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Straus Working Paper 06/11

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The Politics of Punishment in Postsocialist Eastern Europe

NYU School of Law • New York, NY 10011
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ISSN 2160-8261 (print)
ISSN 2160-827X (online)
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New York University School of Law
New York, NY 10011
USA

Publications in the Series should be cited as:
AUTHOR, TITLE, STRAUS INSTITUTE WORKING PAPER NO./YEAR [URL]

THE POLITICS OF PUNISHMENT IN POSTSOCIALIST EASTERN EUROPE

By Lynne Haney

Travel through any major city in East/Central Europe and you will be bombarded with images of crime and punishment. Billboards confront you with the menacing faces of the country's most notorious, wanted criminals. Newsstands overflow with magazines devoted to tracking trends in crime and the efforts of law enforcement to grapple with them; in Hungary alone, eleven such magazines compete for readers' attention. Turn on the television anywhere from Warsaw to Budapest to Prague and the issue of crime will be inescapable: cop shows and crime dramas fill the evenings, while the nightly news report on the criminal transgressions of the day. This media frenzy feeds everyday talk about crime and punishment: on public transportation, in workplaces, and over family meals, Central Europeans talk incessantly about the "crime problem." Every week, there is a new crime event to captivate the population: the killing of a cop or the murder of a beloved school teacher. Then there are the politicians. Rarely a major political speech goes by without copious references to pressing threats to law and order. From the Kaczynski brothers to Vaclav Klaus to Viktor Orban, political speeches on crime are always bellicose and combative as "democratic" leaders try to appear as virile and manly as possible. They usually end with calls for symbolic legislation designed to buttress the tough rhetoric: from castration laws for sex offenders to three strikes laws for repeat offenders.

There are many reasons why the politics of punishment in contemporary Eastern Europe is revealing and intriguing. The most obvious relates to the realities of post-socialism: these are countries living amidst immense social upheaval. Indeed, it is difficult to imagine another sociological case in which all of the major institutions of social life—from the economy to the polity to the media to religion to health, education, and human services—are shifting at once. Such all-encompassing social change has left many East Europeans full of angst and anxiety. And these anxieties can lead to

questions of punishment and to debates about legitimate forms of state authority, protection, and confinement.

Yet the terrain of punishment is especially fraught in this part of the world. In the abstract, one might assume that East Europeans would be suspicious of penal power, particularly given their direct experience with the ways confinement can be used to quash political dissent. As Melossi (2011:54) puts it, one could imagine a “historically-induced skepticism toward punitiveness” from those who lived through the harshness of war, dictatorship, and occupation. If anything, the carceral world of state socialism should make East Europeans less sympathetic to calls for a renewed harshness. All of which makes post-socialist punishment even more intriguing: How do the politics of punishment take shape in societies that have felt the abuses of penal confinement? How do calls for law and order get answered by populations with insight into the political agendas so often masked and obscured by penal harshness?

Based on dominant public discourse alone, it may seem like much of this has been resolved. With the public’s fixation on all things criminal, it appears as though state socialism only whetted the East European appetite for stern punishment. The same might be said of the tough, law and order proclamations of their leaders: these men would not be elected and re-elected if their message did not have broad resonance. But, in Eastern Europe, appearances can be deceiving. When we peel away the layers of pomp and spectacle, the post-socialist world of punishment is actually full of contradiction. While the region may be united in its popular preoccupation with transgression and rule-breaking, there is much that divides their reactions to it. This is true among and within the countries of the region.

It is here that one finds the Czech Republic and Hungary, two countries of identical size, but with quite different incarceration rates. There is Poland, with its harsh history of state socialist punishment and political leaders with long histories of unjust prison stays—but also with soaring imprisonment rates and particularly punitive policies. There is Slovakia, the East European “Detroit,” which broke from the Czech Republic amid nationalist demagoguery, only to emerge as the first (and only) country in the lot to adopt the Euro and to maintain consistently low incarceration rates. Then back to Hungary, which has some of the loudest penal nationalists, but also the strongest penal bureaucracy with the deepest commitment to inmate reintegration. And

yet it oversees a system with some of the most appalling and inhumane prison conditions.

This paper unpacks these layers of convergence and divergence in the penal discourses, policies, and practices of post-socialism. It seeks to unearth and analyze what McAra (2011: 101) calls the “multi-textured nature of penal narratives,” exposing their historical and contemporary roots as well as their political and institutional significance. In doing so, it not only sets out to document what has become of the penal systems in this part of the world—it also seeks to add an account of the East to comparative studies of punishment. While such work remains in its infancy, European comparative analyses tend to stop when they reach Germany (Whitman 2003; Sutton 2004; Cavadino and Dignan 2006; Lacey 2007, 2008; Wacquant 2009). On those rare occasions when the comparative line moves East, some chilling stereotypes have emerged—with the East offered up as a kind of worst-case-scenario of what everyone wants to avoid.

