

PENAL POPULISM – INFLUENTIAL BUT NOT INEVITABLE

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In recent years, populist influences on penal policy and thought have been observed across a growing number of modern societies. What I want to do in this paper is to provide some answers to three questions related to these developments: what does penal populism involve, what has caused it and is it inevitable? I will argue that, unlike the kind of gestural law and order politics that were associated with Margaret Thatcher, for example, in her first term of office, penal populism represents, in varying degrees, a major reconfiguration of the post-war axis of penal power. What has made this possible are social structural changes taking place across modern society as a whole: populist politicians may then exploit the opportunities for electoral gain that these have presented them with. Having said this, we should also be aware that there is no inevitability to penal populism. As the case of Finland demonstrates, the social arrangements of some modern societies are able to block its entrance to their particular jurisdiction.

What is penal populism?

The concept was first identified in the mid 1990s. Sir Anthony Bottoms (1995: 40) – although he used the term ‘populist punitiveness’ – referred to it as ‘the notion of politicians tapping into, and using for their own purposes, what they believe to be the public’s generally punitive stance on penal affairs.’ While obviously accepting the leading role played by politicians in orchestrating such matters, we would be mistaken to reduce this concept to one of politicians simply ‘tapping into’ the public mood as and when it suited them. It is acknowledged that in Britain, it clearly does seem to have been prominent New Labour politicians who have been keen to make the running, demanding responses to crime that are more in line with what they claim to be public expectations; however, it can also be, as the examples of California (Zimring 1996) and New Zealand (Pratt and Clark 2005) demonstrate, that once populist forces have been unleashed, politicians may find themselves in the train of such events, having to run after them to try and catch up. In effect, politicians may be just as likely to lose control of these forces as to be able to cynically manipulate them for their own purposes.

As with many other political campaigns around law and order, one of the recurring themes of penal populism has been a demand for longer and harsher sentences of imprisonment. But what is new about penal populism is that it is not simply about punishing some criminals with longer sentences. It also seeks to curtail or to annul altogether many longstanding criminal justice rights and practices which are thought to favour criminals at the expense of law-abiding community members. It is the perceived sense of popular grievance and injustice around this issue that Tony Blair addresses when he makes commitments to ‘rebalance the criminal justice system’ (see *The Guardian* 9 June 2006: 1). By the same token, this has engendered demands that victims of crime should have a much greater say in the criminal justice and penal processes. This has been reflected most obviously in campaigns around community notification laws regarding the release of sex offenders from prison – driven in Britain, in the main, by the *News of the World* newspaper and resisted so far¹ by an increasingly unusual alliance of prominent politicians and the criminal justice establishment (including Chief Constables, probation officers and penal reform groups). At the same time, the contemporary interest in sentencing councils in much of the Anglo- American world represents another way of incorporating the views and values of victims and the general public into sentencing systems – giving them some formal but structured outlet in this capacity, rather than allowing them to run wild on the outside of them. Vigilante activities in Britain, particularly against paedophiles, have demonstrated how volatile the public mood can be when it breaks free from the restraints of the formal justice system.

As a further reflection of public aspirations and understandings, penal populism demands penalties and processes that are driven by commonsense and that are transparent, rather than what can often appear to be the opaque legal niceties or technicalities of the criminal justice authorities. It thus demands ‘truth in sentencing.’ It also seeks to turn the punishment of offenders into a symbolic spectacle of reassurance and vicarious vengeance for an onlooking public, and into one of humiliation and debasement for its recipients. Hence the reintroduction of chain gangs in parts of the United States, and the development of naming and shaming penalties through various mechanisms in that country, as well as Britain and New Zealand. Furthermore, growing public concerns about ‘incivilities’ and ‘quality of life’ offending have prompted initiatives such as the British anti-social behaviour legislation. This provides for prosecutory responses to the kind

