTIVE

Research on policing has traditionally been and today continues to be among the richest areas of cross-cultural criminal justice research. Two particular directions in the broad area of police research from a comparative perspective are apparent. In one, research is devoted to comparisons of the various styles of policing across the world; in the other, investigations focus on international developments of policing across the borders of countries.

A. Comparative Police Research

Comparative research of law enforcement organizations investigates a variety of issues, including the function and organization of police in different parts of the world (e.g., Brodeur, 1995; Bayley, 1985), police practices in different countries (e.g., Chevigny, 1995), and the cross-cultural use of selected police strategies (e.g., Fijnaut and Marx, 1995). This type of research has revealed important similarities and differences between national and regional police systems across the globe. In parallel to our earlier observations on national systems of criminal justice in general, police research has also observed certain patterns of convergence across nations. For example, research reported in the book *Undercover: Police*

Surveillance in Comparative Perspective (Fijnaut and Marx, 1995) found that police of Western nations have adopted techniques and strategies of covert surveillance that are quite similar. Chevigny's (1995) insightful research on police violence likewise reveals that there are even similarities between police institutions resorting to violence in the United States and in several countries in South America.

The systems of law enforcement that exist across the world, especially in the industrialized nations of the West, have generally been well researched (e.g., Bayley, 1985; Deflem, 1994; Jiao, 1995). Police scholars have revealed that an important distinction exists between the Continental European system, which typically has a centralized military-like police force, and the British system of policing that is decentralized and operates closer to the community. The British system has also been most influential in shaping the organization of law enforcement in the United States. The police model that exists in the United States therefore, favors a particularly strong tradition of local policing.

Japan traditionally has been among the most researched non-Western nations in police studies, because the level of crime in Japan is comparatively very low (Bayley, 1991; Steinhoff, 1993; Westermann and Burfeind, 1991). The low incidence of crime in Japan is explained by the fact that there is a very high degree of citizen involvement in the Japanese criminal justice system (Ferdinand, 1994). The country therefore relies on an extraordinarily high correspondence between the values of its citizens and the prescriptions of its legal system (Schneider, 1992). However, research has recently uncovered that the Japanese government has found it increasingly necessary to enhance police powers (Aldous and Leishman, 1997). In a contemporary study of police practices, Miyazawa (1992), for example, found that Japanese police detectives constantly struggle to do their investigative work as efficiently as possible, while making sure that they, at least technically, do not infringe upon the rights of the accused.

Comparative police research has recently focused investigations on those nations implementing democratic systems of politics and criminal justice. Research on democratic styles of policing has particularly been done in the former Soviet Union (e.g., Shelley, 1996) and in South Africa (e.g., Brogden and Shearing, 1993). The findings of this research parallel the earlier discussed observations on democratization of the criminal justice system in general: the new democratic ideals of policing are admirable, but their practical implementation faces many technical challenges and forces of resistance.

For example, in Russia, officials recognize that the new civil police cannot be as political as it used to be under Communism and instead must now focus on violations of criminal law in a way that guarantees the rights of suspects. However, Russian police also face tremendous difficulties in putting these democratic ideas in to practice, because the police forces are under-equipped and understaffed (Allen, 1993). Russian police also lack the necessary resources to deal

with new and more sophisticated forms of criminal behavior, such as money laundering and drug trafficking.

Similar to the problems that exist in Russia, police in South Africa are still associated, particularly by the black population, with the repressive force that existed during the Apartheid regime. These popular perceptions impede changes implemented in police organizations to create a civilian force involved with order maintenance and crime control in a democratic way (Brogden and Shearing, 1993).

B. Policing Across National Borders

In recent years, police research has been concerned more than ever before with dimensions of law enforcement that traverse the borders of national-legal jurisdictions (e.g., Deflem, 1996, 1997; Sheptycki, 1995, 1996; Marx, 1997; McDonald, 1997a). This research has revealed that police officials often operate outside the borders of their countries, although police institutions are by definition sanctioned by the governments to fight crime and maintain order within their borders (Deflem, 1996; Huggins, 1998; Nadelmann, 1993).

