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COMPARATIVE CRIMINAL JUSTICE POLICY-MAKING IN THE UNITED STATES AND THE UNITED KINGDOM

The Case of Private Prisons[1]

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Recent years have seen a growing focus upon perceived similarities in criminal justice and penal policies in the United States and the United Kingdom. The increasingly punitive nature of penal policy discourse in both countries appears to have given rise to similar developments, such as 'three strikes' sentencing, youth curfews, sex offender registration schemes, 'zero tolerance' policing, etc. At the same time, governments in both countries have adopted a more 'managerial' approach towards criminal justice, including the development of 'risk-based' interventions, and expanding the role of the private sector in the criminal justice system. One body of work explains such developments with reference to globalizing trends visible across many Western industrialized countries (Christie 2000; Garland 2001). Such approaches point to deeper cultural and structural changes being experienced across all 'late modern' capitalist societies. By contrast, other authors highlight the localized and particular aspects of penal systems, and point to the very different trajectories of reform in varying political and cultural contexts (Melossi 2001; Tonry 1999). A precondition to the effective linking of these approaches is a more detailed understanding of the notion of 'policy' and the processes via which it is shaped. A fuller understanding of current developments requires attention to be paid both to 'deep structures' and to the particulars of political decision-making. Drawing upon a major comparative study of criminal justice policy-making, we focus upon the case of the re-birth of privately managed prisons in the United States and the United Kingdom. We compare the process of policy change in each country and analyse the factors shaping key policy decisions. The paper concludes with some observations about the nature of convergence and divergence in the penal policies of different nations.

Introduction

Criminologists have become increasingly interested in the ways in which crime-control policies arise and cross national borders, and what happens to them when they travel (Newburn and Sparks 2004). The focus of this paper is upon a specific element within this wider area of interest: the extent to which we have seen the emergence of 'United States-style' penal policy developments in the United Kingdom, and the processes by which these have come about. A number of authors have commented upon the global spread of a range of penal policies that appeared to originate in the

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United States (Christie 2000; Jones and Newburn 2002a; Nellis 2000). Discussion of such developments and what might explain them has been focused most recently around the work of David Garland (2000, 2001). Garland has argued that during the second half of the 20th century, a largely shared 'culture of control' arose in both the United Kingdom and the United States. This, he argues, has helped to shape similar developments in popular and political discourse about crime, and also penal-policy responses that appear increasingly alike. Against this, another body of work highlights the local and the particular. For example, Tonry (1999, 2001) stresses the striking differences in penal-policy interventions between countries with different historical and cultural traditions. As he argues: 'The world increasingly may be a global community . . . but explanations of penal policy remain curiously local' (2001: 518). In a similar vein, Melossi (2001) has noted the striking differences over time between penal systems in the United States and in Italy, and argued that '(p)unishment is deeply embedded in the national/cultural specificity of the environment which produces it' (2001: 407).

This paper has two key objectives. The first is to help to address the relative paucity of studies, especially comparative studies, of policy-making in the arena of criminal justice. As we have pointed out elsewhere, criminologists (see Rock 1990, 1995; Rutherford 1996; Ryan 1999; Downes and Morgan 2002 for exceptions) have focused their empirical research upon the content and impact of penal policy, rather than its origins (Jones and Newburn 2002a). By contrast, whereas political scientists have undertaken detailed empirical analyses of policy-making in a range of different spheres from agriculture to telecommunications regulation (Atkinson and Coleman 1992), they have rarely ventured into the field of criminal justice and penal policy. As Michael Tonry (2001) has argued, our knowledge of what shapes criminal-justice policy is still relatively limited.

The second broad aim is to re-emphasize the notion of political agency within considerations of penal-policy formulation. Recent work has focused primarily upon fundamental structural and cultural conditions that provide the broader context for policy formulation. This helps us to identify and understand the broader globalizing tendencies that lie behind a degree of convergence between penal systems (Christie 2000; Garland 2000, 2001). It is, however, also vital that we continue to explore the degree to which important national differences in penal-policy outcomes can be related to historical 'path dependencies' (Karstedt 2002) and distinctive national cultural traditions (Melossi 2001). A fuller understanding of penal-policy changes also requires a more detailed understanding of the purposive actions of key agents within the policy process, and the constraints and opportunities provided by the political systems within which they operate. Although some work has begun to address this gap (Rutherford 1996; Nellis 2000; Jones and Newburn 2002a, 2002b), to date, it has not been linked to the broader structural constraints that shape the frameworks, agendas and decisions of policy-makers. As Richard Sparks has observed, 'much criminology and penology only gestures at the political' (2001: 172). The two approaches primarily reflect the 'unavoidable tension between broad generalization and the specification of empirical particulars' (Garland 2001: vi). However, it is possible to link the two approaches. Comparative studies that unpick particular 'policies' and examine the essentially *political* processes that shape them can help us to explore the ways in which the tensions between globalizing and localizing trends play themselves out in the agendas and decisions of key actors.

The paper is divided into four main sections. First, we examine what is meant by 'policy' in this context, and highlight two key dimensions of the concept.[2] These are policy *processes* (the 'how'), and the substantive *levels* of policy (the 'what'). This section also outlines a model of public-policy-making (Kingdon 1995) that provides a useful way forward in making sense of the penal-policy process. The second section turns to the experience of prison privatization in the United Kingdom and the United States, and provides an overview of the re-emergence of privately managed correctional institutions in both countries in the latter half of the 20th century. Section three explores the similarities and differences in the process and substance of policy change in the United States and the United Kingdom, drawing upon the Kingdon model, outlined earlier. The paper concludes with some observations about what light this case study can shed upon the broader issues outlined by David Garland and others.

Exploring 'Policy'

There is a danger in discussions of penal-policy convergence or divergence that we take the term 'policy' as given. Here, we draw a distinction between two dimensions of policy—those concerned with 'process' and with 'substance', respectively. First, it is important to emphasize that policy-making can be represented as a set of processes involving a number of analytically distinct 'stages' or 'streams'. The structure of these streams and the way in which they interact with one another have an important influence on the second dimension—policy 'substance'—our central concern here. Policy can be considered substantively at a number of different 'levels', ranging from the more symbolic elements, such as ideas and rhetoric, on the one hand, to the more concrete manifestations, such as policy instruments and practices, on the other.

