Book Reviews

Women, Crime and Justice is an expansive teaching tool, focused on the position of women
in the criminal justice system, as victims, offenders, and professional agents working
within it. In addition, Gunnison, Bernat and Goodstein consider how the law impacts
upon distinctly gendered issues, with women as the focus of legal social control. The
textbook is accompanied by a series of online resources, accessible via the 'instructor
companion site' of the publishers, which includes essay questions, quiz questions and
PowerPoint slides for each of the book's eleven chapters. For students, the online re-
sources feature additional engagement activities, reading and media suggestions, as well
as chapter outlines and a glossary. Each chapter of the book commences with student
learning outcomes, incorporates case studies and 'special legal issues', and closes with
student activities and discussion questions. Chapter 1, 'Foundations for understanding
women and crime', locates issues of women, crime, gender, and criminology historically,
while outlining the development of the feminist movement in the United States and the
progression of global feminist criminological theory. The authors highlight how 'what
we know' about women and criminal justice has primarily been discovered over 'the past
several decades' due to criminological focus on the crimes of men (p.2) and introduce
key concepts necessary for learning in this area: differences between sex and gender; the
law and its position in defining acts as criminal (p.4); the impact of laws put in place; and
the necessity for intersectional accounts of gender and crime (p.5). The book is aimed
at an American audience, basing discussions on the United States legal system and po-
sitioning global examples and experiences alongside the United States' implementation
of criminal justice. Ontologically, the authors position the criminal justice system as en-
gaged in 'a battle to reduce crime' (p.1) and consider the text useful for students in that
it will 'greatly improve your preparation for professions in law and in the criminal justice
system' (p.2).

Chapter 2 examines 'Women and the crimes they commit', outlining the features
of contemporary 'female offenders', the differences between their crimes and those of
male 'offenders', and the theoretical frameworks for explaining crime generally, and
specifically asking 'why do women commit crime?' (p.34). The chapter puts forward the
reality of women's offending: 'women commit fewer serious crimes' than men and 'are
more likely to be arrested for committing property crimes' (p.24); African Americans
are disproportionately arrested (p.25); and despite self-reporting data evidencing equal
'criminal involvement' across classes, 'women who are poor end up serving sentences in
prison more than women from upper socioeconomic backgrounds' (p.26). Yet, despite
aims to 'break down the stereotypical images of female offenders' (p.22), the chapter
highlights the exceptional, rather than the mundane, regarding women's 'offending'.
While noting the media sensationalisation of women offenders such as Amanda Knox
and Aileen Wuornos, the chapter, through use of case studies, including Rosemary West
(p.22), Lindsay Lohan, and Heidi Fleiss (pp.34–8), mirrors media preoccupation with
sexualised and violent crime, choosing to humanise conceptions of women's 'criminality'

for students with these examples of high-profile women. Only the last few pages of the chapter focus on feminist theories of women involved with criminal justice: 'socialist feminist theory'; 'pathways'; and 'masculinities'. The chapter concludes that:

> If we do not have a full comprehension of the multifaceted reasons why women commit crime, then correctional administrators, practitioners, and policy makers may not implement policies that are needed to help women … who may be on a troubled path and to help women who are already involved in offending to stop. (p.41)

This is representative of the liberal reformist lens of the text, highlighting the gendered issues of criminal justice that need reformed to produce a more effective system.

Chapter 3 examines convicted women and the punishments they received, opening with a commentary on high-profile offenders, Martha Stewart and Tonya Harding, who are held as exemplars throughout the chapter, using the case study of Malala Yousafzai to highlight the culturally-constructed nature of crime and punishment that women experience. Middle Eastern countries are held up as defining certain behaviours of women and girls as criminal, in comparison with the United States (p.52). The chapter analyses gender sentencing, highlighting the 'chivalry thesis' as the reason that more men than women are sentenced to prison. However, this conception fails to recognise the disproportionate hyperincarceration of women in recent decades, or parallel explanations of sentencing rooted in women's 'double deviance' in the eyes of criminal justice agents. The history of women's imprisonment in the United States is discussed, alongside an examination of the types of women imprisoned, with a welcome emphasis on the disproportionate incarceration of African American women, and the impact of the 'war on drugs' on this process (p.56). Also covered in the chapter are the conditions and processes experienced by women in prison, particularly with regards to health care provision, and how that manifests for mothers and transgender women (pp.65–6). Chapter 4 moves on to other conceptions of women and criminal justice, exploring the exertion of legal control over women's bodies and reproductive systems, from a macro level, through the criminalisation of abortion and the infliction of involuntary sterilisation, to the micro level of physical control of women prisoners, shackled as they give birth. Via its exploration of 'the nexus of women's reproductive lives and legal control' by systems which 'punish, coerce, or restrict the behaviour of women', the chapter highlights how 'imposing legal constraints on women simply by virtue of their role as child-bearers' serves to target specific minority and disadvantaged groups of women (pp.83–4).