of behaviour – not necessarily criminal – that can make everyday life intolerable. Without this, as Tony Blair explained, ‘it is next to impossible for the police to prosecute [anti-social behaviour] without a protracted court process, bureaucracy and hassle, when conviction will only result in a minor sentence. Hence the new powers to take swift, summary action’ (quoted by Millie et al 2005: 18). In relation to this, the anti – social behaviour laws provide, for example, for proceedings against those who are under the age of criminal responsibility by making their parents legally responsible for their actions; in addition, the cumulative impact of incidents and behaviours which, taken individually as the criminal law would insist, might not amount to very much, can also be addressed. In such ways, the legislation has placed the interests of ‘the people’ above those of criminal justice officials.

As is the case with populism in general, penal populism reflects the sense of alienation and dissatisfaction of those segments of the population who feel that their interests have been regularly ignored by governments in the development of much post-war policy, while the unworthy have been allowed to prosper, often at their expense. In the penal field, criminal justice officials, along with a variety of other establishment figures, are seen by populist politicians and the variety of extra-establishment forces they align themselves with as favouring the rights of criminals above those of their victims, of being out of step with public expectations and so on. In these respects, penal populism aims to reduce the power and influence of these elites while attempting to ‘rebalance’ the justice system, ‘those people whose comfortable notions of human behaviour [are] matched only by their comfortable distance from its worst excesses’ (Home Secretary Jack Straw quoted by Ryan 2004:17).

For much of the post-war period, penal policy had been largely addressed ‘behind the scenes’ by criminal justice elites working in conjunction with governments. Moriarty (1977: 132) thus referred to the development of juvenile justice reform in England in the 1960s: ‘the proposals clearly owed much to the ... generally available sources of expertise or received wisdom – the penal services themselves, the legal and academic communities, the various reform bodies and interest groups and a quantity of published official material’ — but, of course, no input at all beyond the establishment. Now, however, broad sections of the public – or those who assume a right to speak on its behalf – claim a right to be involved in such governance issues themselves – and in varying degrees governments have been prepared to

accede to these claims. There is no longer the assumption and expectation that governance and policy issues should be determined by elites and then digested unquestioningly by the rest of the population.

What is it, though, that has made this ‘new axis of penal power’ possible?

Causes

I want to give attention here to what seem to be five of the main causes of this reconfiguration. The first relates to the decline of deference – a rejection by much of the general public of the hitherto unquestioned acceptance of authority or establishment figures and the values they represent. Nevitte (1996) argues that this has been the natural consequence of the success of post-war social reforms which raised the living standards of the whole population — to the effect that those in positions of power by virtue of wealth and privilege would no longer be viewed as the social superiors of the rest of society, and allowed to govern, unquestioned, as they had done previously. This has had a significant impact on the rise of penal populism in so far as it can transform the relationship between governments and their civil service, fundamentally weakening the ability of the latter to keep penal policy within their own exclusive grasp and determination. Instead, weakened by internal restructuring and the competing influences of outside pressure groups, think tanks and the law and order lobby, it can be left vulnerable to whatever external influences populist politicians choose to ally themselves with when developing policy. Furthermore, the authority of criminal justice officials has been diminished. Judges and magistrates, for example, are regularly thought to be ‘out of touch’ or ‘from another planet’ and so on by the public (Hough 1996). And without the barrier of deference that used to be placed in front of political and populist influences from outside of the criminal justice establishment, concepts such as ‘three strikes’ and ‘life means life’ have been allowed to become normative values of sentencing systems. At the same time, judges may find themselves subject to open political attack,¹ to which, in most cases, their position does not allow them to respond.