Policy process

It is important to recognize that formal 'policy' represents the outcome of a set of processes, rather than an 'event' in itself. There is a large body of work within political science that has analysed policy-making by dividing it up into distinct stages, and undertaking detailed examinations of each (Easton 1965). In such approaches, policy is seen as arising from a distinct set of problem-solving processes: problem definition, formulation of alternative solutions, considerations of implications of alternatives, to experimentation with the preferred choice. Whilst recognizing the analytical importance of identifying such stages, a number of authors have pointed out that such an approach runs the risk of implying a rather mechanistic and sequential model of the policy-making process (Hill 1997). Policy-making in practice rarely looks like the textbook discussions of the 'policy cycle', and, in particular, it is rarely as rational as many analytical models imply (Nelson 1996). The substantive 'content' of policies is clearly shaped, not only by the latter stages of political decision-making, but negotiated continuously in the earlier problem definition, legislation, regulation and court decisions, and again in the subsequent decisions made by practitioners and 'street-level' bureaucrats. Nevertheless, breaking the policy-making cycle into distinct stages, whilst not necessarily reflecting

[2] This is not to imply that we think that this is all that there is to 'policy'—merely that we take this distinction to be crucial in developing a more nuanced understanding of policy.

the real world, has provided political scientists with a useful analytical tool for empirical exploration of the processes involved.

One model that seeks to 'deconstruct' the policy process whilst paying due regard to its apparently somewhat anarchic character is that developed by Kingdon (1995). His general theory of public-policy-making suggests that it consists of a set of processes, including (at a minimum) agenda setting, alternative specification, authoritative choice and implementation (1995: 2). However, Kingdon emphasizes that policy-making does not proceed in a neat set of sequential stages. Conversely, he argues that there are three distinct 'process streams' that can be identified within the system:

- the problem stream (the process of generation of 'problems' requiring attention by policy-makers);
- the policy stream (the generation of policy ideas and proposals); and
- the political stream (the outcome of elections, developments in the 'public mood', interest group campaigning, etc.).

Kingdon's argument is that these distinct streams operate independently of each other for much of the time. However, the three converge at critical times, whereby 'solutions become joined to problems, and both of them are joined to favourable political forces' (1995: 20). From time to time, 'policy windows' (i.e. opportunities for promoting certain proposals or conceptions of a problem) are opened by developments in the political stream, or the emergence of particularly compelling problems. Such windows provide an opportunity for what Kingdon calls 'policy entrepreneurs', whose 'defining characteristic, much as in the case of a business entrepreneur, is their willingness to invest their resources—time, energy, reputation, and sometimes money—in the hope of future return' (1995: 122). Policy entrepreneurs not only push their 'pet' proposals and problems, but are also responsible for linking problems and proposed solutions to the political stream. The success of policy entrepreneurs depends upon their ability to respond quickly to these 'windows' of opportunity, before other 'solutions' become favoured. Although a good part of this is down to the skill of the policy entrepreneur, crucially, there is also a substantial element of luck involved. In sum, a significant development in policy is most likely when problems, policy proposals and politics are linked together into a clear package. Focusing upon, and detailing the nature of, the relationships between these streams appears to us to be a prerequisite to the development of a realistic understanding of policy.

Policy levels

At any one point, 'policy' can be broken down into a number of distinct 'levels'. Empirical research into policy formulation has tended, for obvious reasons, to focus upon the more 'concrete' levels of formal policy statements or legislation. In this vein, authors such as Bernstein and Cashore have argued that empirical studies need to focus upon formal policy decisions, such as statutes, regulations and statements, because these manifestations of policy capture the 'actual choices of government' (2000: 70). However, others have suggested that such definitions present an overly simplified view of policy. Bennett (1991), for example, identifies a number of distinct elements of policy, including policy content (statutes, administrative rules and regulations), policy instruments (institutional tools to achieve goals such as regulatory, administrative, judicial tools) and policy style

(consensual, confrontational or incremental). Similarly, Dolowitz and Marsh (2000) outline various different elements of policy, including policy goals, content, instruments, programmes, institutions, ideologies, ideas and attitudes. There is not the space to investigate all of these various levels of policy in relation to changes in criminal-justice policy in recent years. However, the important point here is that a distinction may be drawn between *policy styles, symbols and rhetoric*, and the more concrete and formalized manifestations of policy in terms of *policy content and instruments*. Moreover, the analysis of policy change is enhanced if equal regard is paid to each.

The Rebirth of Private Prisons in the United States and the United Kingdom

United States

Private-sector provision of correctional services has a long history in the United States, dating back to at least the 19th century, when several states leased their state prisons to private contractors (Shichor 1995). However, the recent rebirth of private corrections in the United States began during the 1960s, when the Federal Bureau of Prisons (FBP) contracted with private firms to operate community treatment centres, youth facilities and 'halfway houses' in the shallow end of the criminal-justice system (Ryan and Ward 1989). During the late-1970s, the US Immigration and Naturalisation Service (INS) contracted with private firms to detain illegal immigrants (McDonald 1994).

The first mainstream prison to be run on private lines opened in 1984, in Houston, Texas, run by the newly formed Corrections Corporations of American (CCA). Further establishments were opened in the following year, during which CCA made an unsuccessful bid to run the entire Tennessee state prison system.[3] During the mid- to late-1980s, other private corrections corporations (e.g. the US Corrections Corporation and Wackenhut) also emerged as significant competitors in the growing market at state and local county levels, mainly in the southern states. The issue of private prisons had become sufficiently salient at the national level for the US House of Representatives Judiciary Committee to hold a series of hearings on Private Corrections (United States House of Representatives 1986). Privatization at state and county levels continued, and, by 1988, the private corrections sector was sufficiently large for the National Institute of Justice to organize a conference on the subject (Peterson 1988). However, the federal adult prison sector remained largely impervious to privatization and the market remained primarily within state and local jurisdictions.

The early- to mid-1990s saw continued growth in the private corrections sector (Mattera and Khan 2001). Once again, the issue attracted the attention of federal bodies when, in 1996, the General Accounting Office (GAO) undertook research that found little evidence that private prisons were significantly less costly than public ones (United States General Accounting Office 1996). By the late-1990s, the private prison sector remained concentrated in 23 western and southern states. High-use states included Texas, Oklahoma, Florida, Louisiana, Tennessee, California, Colorado and Mississippi, and also Washington, DC (McDonald *et al.* 1998). More recent figures show that 19 states in total have no prisoners held in private facilities (United States Department of Justice 2001).

