

Book Reviews

Anderson, M, *Policing the World: Interpol and the Politics of International Police Co-Operation*, Clarendon Press, Oxford (1989)

Logan, C H, *Private Prisons: Cons and Pros*, Oxford University Press, New York (1990)

I often like to prejudge the content of a book, and the creative licence of commissioning editors, by a quick read of the cover blurb before entering the text. From this source we are told by *Policing the World* that “the need for co-operation between the police forces of the world has never been greater: there is a huge growth in international drug trafficking and terrorism, and many social and economic activities are becoming increasingly internationalised”. Of prisons, on Mr Logan’s jacket it is observed that “each year thousands of convicts are turned loose early because there is simply no place to keep them. Others are held in warehouses, quonset huts, tents, gymnasiums, trailers, schools, barges, and other makeshift accommodations. Plagued by facilities that are crowded, costly, dirty, dangerous, inhumane, inefficient, and subject to riots and lawsuits, many officials are looking to the private sector as an alternative source of supply.” With appetites suitably whet, the reader can approach areas of criminal justice administration which are far from over examined in the literature; transnational policing and prison privatisation.

Logan represents the privatisation of corrections as a significant part of the broader privatisation movement, and a challenge to the government’s monopoly over “one of its ostensibly core functions”. By questioning whether penal punishment is essentially and necessarily governmental, Logan draws a long bow back to early American prison reformers who, he alleges, premised constitutions as well as institutions on a “lack of faith and the benevolence and wisdom of governors”. The tone is set in his introduction and confirmed by his dismissal of arguments against private prisons where he declares that, “in no area have I found any potential problem with private prisons that is not at least matched by an identical or a closely corresponding problem among prisons that are run by the government”.¹

It would be wrong to simply assess this book as an apologia for private interests in penalty. It has a wider brief. In some respects it accords with the sentiments of Professor Richard Harding’s article on private prisons which appeared in the last issue of this journal: “It is primarily because they are prisons and not because they are contractual that private operations face challenges of authority, legitimacy, procedural justice, accountability, liability, cost, security, safety, corruptibility, and so on”.² It is the

1 At 5.

2 Id at 5.

conclusion drawn from this absence of unique failure argument which perhaps challenges this position on privatisation. Simply because both the private and public systems might be as bad as each other should not necessarily lead to a conviction that both through co-operation or competition might develop better strategies for the just and efficient operation of prisons. The fundamental differences in the motivations for, and accountability of public and private sector institutions should not be glossed over in an analysis of modern penal history.

Having invited the reader to move beyond the public/private dichotomy in a consideration of modern penal trends, Logan retires himself into market model justifications and contractual discourse when describing the private prisons debate, and "the propriety of proprietary prisons". From Chapter 1 he ignores the common controversy which underlies imprisonment in all its forms: "imprisonment, since it serves the public as a whole rather than individual consumers can be characterised as a public good ... like other goods, they [prisons] can be analysed in terms of supply, demand, quality, and price".³ Even in his selection of the issues facing private prisons Logan accepts the parameters of prison proponents. The body of the book is a discussion of cost and efficiency, quality, flexibility, liability and dependence. Any or all of these would also fit comfortably within the language of "total quality management".

It is in his concluding chapter where Logan falls into the greatest philosophical confusion. This point of the discussion purports to fix private prison within the wider debate of the privatisation of punishment. It commences with a brief observation about the future of private prisons, premised as it is on the acceptance that the future of the prison is assured. Thomas Mathiesen would have other ideas!⁴ Logan then constructs what he refers to as a "libertarian" view of the state, principles of crime and punishment, and a model prison institution within which the motives for privatisation sit well. Argue as one may with his espousal of the "libertarian" ethic, where his analysis really comes unstuck is its ignorance of the historical and social reality of the prison. As Logan's modest bibliography betrays the powerful literature of the place of penality in modern society has no place alongside his tinkering with free market frame works for punishment.

As Garland rightly observes⁵ "punishment (and penalty) is not wholly explicable in terms of its purposes because no social artefact can be explained in this way". To see the prison as an institution with the potential to be based "in its workings on such principles as freedom from coercion, maximisation of autonomy, and individual enterprise"⁶ is to deny the long standing social reality of the prison and imprisonment. To propose as "philosophically defensible" and "currently feasible" a version of the prison where victim's rights, offender's rights, and inmates' rights are balanced in some broad atmosphere of "dessert", and where the only official purpose of the prison is to suspend the civil privilege of free association is to stretch the book's credibility. Such a

3 Id at 7.

4 Mathiesen, T, *The Prison on Trial: A Critical Assessment* (1990).

5 Garland, D, *Punishment and Modern Society: A study in Social Theory* (1990) at 19.

6 Logan, above n1 at 247.

representation bears little resemblance to the “sacred sentiments, punitive passions and punishment rituals”⁷ which give the prison its existence.