By confining our comparative models of punishment to the West and/or North, we miss the empirical and conceptual contributions of other regions. This is particularly true since the countries at the center of our comparative models tend to converge more than they diverge: they are all long-standing constitutional, liberal democracies with some form of (social) market economies. Yet much of the world does not live in such political and economic systems—or, if they do, such systems are relatively new to them. If we include Russia, China, India, South Africa, and much of Latin America into the mix—which are, for lack of a better term, “transitional” areas—we can no longer take for granted what needs to be explored: what happens to penal systems when political structures shift, patterns of decision-making reconfigure, and systems of redistribution are in flux? It also seems important that, when it comes to penal systems, these other areas hold the majority of the world’s incarcerated men and women.

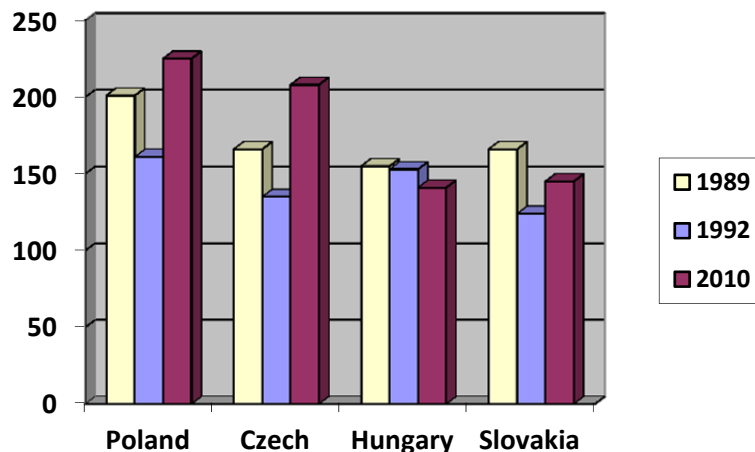
While it might be interesting to attempt a study of all these transitional spaces, my task is more modest: I take one transitional area and analyze what happened to their penal systems amid immense social change. My account will move from the general to the specific—from rhetoric about punishment to everyday realities of it. In the process, convergence gives way to divergence—as I shift from what these countries share to what sets them apart. Indeed, as the account progresses, it gets messier as I tease out the

intersecting influences of past and present, global and local, and ideology and practice. I begin by chronicling how the popular culture of punishment developed into a penal nationalism that unites the region. I then outline how splits in policy reactions to this rhetoric resulted in divergences in the form and focus of national penal systems. I conclude with a short sketch of how this all created a series of tensions in the practice of punishment and a gulf between ideology and reality in the world of Hungarian prisons.

Penal Populism Meets Penal Nationalism

Based on statistical profiles alone, the post-socialist world of crime and punishment seems like an ironic mess. First and foremost are the surging imprisonment rates: in countries celebrating their “freedom” from state tyranny and repression, forced imprisonment remains the social control method of choice. As Graph 1 indicates, many countries in the region have seen their incarceration rates exceed state socialist levels, despite the political amnesties of 1990.

Graph1: Incarceration Rates in Central Europe, 1989, 1992 and 2010



As a result, Central Europe now has the highest imprisonment rates in Europe—outpaced only by countries further to the East, like Russia and Ukraine (Council of Europe 2008).

Appendix 1*: Map of European Incarceration Rates

These high imprisonment rates persist in an area with some of the lowest official crime rates in Europe. All countries in the region have crime rates well below the European average—often at half of those of Germany, France, and the UK. For instance, the Hungarian crime rate hovers around 4000 (per 100000) as compared to the German rate of roughly 7900 (Lévay 2005). This East/West division is even starker when it comes to violent crime, since the overwhelming majority of crimes in the East are non-violent and property-related.¹ Despite this, across Central Europe, fear of crime is off the charts: these populations consistently over-estimate their national crime rates and under-estimate those of West European countries (Kó 1998). For instance, public opinion surveys find that the overwhelming majority of Hungarians rank their country's crime rate as "much worse" than any other European country; 67% of them insist that Hungary is among the 10 most dangerous, crime-ridden European countries. In reality, Hungary ranks among the 10 safest countries on the continent. What's more, these same surveys find that Hungarians worry incessantly about being victims of crime: 80% fear they will be victims of violent crime, 62% of burglary, and 80% of auto theft—all in the next year (Kó 2004). Similar fears of crime plague Poles, Czechs, and Slovaks. In fact, a 2004 EU study found Poles to be the most fearful of any EU country when it comes to crime and victimization (van Dijk et al 2005).