[3] This followed a federal court ruling that the entire state prison system was in violation of the Constitution because of overcrowded conditions of confinement.

The late-1990s saw a significant slowdown in the US private corrections market. A number of high-profile lawsuits were successfully taken out by inmates of private prisons against the corporations responsible for their institutions. It was argued that these incidents were increasingly typical of the private corrections sector: 'Countless instances of escapes, riots, brutality and other sorts of operational problems came to light in connection with the growing universe of privately-owned correctional facilities' (Mattera and Khan 2001: 6). The confidence of institutional investors in companies like CCA was shaken by such developments and the late-1990s also saw very substantial falls in the stock-market value of Wackenhut, again following bad publicity regarding alleged mismanagement of its prisons (Green 2001). The early years of the new millennium saw a continued stagnation in the growth of private corrections in the United States. In early 2002, the Sentencing Project (2002: 3) observed that '[s]ince 2000, no states have negotiated new private prison contracts, and several states have curtailed their relationship with the private prison industry'. In addition to a slowing down of private contracts, some private corrections facilities have been brought under public-sector control.[4]

Although state governments have been a shrinking source of private corrections contracts, the federal government has, in recent years, provided 'a source of salvation for the industry' (Sentencing Project 2002: 3). By 1997, the Federal Bureau of Prisons was the main customer for privately operated custodial facilities, in terms of number of prison places (McDonald *et al.* 1998). The rapid growth in federal prison privatization has been related to the implementation of mandatory minimum sentencing and the 'war on drugs' (Sentencing Project 2002). In addition, a further pressure on the federal system has resulted from the 1996 Immigration Reform Act, which meant that even minor offences, when committed by non-US citizens, can be prosecuted under federal law. This has led to further expansion in the federal prison population. In 2001, the Immigration and Naturalization Service and the US Marshalls Service renewed five contracts with CCA, worth over $50 million annually (Mattera and Khan 2001).

United Kingdom

The private provision of prisons in the United Kingdom also has a long history. From the Middle Ages onwards, jails were run as private businesses and, during the 18th and 19th centuries, private entrepreneurs found profit-making opportunity in the policy of transportation to the colonies (McConville 1981; Cavadino and Dignan 2002). As in the United States, the more recent manifestation of private provision of prisons began in the immigration-detention sector. In the early-1970s, the Home Office contracted the private security firm, Securicor, to run detention centres (and associated escort services) for suspected illegal immigrants at the four principal airports in England. However, it was not until 1984 that the contracting-out of mainstream prisons and remand centres to the private sector was advocated by the free-market think tank, the Adam Smith Institute (ASI) (Adam Smith Institute 1984). The ASI continued to canvass support for the idea of privately run prisons, and, in 1987, published another report on the subject, describing, in glowing terms, a number of privately managed prisons in the United States (Young 1987).

[4] For example, two Wackenhut facilities in Arkansas were transferred to public-sector control in 2001.

In 1986, the Home Affairs Select Committee (HAC) of the House of Commons under the Chairmanship of the Conservative MP, Sir Edward Gardner, undertook an inquiry into the state of prisons in England and Wales. Members of the Committee visited a number of facilities in the United States, including several institutions operated by CCA. The issue of private prisons dominated subsequent discussion of the Committee's deliberations. Labour members objected to the support of private prisons by some leading Conservatives, and this issue was dealt with in a separate short report (Home Affairs Committee 1987), which recommended that the government conduct an experiment in the private contracting of a remand centre. At around the same time, Lord Windlesham, then a junior Home Office minister, began to canvass the Prime Minister's support for a separate, privately contracted remand sector, and the contracting-out of the court escort service (Windlesham 1993). Though the initial response was not positive, there soon followed a number of events that indicated that prison privatization remained at least on the margins of the agenda. The Home Office minister, Lord Caithness, visited the United States to examine the evidence on prison privatization, and, on his return, he reported positively on what he had seen (Rutherford 1990). At about the same time, UK Detention Services, a consortium comprising CCA and two British construction companies, John Mowlem and Sir Robert McAlpine and Sons Ltd., was formed 'specifically to lobby the UK government about the merits of private prisons and to win contracts' (Prison Reform Trust 1994). A Green Paper, *Private Sector Involvement in the Remand System*, was published in July 1988 (Cm. 434), and responses were invited. By this point, commercial lobbying, both inside and outside parliament, was developing apace, with various consortia forming to respond to possible opportunities in the penal sphere. Another new company, Contract Prisons, was formed to exploit new opportunities, with the former HAC chairman, Sir Edward Gardner, as its chief executive. The private security companies, Group 4 Securitas and Securicor, set up subsidiaries, specializing in the provision of detention services. By the late-1980s, the remand population was falling quite significantly, and the Home Office remained inclined against including provision for contracting-out in the forthcoming Criminal Justice Bill. However, pressure from the Number 10 Policy Unit resulted in a clause being included that would allow for the contracting-out of new facilities in the remand sector (Windlesham 1993).

The Criminal Justice Bill, introduced in autumn, 1990, included a provision to allow for contracting-out, but only of *new* facilities for *remand* prisoners. These restrictions were soon overturned by amendments,[5] introduced at the committee stage, and orchestrated by backbenchers and Home Office junior ministers (Windlesham 1993; Cavadino and Dignan 2002). The amendments extended the power to contract-out to facilities for sentenced prisoners, and existing prisons and remand centres. During 1991, contract details were announced for two privately contracted penal establishments—the first was the Wolds, won by the security company, Group 4, and the first prisoners were received in spring, 1992. Despite vociferous criticism from opposition MPs, privatization continued to gather momentum. The contract for a second privately managed prison (Blakenhurst) was signed with UK Detention Services in December 1992. In September 1993, Home Secretary Michael Howard

[5] These amendments would enable the Secretary of State to make an order by statutory instrument, giving effect to the power to contract-out (with none of the previous limitations).

announced that the government planned to privatize about 10 per cent of the prison system in England and Wales. The contract for the third private management-only prison, Doncaster, was signed with Premier Prison Services (jointly owned by the American Wackenhut Corrections Corporation and a British firm, Serco Ltd) in February 1994.