Second, there has been substantial evidence in many modern societies of a decline in trust in politicians and existing political processes (see Pratt 2006a). While the venality of some politicians may have contributed to this, it seems to be more generally derived from the perceived inability of politicians and existing political processes to respond to the needs of ‘ordinary people’ – the key constituency from which populism draws its

support. For example, in countries such as Britain and New Zealand, this disillusionment set in during the 1970s when the inflexibilities of welfare bureaucracies and strategies seemed to block their aspirations (Garland 2001) while simultaneously favouring such unworthy members of society as ‘dole bludgers’ and ‘scroungers.’ The subsequent shifts to a neo-liberal polity in these societies provided a much greater sense of personal freedom and choice but at the same time removed many stateprovided safety nets for those who then made the wrong choices – leading to societies which were strong on individualism but weak on social bonds and interdependencies. Thereafter, the impact of globalization has further weakened the authority of sovereign states and makes them seem vulnerable to external organizations and forces. The most popular answer to the question ‘who runs Britain in a BBC Radio poll in 2006 was ‘the EU Commissioner’, followed by press baron Rupert Murdoch.² Against this backcloth, it should be of no surprise that there is little faith in politicians and existing democratic processes: ‘the established political class is no longer able to resolve the most basic problems, [and] politicians generally [seem] too absorbed with themselves to be able to adapt to a rapidly changing world’ (Betz 1994: 41).

It is for these very reasons – at the exact time that governments no longer seem to be in control of events – that we find a greater citizen involvement in politics itself – but in the form of a new politics which finds expression in single issue pressure groups and more fickle and unpredictable electoral support. This is no longer tied to rigid class hierarchies and party political allegiance determined at birth, but instead is prepared to flirt with politicians of whatever shade and new parties that are prepared to speak to these matters.

Third, ontological insecurity. During the development of modern society, one of the ways in which individuals had been able to guard against ‘existential anxiety’ was by developing ‘a framework of ontological security of some sort, based on routines of various forms. People handle dangers and the fears associated with them in terms of the emotional and behavioural formulae which have come to be part of their everyday behaviour and thought’ (Giddens 1991: 44). However, it is clear that many of the conditions necessary for such formulae are no longer in place: so many of the pillars of stability and security that had been built up during the development of modern society have crumbled away: tenured employment has all but disappeared; family life has been shattered by divorce and marriage has given way to more transient cohabiting practices; there have been declines

in church attendance, trade union membership and various other forms of community involvement (Fukuyama 1995). At the same time, personal security has been put in jeopardy as a result of the seemingly inexorable rise in crime. During the 1980s and 1990s this became one of the most obvious indicators that security and stability seemed to be breaking down, that the authority of the criminal law and of the state itself was being wilfully disregarded and where governments, whatever their political colour, seemed to have no control over such events.

In these respects many citizens will be more likely to put their trust and support in those populist organizations and political movements which claim to have the solutions to such problems: magical, common-sense solutions usually based on invocations of some golden period in the past when social stability and social order was unquestioned. In these ways, the growth of punitive sentiments is characteristic of more general concerns about the perceived decline in social cohesion that the growth of crime represented. The more social cohesion seems to be unravelling, the more strident will be the calls for more severe punishments – as a way of restoring the authority of the criminal law and of providing consensus and uniformity.

Fourth, the role of the media. It might seem particularly ironic that, from the mid 1990s, penal populism should become so extensive at exactly the same time that crime begins to decline in most Western countries. Nonetheless, there is very clear survey evidence which suggests that most people still think that crime is increasing even though it has been in decline.³ This is because, in the changing nature of social relations in the modern world, most people are likely to elicit their knowledge of such events from vicarious rather than direct sources: they will rely primarily on the mass media rather than their neighbours and family for news of such events. In these respects, the nature of crime reporting in the media confirms common-sense assumptions that crime is out of control even though all the gauges of it – police records, victims surveys and so on – may demonstrate the opposite (Jewkes 2004). The dimensions of the problem are enlarged through its over-emphasis on crime news while the immediacy of its threat is increased, making it seem one that is acute, requiring drastic action. At the same time, changes in the structure of the media, particularly the popular media, which have been brought about by the impact of deregulation and new information technology have accelerated this tendency. News reporting and current affairs programmes have had the time allocated to them reduced while

simultaneously their content has been simplified. For example, in relation to the United States CBS flagship current affairs programme, *Sixty Minutes*, Fallows (1997: 57) found that: '[O]f the nearly 500 stories between 1990 and 1994, more than one third were celebrity profiles, entertainment industry stories, or exposés of ... petty scandals. Barely one fifth of the stories concerned economics, the real workings of politics, or any other issue of long-term significance.'