In Chapters 5, 6, and 7, the authors address the victimisation of women, through sexual abuse, domestic abuse, and technologically-enabled cyberbullying and harassment. Chapter 5 provides an examination of the processes and problems of definition and prosecution of rape, as well as measurements of the prevalence of sexual victimisation, and the aftermath of rapes for victims. The chapter explores rape through multiple mediums: legislation and policy, micro- and macro-orientated theoretical and societal constructs of rape, as well as survivor poetry, providing a number of ways for students to consider the topic, and concludes with a consideration of how to prevent sexual violence (p.143). Student engagement activities include creating a 'bystander intervention model' for universities, considering the pros and cons of reporting sexual assault to criminal justice agents, and discussing the prevalence and manifestation of 'rape culture' (p.146). Chapter 6, in examination of domestic violence, considers its exertion as a form of physical, sexual, emotional and economic violence, comparing its manifestation across different nations, and exploring criminal justice and social service responses for victims as well as programmes for offenders. As with much violence against women, the chapter notes that 'legal change is not enough to alter attitudes and beliefs about domestic violence' (p.174). In Chapter 7, the authors locate gendered victimisation within the contemporary technological world, examining violence exerted by cyberbullying,

cyberstalking, and cyberharassment. The chapter explores the suicidal response of the victims of this form of violence, in response to gendered cyberbullying they received (p.190), and highlights 'the ability of offenders to be anonymous', with comments 'spread fast and widely to others' in this electronic, cyberjurisdiction (p.186). Central to the chapter, is the assumption that national and global collaboration regarding definition and legislative responses to cybervictimisation is necessary. Yet, in light of the chapter's note that 'most cyberbullying perpetrators are girls' (p.193), perhaps more space could be given to responses that do not criminalise young people, but, instead, emphasise the necessary social and community steps (p.194) that could be taken to address this issue.

In the last third of the book, the authors move on to an interesting and expansive consideration of women's position as professionals within criminal justice, focusing on women working in policing (Chapter 8), in the courts as lawyers and jurists (Chapter 9), and within prison institutions (Chapter 10). Chapter 5 opens with a celebration of first responder police officers killed at the World Trade Centre on 11 September, before moving on to examining issues of institutional sexism and discrimination experienced by female police officers in the Los Angeles Police Department (p.199). The chapter gives an overview of the history of women in policing, and of contemporary comparative experiences of women police officers globally, where the position of gender, race, and sexual orientation are challenges emerging from police cultures. The chapter concludes that 'there need to be organizational changes and attitudinal changes … for the goal of gender equity to be achieved in policing today' (p.215). In Chapter 9, the history of women in the legal profession is explored. The chapter examines the gendered expectations and judgments that women face regarding their attire in court rooms of the United States, as well as the discrimination they face regarding equal payment (p.223). Women working in legal professions today still find 'gains have been slowed by social and cultural views that women do not belong in a male-defined profession', with women lawyers prevalent in 'lower paid, public sector position … to balance family interest' (p.231). As the chapter considers, perhaps if more women and ethnic minority jurists are appointed, judicial representation can become 'more reflective of the diverse population of this nation', garnering 'the court' with understanding of 'the real-world implications of its rulings' (p.236).

The final substantive chapter of the book, Chapter 10, examines women working in the corrections profession, outlining the history and contemporary manifestation of women working in prisons. A number of issues are highlighted: women's safety in prisons; the crossing of professional boundaries through smuggling and sexual relations with prisoners; abuse and disrespect from prisoners; negative stereotypes regarding their suitability for prison work; sexual harassment from co-workers; blocked career advancement; stress and the imbalance of work and home life. As in earlier chapters, the exceptional is emphasised with case studies of violent attacks and sexual relations of women prison officers opening a chapter which asks: 'are women working in correctional facilities somehow vulnerable to the manipulation of men?' (p.244). In a sense, these depictions detract from the daily gendered and racial harassment and abuse women correctional officers endure within the institutional regime of the prison, often at the hands of their colleagues (pp.252–4). While the chapter concludes that women prison officers have 'unique skills … that are both an asset for their male colleagues and for helping those in their communities' (p.260), this is within the context of a section entitled 'the effectiveness of women correctional workers' (p.257). This panders to the idea that workplace effectiveness of women as distinct from men needs to be proven. Would we ask the same question of men?

Finally, the authors conclude with Chapter 11, considering the 'depictions of crime and victimisation presented', and how they serve to 'highlight what we know about gender and crime … from both a domestic and international point of view' (p.269). The

authors highlight the interrelationship of crime and victimisation, often cast as 'distinct categories', putting forward that feminist criminology can explain this intersection, created by the oppression of 'social, cultural and legal institutions' (p.274). As the textbook considers, while the law can be used to challenge injustices, equally it can 'create or entrench disparity' (p.275). While these are worthwhile criminological questions to raise, the content of the text did not quite rise to the challenge of fully examining these issues. Critical feminist perspectives were briefly touched upon throughout, but broadly, existing entrenched conceptions of crime and criminal justice were left unchallenged. Overall, this textbook provides an extensive overview of issues women face when they intersect with the criminal justice system, either as employees, victims or 'offenders'. Methodologically, the range of interactive features provided both throughout the text and through a range of online facilities, produces a textbook which is pedagogically sound. However, while the book succeeds in its aims to provide 'a cross-cultural perspective', the international element of the text is delivered from a North American subjectivity, with other global experiences always the comparative object.