In August 1994, a shortlist of 20 prisons which were to be 'market tested' was announced. However, in October 1994, the Prison Officers' Association (POA) successfully complained to the Central Arbitration Committee that they had not been properly consulted over the proposed market testing. Then, under the European Commission's Acquired Rights Directive, it emerged that private contractors were required to maintain existing jobs and conditions in respect of any new contracts that they won (Cavadino and Dignan 2002: 232). Despite these setbacks, the policy of privatization continued to extend beyond its original scope. The end of 1994 saw the opening of yet another privately run prison, Buckley Hall, to be managed by Group 4.[6] In June 1995, a consortium, including Tarmac and Group 4, won the contract to build and manage a 600-cell category B prison at Fazakerley, Liverpool. Another group, including Costain and Securicor, was contracted to construct and run an 880-place category B prison at Bridgend, in South Wales. These were the first of six new penal institutions, planned under the Government's Private Finance Initiative (PFI). In 1996, the Government published a White Paper, proposing to privately finance, design and build a further 12 prisons, to come on-stream at a rate of one or two a year, from 2001–2002 onwards, providing 9,600 new prisoner places (Nathan 1996).

May 1997 saw the election of a Labour government that had been unequivocally opposed to the contracting-out of prisons whilst in opposition. Not long after the election, there were signs that the Labour Party was to reverse its previous position. In June 1997, Home Secretary Jack Straw announced that he had renewed UK Detention Services' management contract for Blakenhurst and agreed to two new privately financed, designed, built and run prisons. The following year, Straw confirmed the U-turn in a speech to the POA, when he stated that, henceforth, all new prisons in England and Wales would be privately constructed and run (although, the Prison Service was now also to be allowed to tender for the contracts when current contracts expired). The threat of privatization was also to be used to promote reform in 'under-performing' public prisons. In July 1999, the prisons minister, Paul Boateng, announced that Brixton prison was to be market tested with a view to privatization. In January 2000, he further announced that the Prison Service had won the contracts to manage Blakenhurst and Manchester prisons, beating off competition from the private sector. By early 2004, there were a total of nine privately operated prison service establishments in England and Wales, although that total will shortly rise to 11, with a further two contracts in the pipeline. Though privatization may not have spread as far as some critics initially feared, it is difficult to disagree with Cavadino and Dignan's conclusion that 'the policy of encouraging private sector involvement in the design, construction, financing and operation of prisons in England and Wales now appears unassailable, at least for the forseeable future' (2002: 234).

[6] Group 4 lost its contract after re-tendering in 1999. Since June 2000, Buckley Hall has been run by the Prison Service.

Prison Privatization: Policy Process

In this section, we draw upon Kingdon's (1995) framework of problems, policies and politics, to explore how the various streams of influence shaped policy changes in both countries. Our focus here is the processes that led to the policy change in each country and our argument is that the trajectory followed in the United States differed in several important ways from that in the United Kingdom. Though, on a broad level, the ostensible policy 'outcomes' were very similar, the permutations in the streams of problems, policies and politics were far from identical.

Problems

Kingdon (1995) describes the 'problem stream' as being concerned with the ways in which particular issues or problems emerge that command the attention of policymakers. It is entirely unsurprising that, at a broad level of generality, we can detect similarities between the problem streams visible in the United States and in the United Kingdom at the time that prison privatization emerged. As we have seen, in both countries, the idea first emerged at a time of expanding prison populations, and a focus on the related problems caused by overcrowding and prison conditions. However, looking in more detail at the problem stream highlights some interesting and significant differences.

In the United States, the major problem confronting state authorities was the substantial growth of prison populations and the threat of litigation against states with overcrowded prison systems. Other problems experienced during the 1980s included significant funding problems on the part of state and local government with the cutback of federal aid programmes under the Reagan administrations. This exacerbated the problems of state and county governments under pressure to build new prisons, and to do so quickly. Traditional public-sector procurement procedures for major capital projects were protracted and complex. The private sector offered a relatively speedy way of providing new prison capacity without the need for major public capital spending at the outset. More recent developments in privatization within the federal sector can also be related to the emerging problem of growing federal inmate populations, which have expanded enormously in recent years (Sentencing Project 2002). In addition, federal agencies have come under pressure to reduce their numbers of directly employed staff as a result of the 'end of the era of big government', announced by President Clinton. This introduced a requirement to reduce the number of federal employees—a pressure that led to an increase in contracting-out across a range of federal government functions. Within the FBP, this has resulted in a general reduction in employment in the public sphere, with a consequent emergence and expansion of the private sector in federal corrections (Gaes and Camp 2002).

There are important contrasts here with the United Kingdom. Like the United States, the United Kingdom, too, faced the problem of an expanding prison population and consequent overcrowding during the 1980s, particularly in the remand sector. However, it is difficult to escape the sheer scale of comparison with the staggering increases in US incarceration (Christie 2000). Furthermore, by the end of the 1980s, this particular problem appeared to be easing in the United Kingdom with the fall in the remand population. However, the particular 'problem' of pressure on prison

places was, arguably, just part of a broader sense of ongoing 'crisis' in the penal system and the need for more radical reform in general. Indeed, it appears that an important area of contrast within the 'problem streams' in the United States and the United Kingdom concerns the history of poor industrial relations in the United Kingdom prison systems and the sense that managerial control needed to be reasserted. The POA was viewed as a significant block to effective penal reform, and a protector of inefficient and expensive working practices. The introduction of privately run facilities was, in part at least, seen as a means of reducing the power of the POA by breaking its monopoly (Mellor 2002). This notion of privatization as a tool of more general penal reform is also reflected in the significant early advocacy of private involvement in the prison system by a minority of academic commentators on the left of the political spectrum (McConville and Williams 1985).

Policies

The process of generation of compelling 'problems' that require responses from policy-makers and politicians can be analysed quite distinctly from the generation of policy ideas and proposals—the 'policy stream'. Kingdon (1995) describes how a plethora of policy ideas and proposals float around continuously in what he terms 'the policy primeval soup', some of which come to the surface and become attached to particular 'problems'. The key point is that policy change should not necessarily be seen as a rational response to the emergence of particular problems. Rather, we need to examine how and why certain ideas arise and are promoted, and the circumstances in which they become linked with particular problems. What insights does such an approach provide for the re-emergence of private prisons in the United States and the United Kingdom?