Furthermore, broadcasting has become more glamorised. To hold public attention, to make programmes more attractive to a mass audience (and thereby to advertisers), presenters with good looks and celebrity status are better suited to this task than journalists with analytical or intellectual skills. In these ways, the distinction between fact and opinion, between public affairs and popular culture and between news and non-news that was presided over by broadcasting elites in the Reithian manner has been eroded.

In addition, access to the mass media has been democratised. Through the impact of new information technology, ordinary people are increasingly provided with the opportunity to make, report and comment on the news themselves, ensuring that broadcasting elites no longer have exclusive control of knowledge and information about crime and other matters. The development of talkback radio has accelerated these moves towards mass participation in news making and opinion-forming. Such programmes are usually hosted by 'entertainers', rather than journalists, who nonetheless present their shows as legitimate fora for serious consideration of political events and issues. But, unlikely to have specialist knowledge or training themselves, they are likely to fall back on commonsense as a way of understanding these matters and by so doing reaffirm the commonsense world views of their listeners. At the same time, populist law and order groups have been able to gain a much greater prominence by making skilful use of these new possibilities of communication (Pratt and Clark 2005).

Fifth, as democratisation has provided the opportunity for the emotive experiences and opinions of ordinary people rather than detached objective expert analysis to become the framework through which crime and punishment is understood, victimisation has come to be regarded as a particularly authentic expression of this new mode of knowledge. The harm that has been inflicted on victims is seen as harm inflicted on the rest of society, justifying the much greater penal severity that spokespeople for such victims demand. Indeed,

victimisation has assumed an iconic status in populist discourse. The way in which particular laws have been named after crime victims ('Megan's Law' is the most obvious example) becomes a way of honouring them and memorialising them through the protection that the legislation they have inspired may now provide for potential victims in the future. At the same time, the victim's voice, or the voices of those who claim to speak on their behalf has been given an authenticity and validity in relation to the development of crime control policies, while the authority and influence of the criminal justice expert has been decried and reduced (Garland 2001). Equally, victims of crime who fight back in defence of their family or property when it seems that the criminal justice authorities cannot provide this assistance, may become popular heroes: they become another emblem of the way in which the interests of such 'ordinary people' had been overlooked or dismissed by the criminal justice establishment. In these respects, the Crime and Disorder 1998 Act which introduced the anti-social behaviour legislation was described by the then Home secretary as 'a triumph for democratic politics — in truth a victory for local communities over *detached metropolitan elites*' (Hansard HOC 8 April 1998, vol. 370, my italics).

I am not saying that all modern societies will have this exact arrangement of social forces in them at the present time. What seems clear, however, is that in those societies where there is the most acute concentration of them, then the influence of penal populism will be particularly strong. In these respects, New Zealand has enjoyed something of a 'full house.' Not only is this a society where elites and establishment forces have always enjoyed little deference, for various historico-cultural reasons (Pratt 2006b), but, in addition, in 1984 it moved almost overnight from being the most regulated Western society to the most deregulated. For a decade thereafter, politicians of both Right and Left insisted that 'there was no alternate.' Notwithstanding the ways in which such economic restructuring has turned New Zealand into a more market-driven, cosmopolitan and heterogeneous society, it has also led to a collapse of faith in establishment politicians amidst the growth of wide ranging insecurities and anxieties that this dramatic shift in governance has brought about. As a response to this disenchantment, politicians agreed to change the electoral system in 1996 from 'first-past-the post' to proportional representation with, as well, the availability of non-binding citizens' referenda (Pratt and Clark 2005). In such ways, it was thought that public opinion and sentiment would have more influence

