

# Special issue: Punishment, values and local cultures

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This special issue contributes to a discussion that has become central to contemporary comparative penology: how best to explain convergences and divergences between Western states in their deployment of penal power. Its particular focus is on characteristics of local cultures and the underlying and distinct historical values that best account for jurisdictional particularities in penal policy and outcomes.

The recent penal history of post-industrial societies is well described in a set of overarching, global narratives, including, for instance, those that describe and interpret the myriad consequences of the arrival of ‘late-modernity’ (e.g. Garland, 2001), as well as others that focus most on the ways in which the expansion of neo-liberal thinking and policy, and the withering of welfare states, have shaped justifications for and methods of state punishment and social control (e.g. Wacquant, 2009). However, the forces at work in these master narratives manifest differently at the national and jurisdictional levels. Thus, the punitive patterns and trajectories they shape in each are distinct and culturally embedded (Melossi, 2001), resulting in different penal policies, practices and outcomes.

Two articles (by Karstedt and Snacken) in this special issue offer theoretical analyses of penal developments at the international level, while four focus on the changing penal contexts in four countries: the United States, Canada, Sweden and Australia. A comparison of their imprisonment rates per 100,000 of the population – which range from 707 (USA), to 114 (Canada), to 57 (Sweden) – presents widely different impressions of each country. A similarly divergent and variable pattern can be observed among the four selected Australian jurisdictions whose

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imprisonment rates range from 265 in Western Australia to 134 in Victoria. Further, recent developments at the national and jurisdictional level are also divergent: the USA shows for the first time in 40 years a modest decrease in its incarcerated population, while Canada shows signs of losing its position as an exceptional Anglo-Saxon country with relatively low and stable imprisonment rates over long periods of time. While the situation in Sweden on this score is equivocal but still within the lower range associated with the Nordic countries, the Australian jurisdictions have followed an upward trajectory that began during the 1980s, but the variation in their imprisonment rates remains. Together, these analyses offer a nuanced and confounding picture of inter- and intra-national penal developments that urge further debate.

The authors of these contributions gathered for a workshop in Perth in January 2013. There we concluded that, to understand the differences sketched above, the focus ought to be on the underlying drivers in each society that generate and shape differences in punishment and punitiveness, and that these underlying drivers are related to local cultures and values that are distinct but not immutable. We decided to investigate the cultural aspects and values steering penal policies in these societies, building on our knowledge and expertise, using a variety of methodologies. We consider the outcome of this collaborative exercise to be both exciting and challenging.

Interesting in this respect are the opposing trends emerging in the USA and Canada. Based on similar analyses of recent political and policy discourses these neighbours and 'cultural peers' appear to be moving in opposite directions. David Green contributes to the growing literature tracking an increasing sense of optimism among opponents of mass incarceration. He identifies 10 cultural, moral and practical catalysts and drivers of a burgeoning movement to reform US punishment, reflecting an ideational change in the conceptualization of offenders, emanating surprisingly from the political right. Whether these changes are sufficient to ensure real cultural and structural changes over time in why and how Americans punish is impossible to predict, but Green sees windows of opportunity to redirect the almost monolithically punitive trajectory of the USA over the last 40 years. Meanwhile, moving North, Cheryl Webster and Anthony Doob describe how Canada is going in the opposite direction, down a road associated with the US-style punitiveness it has for decades managed to resist, made evident in a strikingly stark change in penal discourse since the Conservative government took over in 2006. This discourse appears to signify a discernible change in criminal justice values underpinning Canadian punishment policy. Again, it is too soon to draw the general conclusion that Canadians' normative beliefs have fundamentally shifted or that the country has rejected the cultural tradition of greater 'penal moderation' (Loader, 2010). Canada's imprisonment rate, though slightly rising, remains approximately one-sixth of that of the USA. Yet, if sentencers and the general public internalize the now dominant penal-populist discourse and attitudes of its conservative leaders, Canada's penal future might look very different than its recent past.