It seems that both prior to and during the emergence of privatization, the 'policy stream' in each country included a range of possible alternatives. In the United States, a number of alternatives within the 'policy stream' emerged from time to time, although this clearly varied from state to state. Penal-reform groups have continuously advocated the reduction of prison populations via changes in sentencing policy, and the development of alternatives to custody. The New York-based Vera Institute of Justice established a 'State Centered Project' that provided expertise and support to policy-makers in particular states, attempting to develop alternatives to custody and revision of parole (Sarabi 2000). The Washington, DC-based Sentencing Project has long been involved in the promotion of policies designed to reduce the use of incarceration, via sentencing reforms and the development of effective alternative sanctions (Mauer 1999). Other penal-reform groups have targeted particular parts of the country, with the Western Prison Project active in the north-eastern states, such as Oregon, Washington and Montana. At times, major public investment in the building of new public-sector prisons has been advocated. During the mid-1990s, the federal government offered grants to state governments to fund prison building, as an incentive to promote the adoption of 'truth in sentencing' laws (United States General Accounting Office 1998). During the 1980s and 1990s, a number of states introduced diversion schemes or early-release schemes as part of an attempt to reduce pressures on their prison systems. Private-sector provision of prisons was, therefore, one of a range of possible policies that was floating around. At a broad level of analysis, it is difficult to document how that policy gathered

momentum and came to be attached to the 'problem' of prison overcrowding. More detailed policy histories of the development of privatization at the state level are required here. For example, Cummins' (2000) analysis of the Texan penal system suggests that certain US states experienced a particularly vigorous marketing of contracting-out as a 'solution', by private firms, such as CCA and Wackenhut. The founders of the large corrections corporations were hugely successful 'policy' as well as 'business' entrepreneurs. They were also well connected in the political sphere. Furthermore, the US story neatly demonstrates how the purveyors of particular policy 'solutions' can seek out and develop 'problems' to attach them to. Clearly, in its initial stages, the policy of privatization can be seen in part as a response to growing prison populations. However, recent studies have indicated that private prison corporations also helped to promote the types of sentencing policies that created, or at least stimulated, the 'problem' in the first instance.

The American Legislative Exchange Council (ALEC) has been become an increasingly important national player in the United States, promoting both harsher sentencing policies across state legislatures, and pro-privatization policies more generally. ALEC is a conservative public policy organization, based in Washington, DC, and it is estimated that 40 per cent of state legislators are members (Sarabi and Bender 2000: 3). One of the main aims of ALEC is to formulate 'model legislation' to promote conservative policies and it has been extremely successful in getting Bills enacted into law across many states. It has not gone unnoticed that corporate donations are an extremely important source of income for ALEC, accounting for almost 70 per cent of the total budget in 1998 (Sarabi and Bender 2000). It is significant that private corrections corporations are prominent supporters of ALEC, including both CCA and Wackenhut. The same research also points out that the Criminal Justice Taskforce (that develops model legislation) in ALEC included high-level representatives from the private corrections sector. For example, the taskforce was co-chaired by senior CCA executives. ALEC has been extremely influential in promoting 'truth in sentencing' and 'three strikes' legislation during the 1990s. In addition to the work of bodies like ALEC, private corrections corporations have taken more direction action in the form of increasing amounts of money paid to professional lobbyists, and in terms of making direct donations to political campaigns. Sarabi and Bender (2000) note that, in 1998, contributions to 361 candidates in 25 states were made by private corrections companies or their associates. They argue that 'this total represents a significant and growing effort to ensure access to policy-makers at the state level at crucial moments' (2000: 8).

Turning to the United Kingdom, we can also identify a number of distinct alternatives within the 'policy stream' during the mid- to late-1980s. In the more centralized and closed world of British penal-policy-making, penal-reform groups, such as NACRO, the Howard League and the Prison Reform Trust, had traditionally exerted significant influence (Ryan 1999). Although this influence declined from the 1970s onwards, these groups remained active in promoting sentencing reforms to promote alternatives to imprisonment, improved prison regimes and rehabilitative measures for ex-offenders. During the late-1980s, for a while at least, it appears that some of these 'solutions' were in the ascendancy, as indicated by the fact that prison populations did begin to fall (as a result of deliberate policy) during the late-1980s and early-1990s. This is a very important contrast with the policy stream in the United States. Furthermore, the discussion of prison privatization appears to have been very limited, even during the late-1980s. As

we noted earlier, even as late as 1988, it appeared that senior ministers (including the Prime Minister) were not inclined to give the idea serious consideration. This was despite the enthusiastic advocacy of supporters of the policy, such as the Adam Smith Institute, and Conservative MPs, such as Sir Edward Gardner and Sir John Wheeler. There was some commercial lobbying in the United Kingdom, but even this was minimal compared to the activity at state level in the United States. In order to understand how the 'solution' of private prisons came to 'rise to the surface' of the policy soup and was eventually implemented, we need to examine the political stream in more detail.

Politics

While there are important contrasts between the streams of 'problems' and 'policies' that emerged in the United States and the United Kingdom in connection with private prisons, it is in the realm of politics that the differences become most significant. In both nations, but in very different ways, the privatization 'solution' became attached to the prisons 'problem', and both were linked to favourable political developments. Of course, in broad terms, similarities in the political stream are, again, visible. These include the existence of ideological similarities between the ruling administrations (both between Conservative and Republican administrations, and, more recently, between Labour and Democrat administrations). More broadly, both countries were, arguably, in the vanguard of neo-liberal reforms, and governments in both promoted privatization of public services and 'new public management' reforms. Furthermore, both countries are two-party systems that have experienced similar developments in the politics of crime. Politicians in both countries have responded to growing public concern about crime by attempting to 'out-tough' the other party in terms of penal-policy proposals. However, within the overall picture of similarity, some important differences within the politics of prison privatization are worth emphasizing.

Whilst there were political similarities (in terms of ideology) between the Reagan and Thatcher administrations, privatization as a national governmental programme was far more significant in the United Kingdom than in the United States (Feigenbaum *et al.* 1999). This relates to fundamental contrasts between the role of federal government in the United States and that of national government in the United Kingdom. Even though the Reagan administration did latterly promote privatization across a range of areas, including corrections (President's Commission on Privatization 1988), in the United States, there was much less opportunity for privatization at the Federal level. For much of the 1980s, the radical governments of Margaret Thatcher were ideologically committed to a programme of liberalization and privatization in the economic sphere, and in many areas of social policy. This enthusiasm for the market, however, did not initially extend to the penal system. An important strand within Conservative thinking advocated the strong state in the sphere of law and order, whilst championing the 'rolling back' of state influence elsewhere (Windlesham 1993). As outlined earlier, as late as the end of the 1980s, it appeared that prison privatization was seen as politically difficult, even in Conservative circles. There is some evidence that the Prime Minister was, herself, initially sceptical about whether privatization could be extended to the penal system (Windlesham 1993; Wheeler 2001). The eventual U-turn was related not to instrumental concerns about costs and overcrowding, but more to expressive concerns and the need to make a 'grand gesture' about the radicalism of the government.