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Ex-Combatants, Gender and Peace in Northern Ireland: Women, Political Protest and the Prison Experience A. Wahidin. Basingstoke: Palgrave Macmillan (2016) 253pp. £92.00hb ISBN 978-1-137-36329-9

The author, Azrini Wahidin, is Professor of Criminology and Criminal Justice in the Sociology Department at the University of Warwick. Her research focuses on the themes of imprisonment, violence, and women. Her latest book, *Ex-Combatants, Gender and Peace in Northern Ireland: Women, Political Protest and the Prison Experience*, published in 2016, examines the roles that women played during the 'Troubles' in terms of resistance, activism, and fighting in Republican paramilitary organisations, most notably the Irish Republican Army (IRA); their experience of incarceration in Armagh and Maghaberry Prisons; and their social reintegration in post-conflict society. Many studies have been undertaken on the Northern Irish conflict and the Peace Process, but the vast majority of them have failed to tackle the issue of women as combatants, particularly in Republican paramilitary groups. In a traditionally patriarchal society, their role seems to have been voluntarily or unconsciously underestimated, depreciated, marginalised, ignored, or even silenced. Wahidin's book, which gives voice to Republican women freedom fighters for the first time, is therefore a milestone and paves the way for further research on the subject. Even though it offers a one-sided vision of the conflict (from the Nationalist point of view) and does not provide a plurality of approaches (it would have been interesting to include interviews with male and female prison wardens, rather than just those with female prisoners), it significantly enhances the research devoted to women freedom fighters (McEvoy 2008; Miranda 2008; Potter and MacMillan no date; Reinisch 2017).

The book consists of eleven chapters, all ending with a bibliography, and a glossary of terms. Chapter 1, which serves as an introduction to the book, explains the methods used, the development of the research process and the various aims of the work. Chapter 2 examines the gender stereotypes and cultural norms of Irish and Northern Irish societies, which have been deeply rooted in patriarchy and religion. While men are 'war-orientated', and are thus seen as natural fighters, women are 'peace-orientated' on account of their role as mothers and homemakers. Considered as 'carers, reconcilers and nurturers' (p.14), they cannot be involved in violent actions in the eyes of society; hence, the negative vision of women combatants and the depreciation of their active

commitment in the armed struggle, or rather the non-recognition of it. In Chapters 3 and 4, Wahidin describes how women became 'accidental' activists, that is, how the violent actions of the British State against Republicans, such as house searches, internment without trial, and shootings, led them to become militants. They first resisted the British State by demonstrating (for example, the 'Bread and Milk March' in 1970, pp.29–31),[1] warning (for example, with dustbin lids, pp.66–7), and patrolling (for example, 'hen patrols', pp.71–6). Chapter 5 is devoted to female combatants and retraces the history of the involvement of women in the various Republican paramilitary organisations, such as *Cumann na mBann*,[2] the IRA and its various branches (Official IRA, Provisional IRA, the Irish National Liberation Army, etc.), the roles they were allowed to take on, and the sexism they had to face and overcome. Chapters 6–9 deal with the experience of women paramilitaries in prison (Armagh Prison until 1986 and then Maghaberry Prison). Through multiple testimonies, Wahidin depicts the organisation of prison resistance, illustrated by the setting up of the 'A' Company, the various no-work, no-wash protests, and hunger strikes. In addition, she forcefully portrays the mental, physical, and sexual violence forced upon them by the State and prison officers in terms of threats, harassment, sexual intimidation and, most notably, strip-searching. She argues that officials – who were mainly men – used gendered means, that is, threatening women's femininity and shattering women's intimacy, in order to break them down. Women were, indeed, repetitively and excessively strip-searched (up to 400 times a year). During this practice, they would be held down by men to be stripped and searched by female prison officers. They would be blindfolded and would stand naked, sometimes in front of half a dozen prison wardens. Their body would be forcibly touched and their body orifices would be inspected regardless of menstruation, pregnancy, or post-pregnancy. Many ex-combatants experienced it as a rape and felt 'that their bodies [were] used like a *weapon to penalise [them]*, with the intention of making [them] collapse under the pressure' (p.172, italics in original). The last two chapters deal with the Peace Process and analyse the issues of transitional justice and the social reintegration of ex-combatants.

The originality and relevance of this work lie in the research and writing methods used by Wahidin. First of all, it draws on traditional written history (newspaper articles, legal documents, government reports, etc.) as well as on oral history, that is, testimonies of people who lived through the Troubles and had a direct experience of the strife. Wahidin interviewed 28 women and 20 men who were former Republican combatants and prisoners. This is unprecedented, since there was no network of women Republican ex-prisoners and women have generally remained silent on the subject. The richness of her work ensues from the diversity of her informants' backgrounds. They, indeed, come from all over Ireland, live in urban and rural areas, have different social milieus and jobs, and held different positions in the IRA. The author is to be congratulated for this intensive fieldwork which provides a personal angle to a more general narrative. Notwithstanding, it would have been relevant to briefly remind the readers of the problems raised by oral history, the passing of time, and memory (subjectivity, distortion, selection, etc.).

The novelty of this work is also the active participation of the interviewees in the elaboration of the book. In addition to sharing their feelings, experiences and interpretations of the conflict with the author, they revised transcripts and made comments on the manuscript. As the author posits: 'the aim was to create a participatory process that involved cooperation and collaboration, thereby transgressing traditional power relationships between those who are researched and those conducting research' (p.3). Wahidin has therefore broken with academic tradition in stepping aside to give voice to these forgotten women, while offering systematic and detailed analyses of available data. The book is interspersed with long quotations from the interviewees, which give life to the conflict by offering direct experiences of it. Their words and stories confront

the reader with the violence and misogyny they endured throughout the Troubles. The use of Irish words and names – notably in some chapter titles – is noteworthy. It shows the author's sensitivity to Irish Republican concerns; the Irish language being a potent identity marker for Irish Nationalists.