on policy development than had previously been allowed. Some of the most obvious outlets for these sentiments relate, of course, to crime and punishment issues. As such, fringe parties which have law and order as one of their central issues have been formed and have been able to gain leverage for this when becoming junior partners in the inevitable coalition governments that this electoral system leads to. Not only this, but the following referendum in 1999 (which drew 92 percent support from the electorate) has since been allowed to drive penal policy: ‘should there be a reform of our criminal justice system placing greater emphasis on the needs of victims, providing restitution, and compensation for them and imposing minimum sentences and hard labour for all serious violent offences?’

The deregulation of the news media in this country has facilitated the prominence given to law and order issues while promoting the role played by law and order lobby groups as opinion formers. Since the late 1980s, its national broadcasting company – TVNZ – which had been developed originally along the lines of the BBC, has for all intents and purposes become a commercial channel, far more dependent than before on advertising for its revenue source – with attendant consequences for the reporting and analysis of crime news. Again, from the mid 1990s, fear of crime, even though recorded crime has declined by 25 percent between 1995 and 2005, has led to continuing demands for more severe punishments which governments of both Left and Right have been happy to comply with.

It is against this background that the rate of imprisonment in this country increased from 120 per 100 000 of population in 1995 to 187 in 2006.

Inevitable?

Is it the case, then, that penal populism, if not necessarily in such a concentrated form as has been experienced in New Zealand, is likely to become an inevitable influence on modern penalty? Are not its underlying causes spread right across modern society? Developments in Finland clearly indicate that this is not the case: penal populism need not be inevitable.⁴ In that country, in the 1960s, the imprisonment rate was around the same as New Zealand in 2006. Thereafter, it fell dramatically before stabilising at a rate of around 56 per 100 000 of population in the 1990s. As this has taken place, populist influences in this country have been minimal. In contrast to New Zealand, where it is by no means uncommon to find sentences justified on the grounds that ‘society’s attitude to very serious crime has hardened’

(Pratt and Clark 2005: 307), Lappi-Seppala (2006: 65) writes that ‘a search from the Finnish Supreme Court case register covering the years 1980-2004 did not find a single case with the words ‘public opinion’ or ‘general sense of justice’ cited in the decision.’

What is it, though, that lies behind these differences? First, in Finland, as a result of the different legal training and occupational status that they have, it seems that judges are largely insulated from the political influences and pressures that are now regularly found in much of the Anglophone world. As Lappi-Seppala (*ibid*: 71) writes, ‘countries with trained professional judges and where criminology is included in the curriculum of law faculties may expect to have judges and prosecutors who have broader and deeper understandings of issues such as crime and criminal policy.’ It is also the case that Finnish sentencing practices are highly structured, ‘with detailed provisions on the general principles and specific criteria to be taken into account in deciding both on the type and amount of punishment’ (*ibid*: 7). This then acts as a shield against outside political pressures, and prevents the acquiescence to public feelings noted above in New Zealand.

At the same time, there do not seem to be any political pressures in Finland to give detailed instructions to the judiciary on what sanctions should be imposed for which offences (*ibid*) or to provide mechanisms such as sentencing councils which can incorporate the views of victims’ groups and other representatives of public opinion. Instead, it is as if judges are regarded as highly specialised technocrats, needing no obtrusive accountability processes or democratic scrutiny. Unlike in the United States where judges, as elected officials, are always accountable to the public and subject to attendant political influences; and unlike other Anglophone countries where they are seen as a privileged elite, out of touch with reality and public expectations, in Finland, there seems to be a high level of public confidence in judges and other criminal justice professionals.