Another important contrast within the 'political stream' concerns the stark differences in the political institutions of the two nations. Unsurprisingly, given its size and complexity, the US political system is more fragmented and open than the relatively centralized systems of Western European countries (Chandler 2000). There are more 'points of influence' for interest groups to target key decision-makers at federal, state and local levels. As McDonald has observed: 'This nation's federal system of government is a fragmented one, with literally thousands of different governments, and important changes in practice can occur in an incremental fashion almost without being noticed until they become too well-entrenched either to stop or to control effectively' (1990: 3). It is, therefore, not surprising that, in the United States, the political process of privatization was characterized by vigorous lobbying by various supporters of private prisons at the key points of influence (primarily, local state legislatures). We have already referred to the lobbying activities of the private corrections companies, both in indirect form (e.g. funding the activities of bodies like ALEC) and in the more direct form of political contributions. Although in the United Kingdom, it is clear that there was lobbying of government by private-sector consortia during the late-1980s, it is widely accepted that the nature and degree of this activity simply do not compare with what went on in the United States. Furthermore, in the United States, the lobbying went beyond simply encouraging enabling legislation for private prisons. As we have already suggested, there is clear evidence that private prison corporations have sought to expand their market, by actively promoting more punitive sentencing policies. This has not been visible in the United Kingdom.

An additional area of United States–United Kingdom contrast concerns the involvement of local government in the lobbying process. The traditional opposition of local communities to prison construction in their localities began to disappear in deprived rural areas during the 1980s and 1990s (Lapido 2001). Prisons came to be seen as a source of jobs and income in many high-unemployment areas. For example, Cummins (2000) describes the 'YIMBY' ('Yes In My Back Yard') element in the lobbying in favour of prison privatization legislation in Texas. Representatives of county and city governments supported such legislation and actively lobbied for private prisons to be established in their areas. Similar lobbying has been visible in other parts of the United States, and it has been long noted that many new private prisons have been situated in areas suffering from severe economic problems and high unemployment. A number of authors have expressed concern about the growing dependence of these areas upon jobs and income provided by prisons industries (Schlosser 1998). The strategy of deploying prison growth as a tool for economic regeneration of deprived areas has been further confirmed by the importance of economic development subsidies from local, state and federal sources, in the development of the private corrections industry (Mattera and Khan 2001).

Prison Privatization: Levels of Impact

Even a brief analysis of the development of prison privatization in the United States and the United Kingdom demonstrates, we would argue, some important contrasts in the streams of problems, policies and politics. This section explores how far these differences have been reflected in the more concrete outputs of the policy process. Here, we explore the two most important dimensions of policy 'level', namely the more

substantive elements of policy (such as policy content or instruments) and the relatively symbolic or discursive aspects of policy-making (policy style or rhetoric).

Policy content and instruments

By 'policy content', we mean the formal manifestations of policy, including statutes, administrative rules, court rulings, etc. The term 'policy instruments' refers to the regulatory, administrative or judicial tools used to implement and administer policy.

In terms of policy content and instruments, there is a broad similarity between the US and the UK experience of prison privatization. Taking 'policy content' first, in both countries, it appears that legislative action was required to confirm the legality of the contracting-out of prison management. Of course, in the United States, for much of the recent period, the most important legislation has been passed at the state level (see Cummins 2001 for a discussion of the debate in Texas). However, as outlined above, recent years have seen a growth in federal use of private prison facilities. At a broad level of generalization, the policy content appears similar in both the United States and the United Kingdom. This similarity extends to the policy instruments used to implement and administer the policy of privatized prisons. Each country subsequently experienced a growth in the number of contracts between governmental authorities and private-sector companies for the provision of correctional services. Furthermore, some of the key players in the United Kingdom market were part-owned by major US corrections corporations, suggesting the possibility of a broadly similar approach to delivering correctional services.

However, looking in more detail at the actual operation of this policy in both countries, unsurprisingly, we begin to uncover important differences between the two. Many of these relate to the contrasts outlined in the previous section, and, in particular, the huge geographical, institutional and political differences between the two nations. First, there have been important differences in the approach to contracting in each country. The 'market' for prison places is far larger, considerably more open and more complex in the United States. The sheer magnitude of the difference between the rate and extent of prison population growth in the United States and that in the United Kingdom cannot be overlooked. As Lilly and Knepper (1992) point out, the openings for private-sector involvement are that much greater in a huge continental country, where responsibility for corrections is shared among the federal government, 50 states (plus Washington, DC), over 3000 counties, plus a number of cities: 'The absolute number of facilities, inmates, and the size of the US corrections administrative organisation, make it the most attractive and accessible correctional market' (1992: 179). This has helped to shape a number of further distinctive features in the United States. For example, the practice of 'exporting' prisoners between jurisdictions is well established in the United States. This primarily involves states' contracting with private prison companies to export some of its prisoners to out-of-state facilities (McDonald *et al.* 1998). However, there are other important players in the 'market'. On the demand side, federal agencies, such as the FBP, INS and the US Marshalls Service, contract both with private corrections corporations and with state governments to hold prisoners under their jurisdictions. On the supply side, many county and city governments have contracted with states and federal bodies to provide jail places for federal prisoners in what have been termed 'public propriety prisons'

(Sechrist and Shichor 1993). To add further to the complexity here, many of these local governments contract-out the building and management of these facilities to private companies (Cummins 2000). This tradition of a vibrant 'prisoner export' market is simply not a feature of the much smaller and more centralized system in the United Kingdom.