Another asset of Wahidin's book is its didactic approach. Despite the complexity of the Northern Irish conflict, Wahidin has managed to describe the events in a very synthesised manner. She has also included precise figures which clearly illustrate her arguments and she has provided definitions of terms and names in her footnotes. People who are not specialised in the Troubles but are nonetheless interested in women activists, can therefore read and understand the subject easily. It is unfortunate, however, that this historical work is not illustrated by maps (of Northern Ireland and Belfast), and pictures (of the prisons and their premises, of murals related to the subject, of objects used by women ex-combatants, of their uniforms, etc.), which would have been a significant asset in terms of historical reality, contextual and spatial visualisation.

The book predominantly focuses on the prison experience of female ex-combatants. This can be explained by Wahidin being a specialist in criminology and criminal justice. Further work could be carried out on the specific roles women played in Republican paramilitary organisations. Another small critical note would be that the last two chapters deal with the reintegration of ex-combatants in general. They relate the feelings of women ex-combatants but fail to identify the issues women are currently facing in post-conflict society, their commitment in politics, or their role in non-governmental organisations working for peace and conflict resolution.

Wahidin's book proves that women actually fought two types of war during the Troubles. On the one hand, they joined men to fight their common enemy, that is, the British State, so as to free their community from oppression and discrimination. On the other hand, they entered into the armed conflict to fight cultural and religious norms, to liberate themselves from patriarchal tradition, and to resist sexism which was widespread in their community, in paramilitary organisations, and in society at large. Wahidin claims that 'women transgressed and destabilised traditional boundaries of femininity by entering the public sphere of warfare' and that 'this process challenge[d] patriarchal relationships in the move to be recognised as equals in opposition to British rule and in terms of transitional citizenship' (p.100). Joining the strife meant moving from the private to the public sphere. By doing so, women deliberately challenged their traditional social roles and paved the way for future emancipation. This work appears as a tribute to women, to their courage and commitment in the fight against State oppression and male domination. From all of this, it follows that Wahidin's book acknowledges the pivotal role of women in the Republican armed struggle, and more importantly, reinstates women's significant role in the building of Northern Irish society. Wahidin debunks the myth that women are non-violent, breaks the traditional codes – both societal and academic – and challenges stereotypical gendered visions.

Notes

1 The 'Bread and Milk March' put an end to the 'Falls Curfew' imposed by the British State on the Falls Road, the most important Catholic district of Belfast (3–5 July 1970). Thousands of women from outside the curfew perimeter marched into the barricades and brought food to the families living in the Falls district.
2 *Cumann na mBann*, meaning 'the League of Women' in Irish, was founded in April 1914 in Dublin. It was a Nationalist paramilitary organisation which was exclusively composed of women. It was subsumed into the IRA in the 1970s.

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The New Criminal Justice Thinking S. Dolovich and A. Natapoff (Eds.). New York: New York University Press (2017) 346pp. $45.00hb, $26.00pb ISBN 978-1-4798-6861-2

In a collection of 14 essays that engage criminal law and justice, this volume contains new concepts and deeply interesting ideas by some of today's most erudite and recognisable scholars in 'criminal justice system' thinking. Arising out of papers written for a 2013 conference organised by UCLA School of Law, Loyola Law School, Los Angeles, and NYU School of Law, the volume is divided into five sections, most of which are headed by a conference paper on which subsequent essays comment.

As the jacket describes: 'Chapters cover perspectives on the regulatory state, constitutional criminal law, criminal procedure, prisoners' rights, and other important topics in the study of the American criminal justice system'. The editors see the collection as one that '. . . invites us to transcend the narrow framework of "crime" and "criminal" and to think in an institutionally, socially, and empirically situated way about what the criminal system does, how it does it, and to whom' (p.27). The lengthy (31 pages), but excellent, editors' introduction constitutes a detailed and superb exposition of how systemic failures make it impossible to insert the word 'justice' in 'criminal system'. As they write: 'The criminal system often operates in ways that contravene the basic values of constitutional democracy: fairness, equality, impartiality, political accountability' (p.10). Such critique only intensifies throughout the volume.

In the first section, 'Systemic Perspectives', Rachel Barkow argues that as a whole the criminal system should be conceptualised – not as a system of rules – but as an administrative bureaucracy with critical structural flaws. The response essays explore the dynamics of this failure of rules to produce justice: the wide divergence in local law enforcement practice (Daniel Richman); the criminal system's loss of its moral compass and its importance as a popular morality play (Stephanos Bibas); the pyramid-like structure of the penal system (especially law), that functions one way for the advantaged few at the top, and another way for the masses at the bottom (Alexandra Natapoff); and the need to continue to measure the inegalitarian effects of race, gender, and class (Meda Chesney-Lind).

The second section, 'Legal Doctrine in Principal and Practice', opens with Sharon Dolovich's examination of how supposed constitutional criminal law protections (for example, the right to counsel or the right to protection against cruel and unusual

punishment) do not regularly translate into action in the courtroom despite ample evidence that individuals are not receiving such protections. Responders note the fault as lying behind the naïve assumption that legal institutions are neutral (Hadar Aviram), and provide a case study of the problem through an examination of how courts have failed to ensure maternal rights for the incarcerated (Lisa Kerr).