Turning next to the Nordic countries, for long seen as in the vanguard of penal moderation, John Pratt and Thomas McLean use the medium of crime fiction to illustrate significant and ongoing countervailing changes in Swedish values and culture over recent decades. These and their implications are experienced through the existential angst of Inspector Kurt Wallander in the best-selling novels of Henning Mankell. Sweden's history of homogeneity and its egalitarian values, which traditionally formed a bulwark against the rising punitiveness seen in other countries, have been challenged by a recent influx of immigration. Though penal exceptionalism is far from over and the traditional values and *trygghet* are still in place, they appear now to be increasingly reserved for 'legitimate' Swedes as exclusionary attitudes about migrants and 'foreign prisoners' rise in prevalence.

In contradistinction to North America's bifurcated trends and Sweden's homeostasis, punishment trends in the four Australian jurisdictions all point in the same direction. As described in the four case studies offered by Hilde Tubex and her colleagues, politically expedient law and order initiatives pushed imprisonment rates up in New South Wales (David Brown), Victoria (Arie Freiberg and Karen Gelb), South Australia (Rick Sarre) and Western Australia (Hilde Tubex), justified in each case with reference to punitive public opinion. However, pockets of resistance among the judiciary slowed the process in Victoria, while the fight over judicial discretion generated greater legislative intervention in New South Wales and Western Australia. However, irrespective of shared upward trends in these jurisdictions, fundamental differences in penal cultures endure within these neighbouring states, resulting in penal diversity reflected in their imprisonment rates. Their roots can be found in distinctive histories of, and since, their settlement, and are related to local, cultural and traditional values. Together these Australian jurisdictions in their own right reflect a level of diversity and variation in penalty on par with Europe on a broader scale.

The two remaining contributions consider punishment and local values on broader canvasses. Using a configurational approach to analyse the situation in 42 member states of the Council of Europe, Susanne Karstedt identifies distinct 'cultural peer groups'. Europe is divided into four clusters of penal cultures, which only loosely reflect regional partitions. Further, she finds four distinct cultures of control reflecting the divide between Western European countries and those in Eastern and Central Europe, and between established and transitional democracies. The latter lack the mechanisms of trust and order that have been better developed in the former, and they rely consequently on harsh penal policies. These four groups of 'cultural control peers' mirror the divisions of the past and varying histories of authoritarian and democratic government. There remain, however, considerable disparities in penal scope and practice even between the 'cultural peers' of Western Europe. Although cultural and spatial nearness and processes of Europeanization are important, she concludes that 'Europe appears as a pluralistic community at best and a deeply divided one at worst'.

Sonja Snacken revisits and updates her earlier theoretical work and its key assumption that punitiveness, as reflected in imprisonment rates, is a contingent

outcome of a complex interaction of various factors. She concludes that such punitiveness is still at least partly a matter of political choices dependent upon which values politicians and other policy makers use to legitimate their decisions. Building on the concept of 'legitimacy', her claim is that penal moderation is an achievable goal when politicians actively engage with the public (moderation by politics) (Loader, 2010) by espousing core values such as dignity and human rights.

Together these six articles challenge existing orthodoxies by highlighting significant, often unexpected, shifts in international penal discourse, thinking, policy and practice. They advance a view that local history, deep-seated cultural values, and culturally contingent political choices drive penal change and stability across jurisdictions more than some scholars acknowledge. This is not to deny or reject the penal impacts of global social and economic forces like the insecurity of late modernity and the march of neo-liberalism. The intention, instead, is to draw scholarly attention to the need to understand better the underlying traditions, cultures and values that shape the interpretation and experience of these global forces, and to appreciate the complex diversity of penal policy trends. More importantly, perhaps, to achieve greater levels of penal moderation, academics must better identify and more effectively utilize windows of opportunity to indict and to re-examine punitive responses to unwanted behaviours in ways that resonate with citizens' jurisdictionally distinct cultural traditions and locally held values.

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