Further complicating this statistical portrait are data indicating a deep and persistent distrust of the state and public officials across the region. One might assume that the collapse of state socialism would have ushered in renewed legitimacy for democratically-elected governments. Or that rising incarceration rates might be symptomatic of a rising belief in the state's role in managing societal security. Not in Central Europe. Here strikingly high incarceration rates exist alongside of a stunning lack of confidence in government. On all the Euro Indexes, countries like Poland and Hungary rank among the least satisfied with their government, far below other EU member countries. To make things more complex, these same countries tend to be extremely state-centered, with citizens looking to the state for everything and anything. Surveys find that Hungarians, Poles, and Slovaks insist the state become more involved

in social and economic policy (TARKI 2009). So Central Europeans are unhappy that governments they don't trust are not more interventionist in economic and social life.

It would take an entire book to unpack and explain the many ironies embedded in these data—as well as the complex social trends they index. But the data do point to one general conclusion: this region of the world is experiencing profound social insecurity and uncertainty. And in an area where fear runs rampant, the ground is fertile for the use and abuse of punishment talk. As Zygmunt Bauman has noted, genuine problems of dislocation and insecurity are too often fed with anxieties about safety—and then fertilized by politicians who promise to deal with the former by being vigorous about the latter. So it was in Central Europe: once planted, the seeds of penal paranoia bore fruit. Eventually, they grew into a form of penal populism that many in the West will find quite familiar. Across the region, there are countless examples of the symbolic politics of punishment, expressive displays of retribution, and rituals of shaming. There are even emergent social movements and NGOs to give voice to “the masses” who they claim have been forgotten about by unresponsive and dismissive experts. As with their Western counterparts, these penal populists claim to be radically democratic—not so much in their gesturing to the victims of crime (since crime rates remain low) but in their promise to empower “society” *vis a vis* the “state.”

Most of all, though, Eastern Europe is a textbook case of the penal populist link between media and political culture—or what Sparks (2003: 163) calls the “unholy meeting of media hyperbole, ambient insecurity, and political actors and moral entrepreneurs.” As in other places, there is a close relationship between the popular consumption of crime/punishment and political uses of it. As in other regions, no simple causality is at work here. Rather, the relationship is far more symbiotic. For its part, the Central European media is on overdrive, spinning out daily installments of criminal transgression and deviance. The stories that resonate then become the high-profile cases. These cases speak to common fears, often in culturally-specific ways; they touch on, and touch off, social/cultural anxieties. The Poles and Czechs are especially preoccupied with sex offenders: they can't get enough details about all the crimes worthy of their castration laws. For instance, last spring all of the major Czech dailies had a similar image on their covers for six consecutive days—of Jana, a 7-year-old blonde girl who went missing last year and whose abductor was recently apprehended.

The Hungarians, on the other hand, are more moved by crimes involving parental figures, like the mother who kills her children or the teenager who killed a much loved high-school teacher. As a Czech journalist recently explained to me in an interview, the media are engaged in a race for the competitive edge on crime stories that resonate widely. Once they find them, politicians are ready to harness and channel these concerns. Law and order parties are ready to engage in masculinity matches for the title of the toughest, roughest political leader on the bloc—all of which become ideal media events in their own right. The whole thing is very circular, in much the same way as the best accounts of penal populism in the West describe (Pratt 2007; Sparks 2003).

And yet there is also something different about the Central European popular culture of punishment. While it may have emerged in the 1990s from a populist politics, as it grew and spread it began to look more like penal nationalism. The latter differs both quantitatively and qualitatively from the former. While there is no way to measure levels of populist discourse on crime, punitive sentiments do seem to be more pervasive and mainstream in the East. They are not only articulated by the small “law and order” parties that others write about in the West (Pratt 2007)—they are expressed by the largest, most powerful political parties in the East. After all, the Kaczynski brothers headed up the “Law and Justice Party,” which remains the most popular Polish party. In Hungary, immediately following FIDESZ’s landslide victory in 2010, Prime Minister Viktor Orbán gave a “law and order” speech to outline his plans for the swift passage of “Three Strikes” legislation. The speech was delivered in Ózd, one of the poorest areas of the country which, not by chance, also has an unusually large Romani population.