Similarly, Section Three, 'Getting Situated: Actors, Institutions and Ideology', as well as Section Four, 'Humanizing the Question', point to how the criminal system functions outside of the ideology it claims to follow, or is in desperate need of another. With an ethnography of one local criminal system, Mona Lynch demonstrates how any system is profoundly situated and contextualised by underlying processes of human cognition, behaviour, and interactions. In the same vein, responder Priscilla Ocen uses the example of Ferguson to highlight how a 'situated actor' perspective and the critical race theory perspective can learn from each other, while Issa Kohler-Hausmann examines law as 'situated', that is, how law looks one way in the books and another way in practice. Jonathan Simon writes about how the criminal system should adapt the value of dignity, and Jeff Fagan shows its absence in our racist, mass incarceration system and asks us to consider the emotional dimensions of dignity. Finally, Mariana Valverde re-examines the history of criminology to critique an absence of consideration for its 'miserology' roots.

As the editors write: 'None of these questions are new. Neither are many of the answers' (p.323). For this reviewer, then, despite the unquestionable value of this volume, it is difficult to comprehend how it represents its title of *The New Criminal Justice Thinking*. With rare exception, such as Aviram's conclusion that the constitution cannot ensure reform of injustices (p.155), or Valverde's entreaty to decentre 'crime' and 'criminal' and centre 'miserology' (pp.330–5), the works of scholarship in this volume, while they carry new concepts of analysis for broadly accepted problems, or enliven known distinctions in new ways, mostly provide yet another exhaustive critique of what we know to be the ills of the 'criminal justice system'.

In critical criminology we have reached a seminal point. Judging such collections as broadly offering a new kind of thinking betrays critical criminology as it exists. Reasoning today about slavery or colonialism, we understand them as systems of thought and practice that fail to grasp the humanity and value of all persons, and as systems of profound cruelty, immeasurable injustice, and bureaucratic horror. We wholly reject them. Each of these essays grasps that the 'criminal justice system' has been, and is, exactly such a system, and yet fundamentally most of these essays continue the tinkering work of trying to save the 'criminal justice system'.

This is an existential moment for critical criminology. Where in our scholarship is the line separating a commitment to the perpetual survival of the 'criminal justice system' and the observation that unlimited reform of law, policing, courts and prisons brings few outcomes of substance? Surely our work as scholars is not one of ideological commitment to overthrow. But surely it can also not be one of commitment to ideological rescue.

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Justice, Mercy, and Caprice: Clemency and the Death Penalty in Ireland I. O'Donnell. Oxford:
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It is commonly thought that the more methodical, the more blameworthy a killing is.
A State execution epitomises methodical killing and yet capital punishment purports to
deliver justice, to do exactly what must be done. How can you do justice, intellectually
speaking, to such an awesome subject? Ian O'Donnell's *Justice, Mercy, and Caprice: Clemency
and the Death Penalty in Ireland* ('*JMC*' for short) is an exemplar of methodological rigour
and literary verve. *JMC* is a study of the operation of clemency on death sentences,
1923–90, in what is now the Republic of Ireland. Death by hanging was the mandatory
judicial sentence for murder until 1964; from then until 1990 it was mandatory only
for murders where the victim had special status, such as being a member of the police
force. It was abolished by statute in 1990 and a constitutional amendment in 2001
prevents it returning via statute. Executive clemency was exercised to save someone
from the gallows in more than half of the 98 death sentence cases in the 1923–90
period. It was exercised at the discretion of the government (a cabinet of ministers
drawn from elected members of parliament, with the support of a majority of the lower
house of parliament). Over time, death sentences were carried out in proportionately
fewer cases and the last hanging was in 1954, despite the punishment being still available
in the 1980s when a number of police officer killings meant that there were qualifying
candidates.

O'Donnell's exhaustive research pierces the opaque operation of clemency. He delivers on his commitment to grasping the legal, political, and societal setting of clemency in
order to understand it. The author has a special knack for zooming in and out when relating historical detail and the book is superbly written. Data are tabulated in numerous
ways but the numbers are so small (as mentioned, 98 cases in total) that only tentative
observations are apt. O'Donnell notes proportionately more female perpetrators than
usual in studies of lethal violence (p.31) but, given the small numbers, there is no real
basis for the notion that women in Ireland were more murderous than women elsewhere.

JMC's story of death penalty clemency is fascinating and uncomfortable. Juries (made
up generally of male Dublin-based property holders, given the rules on juror eligibility)
were remarkably fast at returning verdicts in murder trials. In one 1923 case it took just
three minutes from the conclusion of evidence for the jury to decide guilt for murder,
knowing that a death sentence would follow. The jury could add a rider to its verdict
asking for mercy for the defendant. In most cases this did not, on its own, successfully
influence the government's decision to grant clemency. O'Donnell says that this was
problematic because a jury might not have chosen a murder verdict had it known its
asking for mercy would have no purchase; the rider may have been a 'false balm to
troubled consciences' (p.97). However, a sentencing judge's recommendation as to mercy
was typically followed. The guilty party in the 1923 case mentioned above was hanged
within a month of his conviction. Indeed, the process of carrying out the hanging itself
was rapid: about 9–12 seconds from entering the gallows to death, as reported by Thomas
Pierrepoint, an Englishman who travelled to Ireland to carry out hangings and who, like
his nephew, Albert Pierrepoint, who later performed the task, stated his admiration for
the stoicism of the condemned Irishmen, who 'generally go quietly'.