Another contrast concerns 'speculative' prison building by some US corrections companies (McDonald 1994). This has not been a feature of the UK experience. The UK system, although clearly experiencing overcrowding and related problems, did not undergo the degree of pressure that existed in the US prison system. Even if private companies had considered speculative prison building in the United Kingdom, this would be constrained by the lack of available cheap land and the relatively stringent planning regulations (Kent 2001). Furthermore, the emphasis on 'market testing' of existing public-sector establishments that has been a feature of the more recent British experience has generally been absent in the United States, where privatization has only very recently been applied to existing public-sector institutions (Gaes and Camp 2002). Although further research is required here, it seems that the US experience of private prisons has historically involved a less stringent approach to contracting. The safeguards of tightly specified contracts, and the rigorous monitoring of compliance with contracts, have been a stronger feature of the UK experience (Bronstein 2002). It is important, however, that we beware of over-generalizing about the US experience. Further, it seems that the late-1990s saw the US private prisons sector operating in an increasingly critical climate. Partly as a result of this, contracts have been tightened and the state governments have strengthened their approaches to the monitoring and control of private prisons (Cummins 2000). Despite these more recent developments, there remains the strong impression that the tradition within the United Kingdom is of a more closely monitored and controlled private sector. This suggests that the UK private sector has become more integrated within the wider prison system than has been the case in many parts of the United States. Privately run prisons always have an on-site Home Office monitor, both public and private prisons come under the gaze of Her Majesty's Inspectors of Prisons and the Prisons Ombudsman, and the contracting and procurement process has become increasingly rigorous. The procurement process in the United Kingdom involves the independent assessment of three bodies within the Contracts and Competitions Group of the Prison Department. These bodies independently assess the bids according to design, regime quality and cost. Successful bids have not always necessarily been those with the lowest cost. By contrast, it has been suggested that, in many parts of the United States, the primary driver was cost. Some of the major problems that arose within certain states that enthusiastically embraced private prisons seem to bear this impression out. Cummins (2000) demonstrates the process by which private contractors cut costs by abandoning work and rehabilitative programmes, and 'warehousing' inmates in their facilities.

A final interesting area of contrast concerns the proportional impact of the policy on the system as a whole. Given the massive increases in the US incarcerated population over the past 30 years or so, despite substantial growth in the private penal sector, it still only accounts for a rather smaller proportion of the total number of prisoners. In the smaller (albeit growing) and more centralized UK system, privatization has had a greater proportional impact on the system as a whole. For example, recent estimates from the United States indicate that about 6 per cent of the total adult imprisoned pop-

ulation were held in private facilities (US Department of Justice 2001). In the United Kingdom, once the latest two private prisons open, it is estimated that about 10 per cent of the total adult imprisoned population will be held in private facilities. Although these differences are not huge, it might be argued that, in the smaller though rapidly expanding UK system, the impact of the existence of a significant private sector in terms of being a lever of reform in public-sector prisons has been more significant.

Policy styles: ideology and symbolism

In unpicking the more ephemeral aspects of 'policy', it appears that there are both important similarities and differences between the policy of contracting-out prisons in the United States and that in the United Kingdom. In terms of similarity, for example, in each country, it appears that both pragmatic and more symbolic/ideological factors were important. The emergence of a private sector in prisons can be broadly related in both societies to a pragmatic response to the twin problems of expanding prison populations and constraints on public expenditure. In both countries, the emergence of the commercial corrections sector led to discussions about legal and moral principles concerning private provision in the arena of state punishment. The US Senate Judiciary Committee hearings questioned whether such a policy would be constitutional, although this was clearly resolved in favour of the pro-privatization lobby (McDonald *et al.* 1998). Similarly, in some states, the period prior to legislation enabling prison contracting was characterized by debates about the morality of private prisons, as well as the contested issue of effectiveness and cost savings (Cummins 2000). In the United Kingdom, although the HAC did not explore the issue of privatization with any real depth, the debates in parliament (and subsequent political comment) focused upon moral and legal principles.

Despite these similarities, it is possible to detect an ideological element in the initial move to privatization in the United Kingdom that was not as visible in the United States. First, in the United States, the major ideological debates concerning private prisons appeared to develop following the appearance of a private corrections market. In the strongly individualistic political cultures of the southern states, where private prisons first appeared, the ideological principles were, arguably, less contested. By contrast, in the United Kingdom, there was a strong ideological debate surrounding prison privatization that occurred prior to legislation on the issue. The subsequent trajectory of prison privatization in the United Kingdom has seen the ideological sting removed (arguably, along with other areas of public policy), and policy has been developed pragmatically and incrementally (Shaw 2002). Nevertheless, it seems to us to be important that at one of the key historical 'moments' of privatization in the United Kingdom, it was ideology rather than pragmatism that appeared to drive change. Although the prison systems in the United Kingdom were also experiencing problems of overcrowding when the idea of privatization was first touted, that idea came from the avowedly ideological ASI, who promoted the idea on the basis that private provision was *de facto* preferable to public provision, whether or not prison populations and overcrowding were on the increase. By promoting privatization of prisons, the ASI was deliberately 'thinking the unthinkable'—a conscious strategy, described to us by senior members of the Institute. For example, Peter Young argued that a key strategy of the ASI was to 'push out the boundaries': 'The prisons [study] was an attractive one to promote

because it seemed to most people to be very radical, and I think initially most people thought it was a joke' (Young 2001).

Furthermore, as noted earlier, the remand and sentenced prison populations were falling significantly by the end of the 1980s, to the extent that the Home Secretary overseeing the introduction of the Criminal Justice Bill was inclined to omit a specific clause enabling private contracting of new remand facilities (Windlesham 1993). It was the specific intervention of the Prime Minister that ensured the inclusion of such a clause.

It is, therefore, possible to argue that, at least at the outset, the policy of prison privatization in the United Kingdom had an avowedly symbolic dimension that was not present to nearly the same degree in the United States. First, prison privatization was both perceived as, and presented as, an 'ideological bridgehead' by many of its supporters. Secondly, the decision to incorporate a clause in the 1991 Criminal Justice Act that would open the way to experiment with a privately managed remand centre, as noted earlier, was primarily driven by the symbolic need to appear radical. Windlesham (1993: 421–422) argues that the decision was taken by the Prime Minister 'because of her conviction of the need for radical reform outside the prevailing consensus; not for any reasons of penological principle or administrative practice'. The decision 'was a symbol as well as an experiment' (1993: 307). For Margaret Thatcher, the decision symbolized her independence, her radicalness and her belief that her government should be perceived as a 'conviction government' (Jenkins 1987: 183).