This is because, second, Finnish society is ‘exceptionally expertoriented. Reforms have been prepared and conducted by a relatively small group of experts whose thinking on crime policy ... has followed similar lines’ (Lappi-Seppala 2000: 37). As a result, these experts have been largely responsible for engineering the remarkable drop in the Finnish prison population. This was achieved through the implementation of strategies which included depenalization, decriminalization and the provision of effective alternatives

to custody. In addition, government organisations, particularly the quasi-autonomous National Research Institute of Legal Policy, under the direction of Patrik Tornuud for much of this time, carefully managed information for public release, taking care to avoid controversy. Its authoritative civil service has since remained largely in control of penal debate – in contrast, again to New Zealand where a weakened government was prepared to follow the inconsistent and incoherent 1999 referendum, largely ignoring any representations that its civil service made to this effect (Pratt and Clark 2005). The most significant law professor involved in this process of reform in Finland was Inkeri Antilla, the first woman to hold such a position at the University of Helsinki. She also served a term as Minister of Justice in the 1970s and was again the first woman to do so. As evidence of the esteem in which she is held in this country, a special medal was struck in her honour to mark her eightieth birthday in 1996. The President of Finland wrote as follows of being taught by her: ‘I had the privilege of studying law at the University of Helsinki under Inkeri Antilla ... her relentless efforts for a more humane criminal justice system were based on the gathering of facts, awareness of both failures and successes in other countries, and above all a careful weighing of the pros and cons of alternative courses of action. *That is the best antidote against populism*’ (Lahti and Tornuud 2001: preface, my italics).

These comments illustrate the coalition of interest that still exists in Finland between political elites and intellectuals: rather than being seen as alien outsiders, the ideas of the latter are valued and are influential on policy development.

Third, the Finnish system of government — a unicameral parliament with a single penal bureaucracy — ironically very similar to that of New Zealand — provides the opportunity for individuals to make radical changes to policy. In contrast to New Zealand, where vociferous spokespeople for law and order organisations have used these opportunities in the last few years, liberal elites have taken these opportunities from the 1960s, with diametrically opposed results.

Fourth, trust in social and political institutions in Finland is amongst the highest in Europe (Lappi-Seppala 2006). This level of trust has not occurred by accident but has been historically embedded. Trust in the legal profession came about because of the strong belief developed in the nineteenth century in legal structures and written law as guarantees of Finnish autonomy —

Finland at that time was part of the Russian Empire, with the status of a self-ruling Grand Duchy. In addition, artists and intellectuals played an important part in strengthening Finnish national identity from this time. The 'debt of honour' that this has led to has since become an entrenched feature of the culture of that country. Wandering around the capital city, Helsinki, one finds numerous statues of intellectuals, economists, artists and musicians, with streets and parks named after them — a further example of the way in which these qualities are celebrated and respected in this country, in contrast to the veneration of ignorance over intellect that is associated with populism.

Fifth, trust and tolerance have also been cemented in to Finland (and other Nordic societies) through the development of extensive welfare state provision, designed to offset any tendencies towards social marginalization and inequality: nobody is to be excluded. Marklund and Nordlund (1999: 33) observe that: 'Denmark, Finland, Norway and Sweden do constitute a group that differs from other nations with respect to expenditure for social welfare, tax rates, large public service sectors, a large public transfer sector and a more active labour market policy. There are also indicators to show that the income distribution is more even and that poverty levels are lower.

Welfare takes the form of universal provision in these countries, rather than serving as a residual safety net. If welfare is understood in the latter more restricted and stigmatic way, it is likely to find few allies when neo-liberal governments cut it back and transfer responsibilities for its provision from the state to the private sector, as happened in Britain and New Zealand in the 1980s. In contrast, Finland and its Scandinavian neighbours have been resilient welfare states with 'many more defenders than enemies during the 1990s. The number of defenders exceeded that of attackers by many times because these welfare states were designed to benefit everybody. When cutbacks are made in encompassing welfare states, they concern everybody' (Timonen 2003: 191).

In these respects, the inclusive model of state welfare provision again provides high levels of stability and security and allows it to act as a shock absorber in times of dramatic social change, without the distrust and lack of faith that this has brought about elsewhere. For example, Finland suffered a deep recession in the early 1990s with unemployment reaching 20 percent, but this made no impact on levels of disorder, inspired no populist resentment against the government nor produced any rises in imprisonment, while its crime rate declined.