Clemency was invariably used to spare those who killed babies. In Ireland, prior to
1949, short of insanity, every infanticide was treated as a murder regardless of postnatal disturbances. Clemency operated as a matter of straightforward justice to, in effect,
remove infanticide from an overinclusive murder category. O'Donnell describes a milieu
that undervalued infant life and which virulently shamed extra-marital pregnancy and
childbirth. A number of the infanticide cases exhibit a terrible dilemma where the evil of
a child out of wedlock competes with infanticide such that the latter may have seemed

a rational choice. O'Donnell plausibly speculates that exercises of clemency were well aware that society shared the blame for infanticide.

Only one woman was hanged, in 1925. The rest were spared death in what became an apparently automatic commutation of death sentences for female killers, which included non-infanticide cases and some where the guilty party, O'Donnell says, would certainly have been hanged at the time, if male. Every murder is horrendous but there is a profound bleakness about rural Irish cases. In one case from the 1920s, showing a male perpetrator hanged while a female perpetrator of the same crime was spared, Patrick O'Leary had been the sole inheritor of his father's farm in Cork. Patrick was bludgeoned, hacked to pieces, and his body parts scattered around the farm and adjacent land. Three of his siblings were convicted of his murder with a conspiracy to murder charge against his mother having been dropped. Of the three siblings, the brother was hanged and one sister died in prison before trial. The other sister had her sentence commuted to penal servitude for life – an exercise of clemency as mercy. She was later released to an asylum where she died. Patrick's mother died a few years after his murder; no one attended the funeral.

JMC's title reveals its tripartite scheme for classifying clemency. Clemency is the generic term for a decision to stop a particular punishment. Clemency is not an application of law but rather a 'lawful' way for law to not take its course at the discretion of the executive branch of government. The particular type of clemency is identified by how it comes about in the decision-making process, which may be one of three categories: justice, mercy, or caprice. The first two are rationales for the decision, the third is not. Caprice was when, out of respect for an intervening or petitioning party, clemency was chosen where it otherwise would not have been (because it was considered not apt in terms of justice or mercy). O'Donnell achieves conceptual clarity in, among other things, explaining and defending a view of mercy as distinct from, and at odds with, justice. Though often mislabelled as mercy, to change a sentence that is considered too harsh is to pursue justice. Mercy is where it is thought that the punishment is deserved and just, and leniency is not merited as such, and yet there is seen to be moral value – a kind of compassion – in avoiding it. This is a deflationary account of mercy. Mercy is a sort of moral showing-off by those with power.

Like the book's conceptual schema, Chapter 3, 'For and against clemency', excels as a standalone piece, not dependent on the book's 20th-Century Ireland focus, and will be of great value to every researcher of clemency, no matter what their discipline or location. Chapter 3 sets out the objections that punishment theories have to clemency as well as canvassing a range of its merits and demerits, several of which are partly or wholly contingent in that it will depend on the circumstances whether the harm or benefit materialises. O'Donnell's conclusions are appropriately restrained. He approves of clemency's availability and operation if it is confined to justice or mercy, certainly in capital punishment systems, and more ambivalently otherwise. By the chapter's conclusion, O'Donnell tacitly filters out contingent factors in the for-and-against clemency debate. Also in the mix, separate from these factors, is recognition of – though not a defence of – 'an argument' that no criminal deserves to die, no matter how bad their crime (p.82). O'Donnell describes how utilitarian (or consequentialist) and retributive accounts of criminal punishment stand against clemency. But we cannot bash clemency with both utilitarianism and retributivism, in their strong forms, at the same time because they both cannot be right. The arguments from retributivism and utilitarianism, I think, can be made to work together in support of Chapter 3's position. The idea is to weaken and combine both theories so that they manage more plausibly to explain the reality of the extant criminal law system than their pure or strong forms can. That is, punishment is applied to reduce future criminal harms but no more punishment may be inflicted on an individual than deserved. This is a hybrid of qualified consequentialism and

negative retributivism. It is more or less the criminal law system's best light view of itself. It opens up space for clemency: we do not always have to pursue best consequences (backward-looking clemency is allowed to be decisive on occasion) and punishment that is deserved does not always have to be applied (forward-looking clemency is allowed on occasion).

In evaluating clemency, O'Donnell endorses Antony Duff's (2007, p.387) statement: '[j]ustice is not served by mercy; but sometimes it is properly defeated by mercy' (p.83). This chimes with O'Donnell's ambivalent attitude to clemency overall as well as his mercy-justice distinction. Space is open for justice to be tempered or limited; justice is not absolute notwithstanding its presentation as such and mercy does not have to be implausibly repackaged as a form of justice. This, in turn, connects with an important consideration for O'Donnell, which is not about justice being defeated, as per Duff's statement above, but about law being defeated by justice; as O'Donnell reasons:

The law must reflect life in all of its messy uncertainty and it is chimerical to think that a workable scheme could be devised to embrace every possible exception. It is important to accept complexity, ambiguity, opacity, imprecision, and occasional incoherence if space is to be left for clemency. When legislators and courts fail to prevent injustice it is acceptable for the executive to act on behalf of the people. Justice without discretion is impoverished. (p.82, references omitted)