International police research has been applied in a variety of contexts. Thus, research has been devoted to recent developments in the control of national borders (for instance, at the US-Mexican border), the international activities of national and local police organizations (for example, the work done by the FBI in foreign countries), and the formation of international networks of police (for instance, Interpol) (see Anderson, 1989; Deflem, in press).

Research has revealed that police agents working abroad are less guided by judicial control and political supervision and more likely to do whatever tasks they see fit given the circumstances. Police abroad may as such be less guided by concerns related to civil rights and democratic procedure. This democratic deficit of international policing is seen as an important social problem, because it can lead to abuses by police. James Sheptycki (1996), for instance, has raised concerns over the lack of accountability that arise from police agents investigating suspects in foreign countries without the limitations placed on police organizations in their own country. Particularly in the fight against drugs and drug trafficking, Sheptycki notes that police agencies rely on interpersonal networks that can be effective, but difficult to monitor, thus undermining the ideal of democratic oversight.

Also related to democratization in the new global order are the efforts by police from established democratic regimes to assist with the reorganization of law enforcement in newly formed and evolving democracies. Comparative police expert David Bayley (1995) has argued that police institutions are central in the democratization process, because law enforcement agencies are such a visible instrument of power with which many citizens are confronted. Bayley suggests

that US authorities can assist foreign governments with democratizing their police, if at least some conditions are fulfilled. For example, Bayley argues, foreign police should be assisted by US agents only if the larger political system of the foreign country is genuinely democratic and if efforts are made by foreign police to eliminate all forms of corruption.

IV. THE WORLD OF CORRECTIONS AND PUNISHMENT

As rich as the tradition of comparative police research is, corrections and punishment appear to have received much less attention in comparative research. This may be a result of the fact that punishment is the final stage in the system of criminal justice and is therefore seen as determined by prior stages in the criminal justice process. Such a conception, however, seems to underestimate the impact of the dynamics of punishment. There has, fortunately, been some research that has separately focused on criminal sanctions from a comparative viewpoint.

Closely related to the issues addressed in the first part of this chapter, key differences in punishment and prison culture relate to the varying roots and traditions of national criminal justice systems as a whole (Vagg, 1994). Thus, for instance, important differences exist between systems of criminal justice that have methods of corporal punishment in effect and those that typically resort to a deprivation of liberty as the ultimate criminal sanction.

Furthermore, nations differ in their correctional policies. For example, Hirschel and Wakefield (1995) found that the United States has, much more than the United Kingdom, been engaged in building modern prisons to combat the problems of prison overcrowding, underfunding, and understaffing. Yet, the authors argue, the British option of providing alternatives to imprisonment and giving shorter sentences could be effectively transplanted to the United States. The authors also suggest trends of convergence between the two countries, which is especially clear from an increased use of community alternatives such as probation and electronic monitoring in both countries.

Patterns of global change, moreover, are central in countries where major shifts in political and ideological organization will also imply radical changes in corrections policy. Most radical, of course, are changing circumstances in rapidly transforming countries such as South Africa and the former communist nations. Examining prison conditions in the former communist countries of Eastern Europe, King (1996), for example, observed a sudden drop in the prison population following the fall of the Communist regimes and the implementation of provisions to ensure more humane conditions in prisons.

Certain forms of punishment have been the topic of separate investigations in comparative research, especially the death penalty and electronic home monitoring. This is remarkable, because it means that special attention has gone to

one of the oldest and most radical forms of punishment, the taking of a person's life, and to a very modern and sophisticated tool of control relying on the latest technologies. Discussing both sanctions, Immarigeon (1997) observes that electronic home monitoring has seen a very spectacular rise in implementation in many (mostly Western) countries in recent decades. This development is a function of an increasing quest for efficiency and cost-reduction in punishment. In terms of the death penalty, there are considerable cross-national variations. The political changes in Russia and South Africa, for example, have resulted in an abolition of capital punishment for many offenses. In other nations, there has also been a shift away from capital punishment as a result of greater concerns for human rights. This supports the civilization trend noted earlier, although it cannot be denied that there has also been a return of capital punishment in some contexts (for instance, in the United States).