But the real divergences come at the qualitative level. Penal nationalists tend to talk about both the “people” and the “nation.” They insist that crime control is a matter of national protection. Getting tough on crime means securing the national well-being; punishing criminals is essential to national welfare. At times, punitiveness is presented as part of the national character: as when leaders link their fight against criminals to the fight against communism, claiming that courage to “resist the criminals” is in the “Polish spirit” or “Hungarian blood.” At other times, punitiveness is presented as the basis of national sovereignty—as if being “soft” on crime will mean a loss of national independence and autonomy. For example, in the coverage of the abduction of Jana, Czech President Vaclav Klaus repeatedly insisted that “they” were stealing “our”

children—and that “they” could not have their way with “our” children. Who is the “they”? It was left unclear, purposefully I imagine.

Thus, it should not be surprising that penal nationalists often take this politics one step further to mobilize frightening imagery and symbols. One does not have to dig very deep to uncover the fascist undercurrents here. Or to hear the echoes of Hitler when Vaclav Klaus talks about finding a “final solution” to the crime problem. Or when Hungarian politicians pontificate about the loss of law and order—cloaked in Arrow Cross garb while pointing to pre-WWII maps of Greater Hungary and promising to return power/control to the nation. Penal nationalists are rarely too shy to state openly who must be eradicated to regain this control: the Romanian criminals in Transylvania, the Hungarian criminals in Slovakia, the German criminals in Sudenland, the Russian criminals in Poland, and, of course, the Roma everywhere. All of these references can surface in the same speech, even in the same breath, alongside calls to end the more general “crime problem.” This is what makes their penal discourse more nationalist than populist or even authoritarian (Pratt 2007)—the way it conflates all possible “others” and categorizes them as worthy of the harshest of punishments.

Although the sociologist in me would like to figure out exactly where this penal discourse comes from—and the extent to which it is rooted in global or local imperatives and in the past or the present—I doubt this is possible. The causal arrows point in too many directions. Thus, I may have to be satisfied charting the elective affinities and confluences that give shape to this penal discourse (Sozzo 2011: 210). Indeed, there seems to be an interplay of influences at work here. On the one hand, penal nationalism is the product of global and local exchanges over key contemporary concerns. When I first encountered this discourse, I was convinced it was an import: the depth and scope of the othering it implied was all too familiar. After all, many of its terms are drawn directly from U.S. lexicon, despite their cultural meaninglessness (for instance, “three strikes” has little resonance for Hungarians who are wholly unfamiliar with baseball).

Indeed, as Newburn and Jones (2005) argue, penal symbolism often travels the fastest and farthest. To become localized, it usually must appear to meet specific needs. And the list of post-socialist “needs” this rhetoric fulfills is long: from generalized social insecurity to particular complaints particular groups wage for particular offenses. Moreover, as scholars of transitional justice argue, it is in times of crisis that the law

(and, by extension, law-breaking) becomes all the more central (Teitel 2000; Krygier 2005). Add to this the long, drawn-out debates about how to adjudicate the crimes of communism—and the inability of most governments to use criminal law to punish them—and you get an area ripe for angry projection and displacement. All of these present-day concerns clearly shape the form and focus of Central European penal nationalism.

Yet the more I analyze this penal discourse, the more I see its historic roots. Not just in the use of Nazi symbols and references. There are also elements of the state socialist past in its complete politicization of punishment. One of the defining aspects of state socialist regimes was their use of confinement for political purposes—criminal courts, criminal law, and prisons were explicit political tools. This is not to say that actors within these regimes did not find ways to carve out room to maneuver and to exert some autonomy—of course they did (Markovits 1995; Scheppelle 1996). But rarely did such maneuvering challenge the party/state's manipulation of the penal system for its own ends. It was the prerogative, even the right, of politicians to mobilize this issue on their own terms, seemingly unaffected by public opinion or debate.

Such politicization seems to have been carried over into the post-socialist period. Throughout the region, it goes unquestioned whether crime and punishment should be used for political ends. Or that the first policy to be discussed by a newly-elected government would be a criminal law—like three strikes in Hungary or drug laws in the Czech Republic. Granted, there are contemporary twists to this politicization: Now it is often justified as a sign of democracy, or as a way the state is responding to the population's sentiments. Still, the impulse to use punishment talk for political purposes remains unchecked. This impulse is largely what led the former dissident and activist Adam Michnik to equate the Poland of the 2000s with that of the 1950s: where people disappear into the dark of night, taken away in windowless cars by men wearing military uniforms, only to emerge days or months later after long interrogations or short “preventive” prison stays (Tennant 2006). In neither case, he concludes, does the rule of law apply to enemies of the nation, whatever their antagonism is perceived to be.