Another underlying theme of *Private Prisons: Cons and Pros* is the argument that “the existence of competition, even potential competition, will make the public less tolerant of facilities that are crowded, costly, dirty, dangerous, inhumane, ineffective, and prone to riots and law suits”.⁸ The untested assumptions underpinning this position could keep me here for a lot longer than this limited review allows, but it is worth questioning whether it is community expectations for some or all of these conditions to be associated with the prison, rather than tolerance of them which allows for their proliferation. In addition to represent the degenerative environment of the prison as the province of state monopoly is to unfairly create the expectation that more players for the punishment dollar would mean better days for the inmate. Free market fantasyland is even less convincing when one considers the oligopolistic involvement of the private sector in prison contracting, than it is extant through the incursions of capitalism into the decaying economies of Eastern Europe.

Policing the World sees the world very much in terms of Western Europe and the United States of America. By using Interpol as his model for “international police co-operation” Malcolm Anderson sets a rather narrower agenda than the book’s brave title broadcasts. By selecting an international bureaucracy for analysing cross jurisdictional police co-operation, Anderson narrows the concepts of “policing”, “the world”, and “co-operation” to the extent that they fit within his discourse of political theory.

The book commences with a description and a “background to the agenda issues of the last decade”.⁹ This agenda and these issues are of the apparent “internationalism” of post cold-war Europe. Thus dichotomies between sovereignty and transnationalism, the structures of advanced democracies and the deterioration of centralised economies, and political pluralism versus rabid nationalism propose the frame work within which cross border police co-operation will succeed or fail.

The model of policing considered in the book is as state-centred as is its position within the work’s wider political theory. “Because the police, in normal circumstances, have the monopoly of the use of force in the highly industrialised democracies, police functions cannot be defined without reference to the most fundamental political questions concerning the purpose of public authority and the ends of the state”.¹⁰ Unfortunately by seeing the police/state nexus as essential to his analysis, Anderson misses any potential to explore those characteristics of policing which might stimulate or impede co-operation, and will only be appreciated within the unique socio-cultural contexts of different policing styles.¹¹

7 Garland, above n5.

8 Logan, above n1 at 75.

9 At 9.

10 At 15.

11 See Findlay, M and Zvekcic, U, *Alternative Policing Styles: A cross cultural perspective* (1992).

In addition, by seeing the police as "the most basic and essential of government institutions" the potential for a critical analysis of policing as it works for transnational motives is not realised.

Much of the book is a history of Interpol and as such neither deals with policing nor with co-operation beyond bureaucratic policy and international organisations. In this respect Chapters 2, 3 and 4 do little more than confirm the management of policing is as susceptible to international bureaucratisation as any other creature of government.

Drug law enforcement and the prevention of terrorism are briefly identified as motivations for transnational police co-operation. Unfortunately Anderson merely suggests the interesting political rationales which underlie these two "crime problem" areas as foci for international police function. Much more on the workings of the DEA, the CIA, and the intelligence arms of Western Europe would provide a more telling political dimension to Anderson's analysis of international policing. The utilisation of police information systems, the legitimisation of secret service intelligence through police networks, and the use of criminalisation for political purposes are just some of the issues that could have offered fascinating material for this section of the book.

The remainder of Anderson's examination of co-operation looks at bilateral and international models. In this his interests as a political scientist are clear. The attempt to de-construct Interpol against a "centralised state" and a "decentralised state model" are enlightening, but do little to advance an understanding of the tensions which exist between regional and national policing operations.

Anderson argues that "mutual comprehension between police forces of different countries is a necessary but not a sufficient condition for improved co-operation".¹² His answer is to strengthen Interpol as an international bureaucracy to "organise" police co-operation. Without examining the common power and institutional relations which are policing, and the unique contextual characteristics of police styles throughout world regions, such an overly simplistic conclusion is hardly surprising. What is disappointing about a book such as this which comes out of political science traditions is its absence of any incisive political critique for policing. Anderson might be well advised to return to the works of such "Marxist scholars" as Edward Thompson, Tony Bunyan and Michael Brogden which he dismisses early in the book as "altogether too deterministic".

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12 At 193.

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