V. THE CROSS-CULTURAL SIGNIFICANCE OF ETHNICITY, AGE, AND GENDER IN CRIMINAL JUSTICE

This section focuses on issues surrounding ethnicity, age, and gender in comparative criminal justice research. The special treatment of these issues is warranted because they are, and have been for a long time, at the heart of many discussions in criminal justice research, particularly because they are often related to important inequalities. Indeed, research has consistently revealed that ethnic minorities, juveniles, and men are overrepresented in the criminal justice systems within nations. This section reviews how these issues have been investigated in comparative research.

A. Immigrants and Ethnic Minorities

An extremely rich tradition exists in comparative criminal justice research that devotes attention to the treatment of immigrants and ethnic minorities in criminal justice systems across the world. Michael Tonry (1997) has usefully summarized the findings of comparative research on ethnic minorities and immigrants, finding that in every country that has been studied crime and incarceration rates of the members of most minority groups greatly exceed those of the majority population. Also, the minority groups that have a high crime and/or imprisonment rate typically belong to socially and economically disadvantaged social classes. In addition to overrepresentation of ethnic minorities and immigrants in criminal activity, there is also found to be discriminatory bias in pretrial confinement decisions and sentencing procedures towards these groups.

Turning to some of the more specific findings of criminal justice research on minority and immigrant groups, Tonry's observations appear to find corroboration

ration in many countries (see Albrecht, 1997; Killias, 1997; McDonald, 1997b; Roberts and Doob, 1997; Tsuda, 1997; Vagg, 1993). In the United States, the discriminatory treatment of ethnic minorities (especially African-Americans and Hispanics) at all stages of the criminal justice system has been well documented for many years (Sampson and Lauritsen 1997).

In more recent years, US criminal justice agencies have been found to have increased control efforts against a new under-class of illegal immigrants, mostly from Mexico and Southern America. Likewise, William McDonald (1997b) has documented that since the passing of the Violent Crime Control and Law Enforcement Act of 1994, the Immigration and Naturalization Service (INS) has received an unprecedented amount of funding for stepping up efforts to reduce illegal immigration by hardening border control and deterring the employment of illegal aliens.

The increase in law enforcement activities more exclusively directed towards immigrants and minorities has occurred in the United States as well as in Europe. Ineke Haen Marshall (1997), for instance, reports that research in Europe and the United States shows that police interactions with immigrants and/or minorities are strained and marked by verbal and physical abuse, distrust, prejudice and occasionally violence. The author states that discrimination against minorities occurs indirectly as a result of poor legal representation, language problems, high incidences of specific offenses (such as drug-related and immigration violations), and low employment status.

Research in European nations has found similar discrimination and overrepresentation of minorities and immigrants at each stage of the criminal justice process. For example, Pierre Tournier (1997) conducted research in France and found that foreigners are overrepresented among suspected offenders and arrestees because a large proportion of the offenses are specifically immigration-related. In research in Germany, Albrecht (1997) has likewise found that foreign minorities face several problems at the entry level of the criminal justice system (for instance, they have a higher chance of pretrial detention), which may lead to a systematic discrimination towards foreign nationals. Foreign offenders, also, were found to be more likely to receive prison sentences rather than suspended sentences or probation. Additional evidence suggests that foreign minorities experience differential treatment in prison. Richards and associates (1995) similarly note that in England the prison experience is particularly harsh for foreign nationals because of language difficulties and cultural isolation.

B. Juvenile Justice and Gender Discrepancies

It is striking that age and gender, two issues that are central to criminal justice research within nations, have hardly managed to influence comparative investigations. The information available on cross-cultural comparisons of juvenile delin-

quency and the proportion of men and women in the criminal justice system is very sparse indeed (e.g., Curran and Cook, 1993). Yet, what limited attention has been given to these area of research has proved insightful.