While Michnik might be right, the real paradigmatic case of penal nationalism is the social construction of Roma crime. Here, all of its preoccupations and anxieties come together. The political uses of Romani crime unite the region; everywhere, the

Roma are targets of penal nationalism. They are presumed to commit all the crime; they are said to reject common national values and norms; and they are believed to be most transgressive. Never mind that the Roma constitute a small percentage of these populations—ranging from a high of 6% in Hungary to 3% in the Czech Republic to 2% in Poland. They remain the cultural icon of criminality, worthy of their own term in Hungarian, “gypscriminality” in one word (*ciganybunözés*). Adding to the power of this myth is the impossibility of combating it with data: prison systems do not keep data on inmate ethnicity. There are only estimates here, which only fuel the misperceptions of “gypscriminality.” They also lead to attempts to target the Roma where they are visible, as a way of preempting imminent criminal transgressions. The Czechs have walled off towns where the Roma live and relocated Romani families to storage lockers. The Hungarians and Slovaks are better known for fire-bombing their houses and shooting Romani families on the streets.

In this way, the treatment of the Roma is symptomatic of two central elements of popular discourses of punishment. First, it exposes how united these countries are in the public obsession with crime and punishment and in the nationalist criminalization of the other. Second, the criminalization of the Roma demonstrates how penal nationalism evokes an extreme politics of inclusion and exclusion—a politics that treats perceived differences through confinement, while insisting on a suffocating, hierarchical version of social and cultural inclusion.

Two Worlds of Post-Socialist Punishment

Although the countries of East/Central Europe converge in their discourses of penal nationalism, there is more to a penal system than discourse alone. While ideas are hardly irrelevant, and sometimes “talk” is indeed “action,” they still must be filtered through actual institutions to become activated (Garland 2001; Sparks 2010). Everywhere in Central Europe we see the political use of punishment, but not everywhere has this politicization translated into excessively punitive laws and policies; everywhere we hear retaliatory, combative rhetoric, but not everywhere has that discourse been legislated. When we look at these penal systems in their entirety, they exhibit considerable variation and divergence.

To understand this variation, comparative work on punishment is extremely helpful—as well as somewhat limited. In the last decade, there has been a comparative turn in the scholarship on punishment, with case studies of the politics of mass imprisonment giving way to comparative work on different penal pathways—often of trajectories that lead to penal parsimony and moderation as opposed to excess and expansion (Loader 2010; Bosworth 2010; Snacken 2010). This work is extraordinary at analyzing the criminal justice system as an embedded arena of governance, constituted by and reflective of other political and economic forces (Lacy 2008). So we've learned that penal systems fall into regime clusters that mirror the worlds of welfare capitalism. We've learned that economic structures matter, as coordinated market economies are associated with lower imprisonment rates (Cavadino and Dignan 2005). We've learned that the structure of the polity matters, as proportional representation leads to more political cooperation, which is associated with less penal populism (Lacey 2007). And we've learned that welfare systems matter, as entitlement-based, redistributive welfare regimes are associated with more inclusionary penal policies (Pratt 2008).

All of these analyses offer important ways to approach post-socialist punishment, particularly since this region includes cases of both penal excess and restraint. Yet this comparative work tends to be weakest in precisely those areas where East European differences are most pronounced: in their account of the mechanisms through which political and economic forces operate. There is often a gap between comparative accounts of economic and political systems and of the form/focus of punishment. What are the specific institutions through which proportional government breeds less punitive policy? What are the institutional processes through which market coordination enhances penal tolerance? Such questions are especially relevant in the East European context, where countries are too often lumped together given their similar penal discourses, government structures, and (more or less) economic systems. But their penal systems actually diverge quite significantly. And this is largely because the social institutions and mechanisms responsible for nitty-gritty policy work vary across Eastern Europe.

This leads to another point about comparative analyses of punishment: some of them tend to conflate descriptive and causal variables. Or to work with such a loose conception of causality that the same factors surface as causes and outcomes, as