Sixth, the state's guarantee of well-being extends to victims of crime in this country. It compensates them and then attempts to recover this from criminals. In this way, there is the opportunity for closure for victims, in so far as this is possible. This stands in marked contrast to those countries where there are now reparation schemes between victim and offender, with the state dropping out of proceedings. What these processes can lead to is the prolongation of victimisation, to little benefit or gain: only 18 percent of offender – victim reparation orders in New Zealand are adhered to. The sense of disenchantment and disillusionment that is likely to be the consequence feeds into support for penal populism and allows victimisation to be politicised: victims become prizes to be fought over by politicians who try to outbid each other with the promises they make to them. These usually take the form of tokenistic gifts, gestures that in reality are likely to effect no more than a handful of victims, rather than the systemic and universal provision for them in Finland.

Seventh, Finland has remained a very homogeneous society, with low rates of immigration. This has meant that there are no substantial ethnic minorities at the bottom of every social indicator who then achieve a disproportionate level of representation in prison (von Hofer 2003). Homogeneity also leads to trust and the building of interdependencies. This may then explain why there are such low levels of fear of crime in Finland. Only 4 percent of homes have burglar alarms: this compares with 34 percent in England (van Kesteren et al 2000). At the same time, participation in neighbourhood watch, again indicative of a strong civic culture, has very high support (Bondeson 2005: 195).

Eighth, the tabloid press in Finland plays a much less influential role in public affairs than in Britain and is less sensational than its equivalent in the other Scandinavian countries (Lappi-Seppala 2006). State television continues largely unreconstructed, with no advertising and, although satellite channels are available, it maintains the highest audiences (idem). In contrast to the drama of *Crimewatch* re-enactments in Britain, Lappi-Seppala (ibid: 64) observes that 'the Finnish version of Police-TV is more like an education programme with criminal justice officials explaining the contents and functions of the criminal justice system.' In this way, the Finnish media continues to contribute to informed public debate: sources of public information are not dominated by tabloid television and press, as they tend to be where populism is strong.

Ninth, it may also have been that, until recently at least, the Finnish language structure provided insularity, with no global news media then available through satellite television or the internet. When Finland looked outwards, it was towards Russia, or towards the other Scandinavian countries, as the counterweight to the Eastern possibilities (Christie 1968); but it would seem that it did not look, had no need to look, beyond this region. The Finns were able to develop her own solutions to social problems, with some regional influences but virtually none from Britain or America.

From the comparison of developments in Finland and New Zealand, what would seem to be amongst the most immediate factors in determining the presence or absence of penal populism are: the strength and authority of the civil service and the control it has on penal affairs and debate; the extent to which local media can perform a public education service; and the ability of welfare provisions to provide stability and solidity. However, we should also be mindful of the importance of local contingencies on penal development. Penal populism does not emerge from one single blueprint, nor do barriers to it. More generally, perhaps one of the weaknesses in the sociology of punishment has been the way in which it has been too ready to look for similarities in penal trends and possibilities, while overlooking important societal differences that then lead to very different patterns of punishment.

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Footnotes

- i Although the most recent Home Secretary has shown some equivocation over this, see *The Observer*

Notes

- 1 Dr Reid claimed to be 'rightly articulating public concern' when he wrote to the Attorney – General claiming a minimum sentence - of a life term – of five years and 108 days for a sex offender was 'unduly lenient' (idem). The Observer goes on to report that 'The Attorney-General is expected to spark a major new row between politicians and judges by rejecting calls to refer [the above case] ... to the Court of Appeal.'
- 2 28 January, People and Politics, BBC World Service.
- 3 See van Kesteren et al (2000).
- 4 Canada represents another example, although for rather different reasons to Finland, particularly in relation to its governmental structure, see Doob and Webster (2006).

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