Law can only roughly 'reflect life in all of its messy uncertainty' because to be 'workable' law must operate with hard rules, which can be applied predictably and which will be variously over- and under-inclusive next to the messy moral world they try to reflect. This is apparent in the harsh murder convictions detailed in *JMC*; as noted, a mandatory death sentence for murder was to apply in a case of infanticide that would today qualify as diminished responsibility manslaughter. To be an accomplice to murder – even if playing a peripheral role – also left one facing the death penalty. Law needs a mechanism, on this view, to occasionally not apply, without undermining its claim to be authoritative. Clemency is such a mechanism. For O'Donnell, however, as indicated in the quoted passage above, clemency is a last resort, acceptable '[w]hen legislators and courts fail to prevent injustice' (p.82). He would prefer that the drafting and application of the law better reflect the background morality in the first place. When this is achieved, clemency as justice can fall away, as is seen with reform of infanticide and the gradual abolition of capital punishment, or as might become the case with accomplice liability. After that, a vestigial clemency as mercy may remain. As O'Donnell puts it: '[t]o retain a place for clemency is to acknowledge human frailty no matter how close the system approaches legal perfection' (p.83). But the law can never really get to a place where there is no over- or under-inclusion in the operation of rules. Homicide categories, for instance, remain quite blunt at drawing lines to reflect hazy moral distinctions. More categories could be developed but at the cost of workability.

Justice without discretion may be impoverished, as O'Donnell says, but law is a rule-based delivery of justice as distinct from discretionary justice. There is disagreement about what justice requires that cannot be quickly resolved; law, treated as authoritative and purporting to be just, helps us to get on with things. What enables the executive to know '[w]hen legislators and courts fail to prevent injustice' so that clemency is warranted? The argument from defeasibility in support of clemency, as we might call that described in the previous paragraph, is troubled by this question. Instead of executive clemency, why not have an additional round of judicial review of criminal convictions as a fail-safe? Judges could give reasons for their decisions, as is their practice, thus largely addressing the caprice problem. Even if you can exclude caprice, executive clemency is underdetermined by the argument from defeasibility. Nevertheless, the injustice of capital punishment, together with the generally applicable argument from defeasibility, achieve the rationalisation of the Irish period under examination, which was *JMC's*

burden in Chapter 3. It is the richness of *JMC's* analytical framework that prompts more generalised legal-philosophical reflection.

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Suicide in Prisons: Prisoners' Lives Matter G.J. Towl and D.A. Crighton. Sherfield on Loddon: Waterside Press (2017) 208pp. £22.50pb ISBN 978-1-909976-44-3

The number of people dying by suicide in prison in England and Wales is shocking and unacceptable. In 2016, 122 people took their own lives in prison, the highest number of deaths by suicide in a calendar year since current recording practices began in 1978. Seventy people died by suicide in prison in 2017. Data published by the Ministry of Justice show that 43 people had taken their own lives in prison in the first six months of 2018 (Ministry of Justice 2018).

This timely book by Graham Towl and David Crighton, with a foreword by Lord Toby Harris, gives a detailed theoretical and historical perspective of suicide in prison. It brings together the wealth of evidence on prison suicides and focuses on the actions needed to prevent prisoners from taking their own lives.

Towl and Crighton's starting point is from a human rights perspective. Rather than just focusing on prisons, the authors look at the wider role of the criminal justice system. They explore the role of the courts in reducing or increasing the prison population and stress the importance of government leadership in the use of prison.

The authors point out that imprisonment is now at twice the level it was in the early 1990s. In June 1993 there were 41,800 people in prison compared with 82,961people in June 2018 (p.17). Recent statements by ministers, including David Gauke, who has said that he would like to see the prison population come down (*The Times* 2018), may well signify a change in attitude towards the use of prison but, as recent government proposals to increase the term of imprisonment for animal cruelty show, shifting public attitudes away from 'stiffer sentences' and longer terms of imprisonment is not easy.

Chapter 2 focuses on theoretical perspectives of suicide. It outlines the different models and theories of suicide, including the medical model, the social model, and psychological theories. It looks at the powerful effects of social context on suicide and explains why prisoners are more at risk of suicide than is the general population. The book provides a comprehensive overview of suicide research and research in the context of prisons.

The authors highlight a key point that was clear when The Howard League for Penal Reform and Centre for Mental Health (2016) conducted a two-year inquiry into the prevention of prison suicides: there is often a failure to learn lessons from existing evidence and to take decisive action to prevent future deaths. The Prisons and Probation Ombudsman and coroners, who produce reports following the death of a prisoner, the Independent Advisory Panel on Deaths in Custody, the Harris Review, The Howard League for Penal Reform, and HM Inspector of Prisons have all made recommendations, yet often these are followed with inaction. As Towl and Crighton state: 'There needs to

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be more emphasis on learning from the existing research. The field is currently awash with research' (p.119).

The book gives an excellent overview of the empirical studies into suicides in prison, including Alison Leibling's (1991) seminal study on self-injury and Crighton and Towl's own research. The body of research helps to identify patterns but also serves to highlight some of the difficulties in determining who is most as risk of suicide in prison, when many prisoners share common risk factors.

In the final chapter, the authors conclude that prisons face an enormous challenge in preventing prison suicides, yet this challenge is not new. They show that research into prison suicides has tended to confirm consistent findings over time but also highlight the differences between the risk of suicide in prison compared with that within the wider community.