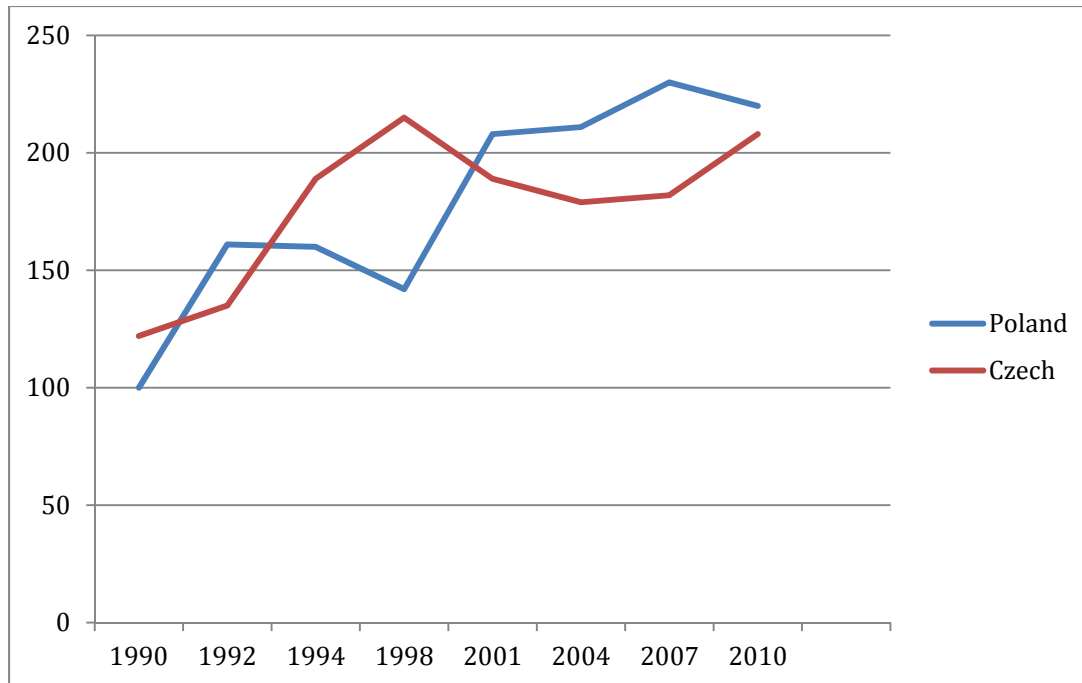
dependent and independent variables (Wacquant 1999, 2009). In this way, we need to better distinguish descriptive indicators from causal explanations. On the one hand, this means specifying the precise dimensions of difference among penal systems, what Snacken (2010) calls “indicators of punitiveness.” Such indicators not only include incarceration rates, but also sentence length, the use of non-custodial sanctions, due process protection, and symbolic policies. These indicators can then be linked to middle-range institutional processes in a way that does not confuse correlation and causality.

Hence, the goal is to describe and explain differences in the way penal nationalism has been enacted in Central Europe. Overall, there seem to be two pathways of post-socialist punishment. The first involves a relatively smooth translation between discourse and policy—which leads to highly punitive systems. The second route is characterized by considerable conflict between those producing discourse and policy—which leads to more penal restraint. Making sense of these differences is quite tricky, with so many social and political changes happening simultaneously. Yet one variable seems to stand out among these cases: the extent to which a counter-veiling force emerged to complicate the enactment of penal nationalism. Although the force may not be the same in all cases, it can create obstacles to the institutionalization of penal harshness. Without such obstacles, there is something of a perfect storm in which institutions are the channels through which rhetoric becomes reality. The composition of the state and its penal bureaucracy are key variables in the comparative equation.

The Institutions of Penal Excess: Poland and the Czech Republic

As most comparative scholars recognize, punitiveness cannot be reduced to high incarceration rates. As a dependent variable, punitiveness must be measured more comprehensively since penal infrastructures always include more than correctional institutions (Jones 2006; McAra 2010). Still, traditional prison confinement is a key indicator of punitive policies. In parts of Central Europe, confinement is used quite often. There are two members of the Central European “Over 200 Club”:

Graph 2: Incarceration Rates in Poland and the Czech Republic, 1989-2010

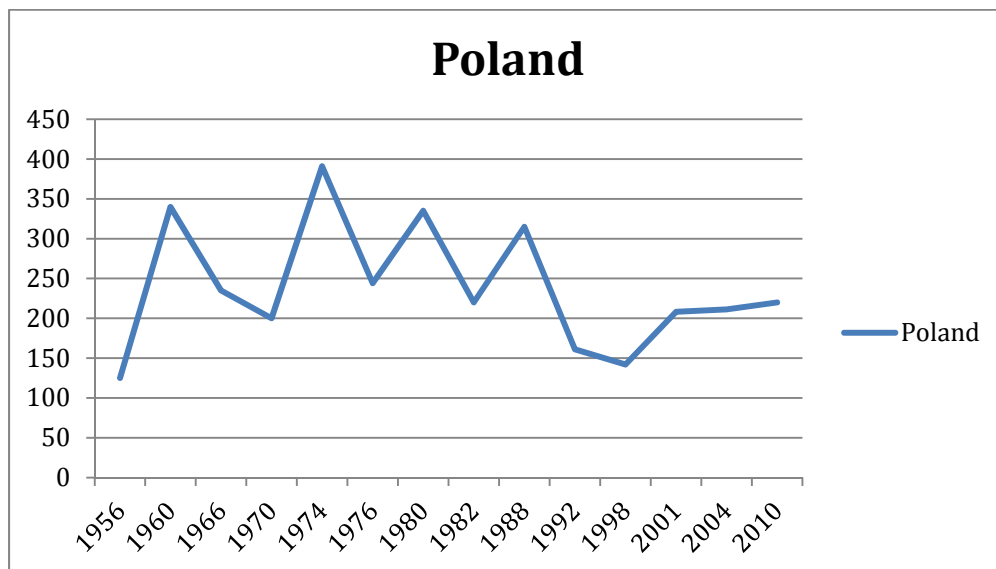


These countries' heavy reliance on imprisonment puts them in the same company as countries further to the East, like Russia and Ukraine. Their imprisonment rates surpass all countries to the West and the South of them. In the last 20 years, Poland and the Czech Republic have built new prisons at a shockingly fast pace, increasing their prison capacity by 30-55% since the early 1990s. As a result, prison overcrowding does not plague these countries. The Polish system actually operates at under capacity—it consists of 250 prisons that can hold roughly 85,000 inmates. The Czechs have a smaller system, with only 36 prisons to hold 20,000 inmates. They have opted to solve their potential overcrowding issue by decreasing the average amount of space legally allotted for inmates to 3 square meters (which is, interestingly, exactly the amount allotted to detainees at the Czech concentration camp of Terezin during WWII).

Of these two countries, imprisonment rates in Poland are most variable—which is largely a reflection of the persistent and explicit political use of incarceration. Since the 1950s, Polish imprisonment rates have been especially volatile, as Graph 3 indicates. As Savelsberg (1999) argues, such fluctuation is a direct result of political conflicts—or the cycles of political revolt and amnesty that played themselves out through penal

institutions. This simply continued into the post-socialist period: while the Polish incarceration rate remained fairly steady until 1998, it shot up with the rise of the Law and Justice Party.

Graph 3: Polish Incarceration Rates, 1956-2010



As important as their high incarceration rates, Poland and the Czech Republic converge in their limited use of non-custodial sanctions and alternatives to incarceration. Indeed, they seem to use imprisonment for most all violations: from petty theft to driving without a license to drunk driving to minor drug offences. For instance, prior to 2010, the Czech penal code made no distinction among types of illicit drugs—all substances were treated “equally” under the code and carried prison time. The Czechs have few alternative sanctioning programs to speak of—in 2010, they tried to put a handful of offenders on house arrest, but quickly returned them to prison when officials worried that the monitoring staff could lose control over them (they did not have an electronic monitoring system). Similarly, in Poland, community service is rarely, if ever, used. A system of community service was officially established in the 1997 penal code, but it remains essentially inactive in practice.

The Polish and Czech penal systems also dole out extremely long sentences: their average sentence length is around 6 years, as opposed to the EU average of 1.5 (Lorincz 2009). In Poland, this was largely the product of minimum sentencing policies enacted

in 1997, which legislated that any murder committed using a gun or involving rape, robbery, hostage taking, multiple victims, or a “relapse” received a minimum sentence of 25 years. The same Polish law set limits on conditional release: inmates cannot be released before serving at least 75% of their sentence, or 25 years for lifers. The limits are even higher in the Czech Republic. Such tough sentencing laws often make Poland and the Czech Republic the targets of human-rights groups. In fact, one of the main prison watchdogs in the region, the Helsinki Committee, regularly accuses them of violations of due process and of human rights abuses. This is particularly true for the treatment of “special populations,” like those subjected to solitary confinement and/or sex offenders housed in their own units. In fact, the Czech Helsinki Committee has been unable to report on the penal system for years—although most other governments have official agreements with this monitoring group, the Czechs have resisted its oversight.

Yet there does not appear to be public demand for such oversight. One striking aspect of their penal harshness is the seeming lack of political conflict over it. Neither Poland nor the Czech Republic had extensive public debate about their burgeoning penal systems; since the late 1990s, there were few significant policy reforms or changes to criminal law. Occasionally, when the issue of the high cost of incarceration surfaced, debates flared up about fiscal feasibility and responsibility. But they were short-lived and ended with populist reassertions of the need for law and order. The implication was that incarceration rates *should* be high given all the threats out there. This is part of the reason for the consistency in Czech incarceration rates—all political parties, from the left to the right, support their punitive policies. (The Polish Left, on the other hand, is in such disarray that it could not mount resistance to these policies even if it wanted to).