Concluding Remarks

In this paper, we have sought to explore in more detail the development of one apparent example of penal-policy convergence in the United States and the United Kingdom. Viewed in broad terms, the impression is one of similarity between the two countries. Given the timescale of developments in both countries, it certainly appears that there was at least a degree of 'policy transfer' from the United States to the United Kingdom, in terms of both the initial 'idea' of privately run penal institutions, and, later, in terms of substantive manifestations of policy. Both countries faced similar problems, such as growing prison populations (albeit on very different scales), and faced the difficulty of meeting demand for places within the constraints of traditional public-sector procurement procedures. Developments in privatized prisons occurred first in the United States and followed later in the United Kingdom. It is also possible to identify important links between the policy streams in the United Kingdom and the United States. The key policy entrepreneurs in the genesis of the policy in the United Kingdom all explicitly drew upon US examples as exemplars to promote similar developments on this side of the Atlantic. The first advocate of the policy of private prisons in the United Kingdom, the Adam Smith Institute, had strong links with the United States-based Heritage Foundation. The author of the ASI report that later advocated private prisons (Peter Young) was, himself, based in Washington, DC, over a number of years, and based his study entirely on private prisons operating in the United States. Home Office civil servants accompanied ministers on visits to private prisons in the United States during the late-1980s. These links were also visible in the political stream. British politicians made high-profile visits to view private prisons in the United States, including

the members of the Home Affairs Committee, and at least two junior Home Office ministers. Many of them later explicitly justified their support for the principle of private-sector involvement with reference to their experiences. Finally, United States-based corporations were centrally involved in the lobbying process that preceded legislation on this issue, and then in the actual implementation stages of the policy in the United Kingdom (in terms of involvement in consortia that bid and won contracts to run prisons). It is, therefore, unsurprising that we are able to distinguish broad similarities in the 'substance' of the policy of prison privatization in the United States and the United Kingdom, in terms of the requirement for legislative change and the administrative instruments of private contracting. It is safe to say, therefore, that there are clearly 'globalizing' elements in the story of private prisons, in the way that policy ideas emerge, travel and are implemented in different jurisdictions when the political conditions are right.

However, it is also clear that the story is not so simple as this. By attempting to break down what we mean by 'policy' in particular instances, and by analysing the processes of its formulation, we have also highlighted a range of significant distinctions between the experiences of the two nations. These differences apply to the 'substance' of policy, in terms of the specific ways in which it was implemented and took shape. They also apply to the processes that led to the adoption and development of this policy. Many of these differences can be sensibly related to the distinctive features of the political systems (and, perhaps, political cultures) of the United States and the United Kingdom. However, some of these differences cannot easily be explained by such factors. An important finding of any study of policy-making is to highlight the haphazard nature of the processes that lead to change. It is possible to focus upon seemingly intractable global or cultural forces, but, in studying the activities of key agents in the process, it is impossible to overlook the importance of contingency and happenstance. As Kingdon (1995: 206) has noted, 'we still encounter considerable doses of messiness, accident, fortuitous coupling and dumb luck' in the policy process. However, this way of approaching the analysis of policy-making does allow us to begin to make links between the broader structures within which agents operate, and the particular patterns of actions that they take. Thus, Kingdon argues: 'Individuals do not control events or structures, but can anticipate them and bend them to their purposes to some degree' (1995: 225).

At key moments in the trajectories of the policies in each country, agents took decisions that were essentially unpredictable yet crucial. To take some key examples, in the United Kingdom, the Prime Minister intervened at a crucial moment to establish the legal principle of contracting-out. Various parliamentarians worked behind the scenes to amend the legislation in order to extend the remit of privatization. Senior POA officials decided against taking industrial action against prison privatization (a decision that they came to regret). Senior Labour Party politicians executed their own U-turn on private prisons, and became enthusiastic advocates. At each stage, it is quite conceivable that these key players could have chosen to act differently—indeed, in precisely the opposite way.

Given the size and complexity of the United States, it is more difficult to provide examples of key moments, because privatization developed to different extents and at different paces in the different state jurisdictions and in the federal sector. However, detailed case studies of the development of the policy in particular states display a similar range of key moments. For example, Cummins (2000) has shown how the expansion of

private prisons in Texas proceeded in an unpredictable and haphazard way. Furthermore, it is important to note that a significant number of states in the United States still have no private prisons. This almost certainly reflects a combination of 'structural' factors, including the political traditions and cultures of the states concerned, the differing legal systems, the degree of penal expansion, etc. But it also reflects the importance of political *agency* in terms of the various strategies adopted by key actors, responding to these broader constraints and opportunities. Further research is needed here into such questions as why private corrections corporations targeted some states rather than others for expansion, why coalitions of opposition arose in some states and not in others, and under what circumstances each failed or succeeded in its aims?

At the outset, we suggested that it was possible to identify two contrasting approaches to the analysis of penal-policy developments—one that focuses upon globalizing tendencies, and the other upon the local and the particular. Each approach has much to offer. The first identifies important commonalities between societies and explains them with reference to global cultural, political and social changes, taking place in advanced democracies or 'late modern' societies. The latter reminds us of the abiding importance of national (and, perhaps, sub-national) cultural and historical traditions in mediating and reworking global trends, and preserving significant degrees of difference. However, in order better to understand the tensions between the global and the local, we argue that there is a need to place the study of human agency and political processes closer to the centre of the account that is offered. This approach focuses more closely on the details of policy development and political influence, and moves from these to the broader issues of emergent social routines and cultural sensibilities. In this paper, we have acknowledged the importance of broad structural changes to an understanding of policy convergence but, within this, have argued that it is useful to 'reinsert' a closer study of the role of political actors into the narrative. Doing so, we suggest, is revealing in a number of ways. First, by reinserting agency in this way, a fuller picture of the processes of cultural formation and reproduction is produced. Secondly, doing so enables a better understanding of the specific nature of 'convergence' between the cultures of control in the United States and the United Kingdom. Finally, and linked to this, such an approach illustrates the limits of convergence. That is, it also highlights the continuing existence of dissimilarity and difference. Simultaneously, therefore, it is possible both to acknowledge the existence of elements of cultural convergence in crime control, whilst also drawing attention to important divergences, both within and between particular nation states.

David Garland (1990) has argued that penal policy is the outcome of 'a large number of conflicting forces', and it is ultimately impossible to identify and analyse the full range of 'swarming circumstances' that work to shape penal developments. Though agreeing with his observation, we would argue that it nonetheless remains the case that more detailed empirical studies of the concrete changes that are occurring, and the processes that lead to change, can significantly add to our knowledge and understanding of the determinants of penal policy. It is only via detailed empirical work that we can begin to map out the reflexive relationships between local, national and global influences that come to shape penal policy.

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