The authors argue that consideration of the prison environment must be central to suicide prevention. They provide evidence which suggests that a 'toxic' environment in prisons may increase the risk of suicide. Research has also shown that the effect of this environment may be even more marked for women than for men. Towl and Crighton point out that environments where basic standards are not enforced seem likely to have damaging effects. As the most recent annual report by HM Inspectorate of Prisons (2018) showed, many prisoners are locked in their cells for hours each day, often in overcrowded and squalid conditions. Urgent changes are also needed to ensure that the rewards and punishments system in place in prisons does not increase a person's risk of suicide or deny people access to coping mechanisms. The government announced a consultation on proposed changes to the Incentive and Earned Privileges (IEP) scheme in September 2018. The authors conclude that 'prisons need to become positive and constructive environments' (p.177).

Furthermore, it is shocking that training for staff in suicide prevention is not mandatory. Towl and Crighton argue that it is essential that staff have the confidence, knowledge, and support, to be able to deal with prisoners at risk of suicide. Prisons must have enough staff, with the right mix of skills and experience to be able to support individual prisoners and prevent suicides.

In a time of scant public resources, the authors point out that sending fewer women to prison would save money. They argue that resources could be transferred from prisons to community-based services which may be more effective for women. They state that a reversal of the policies which have led to an increase in the number of people in prison would have wider effects than just reducing the number of suicides. This argument supports the Howard League which has consistently campaigned for a reduction in the prison population.

Most importantly, Towl and Crighton emphasise the role of the State in preventing prison suicides, including the role it plays in decisions to lock people up. 'A central issue is that the state in taking away a person's freedom takes on a duty of care towards them' (p.169). The high number of people who have taken their own lives in prison is an indicator that the State is currently failing in its responsibility to keep people safe in prison. It therefore falls upon it to take urgent action to make prisons safe.

It is hard to argue with Towl and Crighton's assertion that suicide prevention is ultimately all about people and the values people hold. To conclude in their own words: 'It is fundamentally about the accepting and acting on the basis that prisoner's lives matter' (p.177).

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Everyday Desistance: The Transition to Adulthood among Formerly Incarcerated Youth L. Abrams and D. Terry. New Brunswick, NJ.: Rutgers University Press. (2017) 237pp. £85.95hb, £26.50pb ISBN 978-0-8135-7446-2

It is well established that youth justice systems fail children. So many of the children who enter those systems return to them, or adult prison, later in their lives. We also know of the devastating social harms that involvement in juvenile justice systems wreak on the lives of children and their families. Laura Abrams has spent a number of years conducting research about the experiences of young people inside the United States juvenile facilities. In this latest book, Abrams has partnered with social welfare scholar, Diane J. Terry, to investigate the experiences of young people who have *left* those facilities. They examine the lives of 25 impoverished young men and women living in Los Angeles and facing the complex challenges of living in a city that has profound social and wealth inequalities, a robust law enforcement apparatus, and a limited social safety net. Their book zeroes in on what they call the *everyday* attempts at managing to live a life outside the criminal justice system net.

The scholarship on desistance from crime has almost overwhelmingly focused on the experiences of adults, with some recent exceptions (Bottoms and Shapland 2010; Fader 2013; Halsey and Deegan 2015; Soyer 2016). Abrams and Terry contribute to this literature by drawing from their backgrounds in social welfare scholarship and work to engage in 70 in-depth interviews over time with a small group of young people as they manage their lives after confinement. Their sensitive appraisal of the intersecting social forces and social institutions, as well as the internal struggles that young people face, shines through in this book.

Abrams and Terry argue that desistance for this group of young people is not a linear process, but rather is one that involves a great deal of struggle. They point to the indelible impact of incarceration on young people's lives – and the ways that their contact with the system perpetuates the 'turmoil and trauma' (p.50) that exists in their lives outside of the facilities.

Although the trajectories of the young people they follow are different, what is clear is that young people's efforts to achieve stability are impacted by their self-concepts and by socio-structural realities. The barriers to employment for formerly-incarcerated people are well established. Only five of the young men in the study sample had full-time jobs

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that generated enough income for them to live independently (p.67). Abrams and Terry point to the importance of the 'confluence of positive influences' (p.67) that are required for young people to get and sustain paid employment – from social support, mentorship, to personal commitment. They also point to ways in which young women, in particular, struggle to balance the demands of a minimum wage job with those of caregiving.

Abrams and Terry strikingly point out the ways that what they call 'little mistakes' (p.178) – such as being at an old friend's house when the police raid it – can result in very serious consequences, such as eviction. Young people's sense of safety was impacted not only by their sense of threat by people they knew in the community, but also from the police. The overcriminalisation of young people in Los Angeles is revealed in striking empirical detail in this book.

The participants' sense of self was directly affected by their relationship to the criminal justice system; some feel, for example, that they are not 'normal' enough to hold down a regular job. Abrams and Terry also document the ways in which a young person's consciousness of their outward appearance – which include their hairstyles or tattoos – impact on the ways that they are 'marked' on the streets, both by law enforcement and community members. And these 'marks' impact on where and how they live, their ability to move through space, but also their attachments to their past and their hope for the future.

Perhaps most striking is the way in which the authors reveal that young people often inhabit 'in between' (p.175) spaces, where they have not moved completely beyond their previous engagements with risk-taking, but are also meaningfully engaged in a strategy to build a new life beyond offending. The authors provide some important policy recommendations and urge readers not to think of young people as either simply 'success stories' or 'failures' and, instead, take a more nuanced perspective on the complicated lives of young people who have been criminalised and punished. The question remains about whether the criminal justice policy apparatus is equipped to take on this understanding of young people's lives that challenges us to think outside the 'offender' box.

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