Dobash and associates (1990) undertook a comparative study of the treatment of young people in the criminal justice systems of Scotland and Germany. The authors argue that in Scotland and specialized juvenile courts, the so-called Children's Hearings Panels, operate as a separate system of criminal justice that is mostly inspired by a therapeutic and paternalistic ideology, which puts emphasis on a rehabilitative and caring approach. However, the Scottish juvenile justice system also imposes prison sentences in correctional facilities that emphasize work, military drill, and physical training. In Germany, cases involving juveniles are also heard in special courts, on the basis of a separate system of Youth Law. In the German system, however, the focus is on education rather than punishment, with limited incarceration options and generally shorter sentences.

Harvey and associates (1992) have undertaken an interesting comparative analysis of gender differences using data from the Second and Third United Nations Crime Surveys. The authors found that in all countries surveyed between 1975 and 1985 men always substantially outnumber women at all stages of the criminal justice process, from suspicion to apprehension, prosecution, conviction, and imprisonment. In some of the countries surveyed between 1975 and 1980 and in most countries surveyed between 1980 and 1985, women were disproportionately removed at the deeper stages of the criminal justice process; that is, women were gradually released more often than men in the various stages from arrest over adjudication in the courts to punishment. A final observation parallels findings made within countries: since the 1980s more women are present in the criminal justice system than ever before, although the number remains low compared to the numbers of men.

VI. THE STATE AND FUTURE OF COMPARATIVE CRIMINAL JUSTICE

It is undeniable that comparative research on criminal justice is a rich tradition that has made important progress over the years. The benefits of a comparative focus may be especially appropriate in the current era of globalization, which has brought countries of the world more closely together. A comparative outlook, moreover, has been fruitful for research as well as teaching, as shown by the many educational texts now available (see Dammer and Reichel, 1997; Deflem, 1998; Fairchild 1993; Reichel, 1999; Terrill, 1997). Providing clarity in approach and presentation, comparative criminal justice research can also hope to be useful for the policy questions that confront countries in matters of crime.

A variety of styles and perspectives can be followed in comparative criminal justice research, focusing on one or more components of the system, on two or more countries, in more or less recent times. Based on a model suggested by John Vagg (1993), at least four interesting goals of comparative criminal justice research can be identified. First, it can make efforts to link crime trends to social, economic, or political denominators in different countries. Second, it can make direct comparisons between countries in terms of a particular question related to one or more aspects of criminal justice. Third, it can strive to produce broad generalizations and generate policy recommendations. Fourth, it can detail a wide range of consequences and problems that flow from a particular regional development.

Clearly specifying the goals of research is a first and necessary step toward the development of any sound strategy of criminal justice research, but some issues are specific to research of a comparative nature (Meyer, 1972; Zvekcic, 1996). Arguably the most important consideration in comparative criminal justice research is to recognize the possibly country-specific impact of cultural, social, economic, and political contexts on the researched criminal justice systems and, by implication, on the research findings. In other words, what works in one country may not necessarily work in another. The variable influences of the wider societal context of criminal justice systems should therefore remain of primary interest, especially when suggestions are made to transpose or somehow learn from criminal justice policies abroad.

Furthermore, as Hirschel and Wakefield (1995) remark in their study of English and US criminal justice systems, both similarities and differences have to be documented and weighed over and against one another. Moreover, as John Vagg (1993) points out, social, economic, and political conditions will influence how the data on criminal justice in various countries are to be treated and utilized. The variable conditions, therefore, have to be carefully specified in order to contextualize research data properly.

Researchers should also be clear about the relevant variables to be considered and should be aware that certain issues may not have an impact in one particular jurisdiction but may have relevance in other settings (e.g., Pampel and Gartner, 1995). Also methodologically relevant are concerns of measurement error in countries with less autonomous research traditions, cross-national disparities in legal and research definitions, failure to define relevant dimensions of inquiry operationally, disparity in data collection procedures and availability of data, and linguistic problems (Meyer, 1972; Vagg, 1993; Zedner, 1995b).

As long as one remains sensitive to these important methodological issues, it can be possible, as comparative criminologist Freda Adler (1996) recently argued, for comparative criminal justice research to respond adequately to current conditions that have transformed and will continue to transform the world from a mere collection of separate nations into an interconnected and interdependent

global system. Under those circumstances, a comparative approach to criminal justice may also hope to contribute usefully to solutions to the dilemmas and challenges that face criminal justice systems across the globe.

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