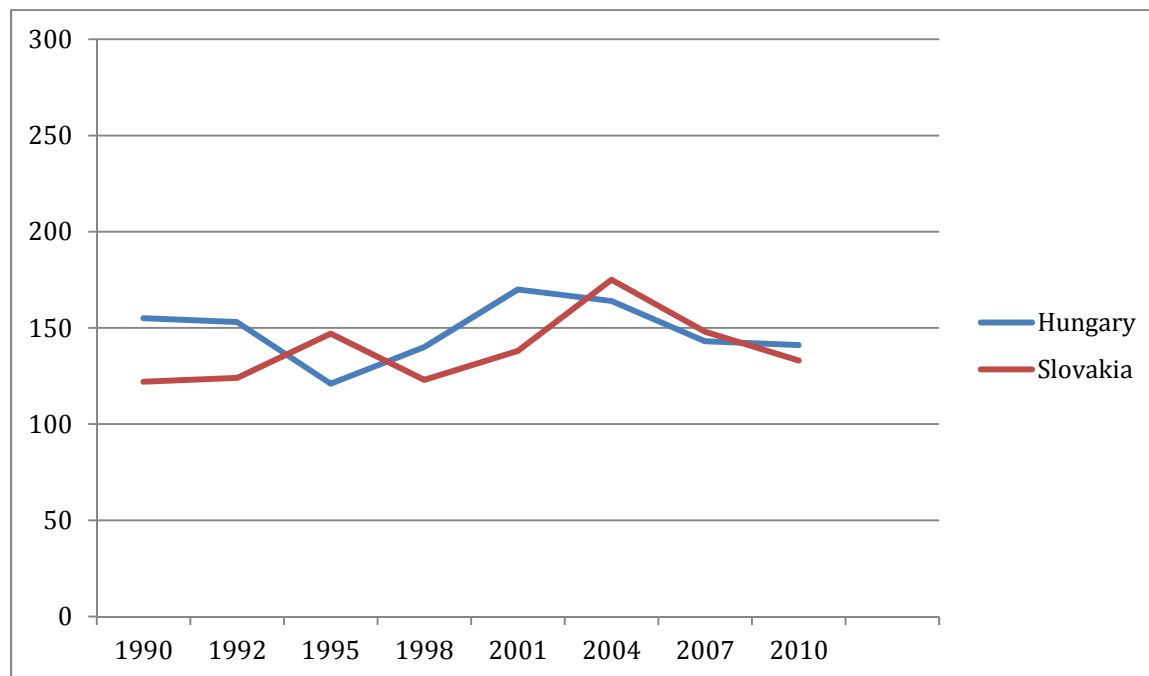
Moreover, this political and social consensus seems to apply to these systems’ emphasis on inmate warehousing. Neither country has an extensive array of rehabilitative programs—with the exception of the religious programming in Polish prisons. The Czechs have the worst guard/prisoner ratio in all of Europe: there are 11 Czech inmates for every prison worker (Council of Europe 2008). Poland ranks just behind them, after Azerbaijan, with a 6:1 ratio. Poland also has one of the lowest inmate employment rates in Europe—in 2009, only 25% of their inmates were employed. And they had no policies in place to encourage businesses to set up shop in prisons or to facilitate NGO involvement in vocational training or educational programs. Thus, fewer

that 5% of Polish prison staff reported doing any sort of rehabilitative or vocational work with inmates; in the Czech Republic, it was just under 2% (Council of Europe 2008: 98).

The Institutions of Penal Restraint: Hungary and Slovakia

While Bratislava is less than 150 miles from Prague—and Budapest is less than 150 miles from Bratislava—the Hungarian and Slovak penal systems diverge in important ways from their Czech and Polish counterparts. Their incarceration rates tell a key part of the story: instead of having rates in line with Russia or Ukraine, their rates are consistent with larger European trends. As Graph 4 indicates, their incarceration rates still put them in the upper range of European countries, but they are significantly lower than their Central European neighbors.

Graph 4: Incarceration Rates in Hungary and Slovakia, 1989-2010



In reality, the Hungarian imprisonment rate is even lower since the above data include pre-trial and remand prisoners—which in Hungary constitute close to 30% of prisoners. Thus, the actual rate of Hungarians who are convicted, sentenced, and serving time is closer to 100. In Slovakia, the actual rate is around 120. Importantly, the differences in incarceration rates cannot be explained by sentence length: the average

sentence length in Hungary and Slovakia is also around 6 years (Lorincz 2009). Quite simply, these countries put fewer people away.

As Nelken (2011: 111) and others have warned, we should be careful not equate lower imprisonment rates with penal tolerance—they can just as easily be symptomatic of non-enforcement, inefficiency, and even neglect. In this way, it is critical that both Hungary and Slovakia make more extensive use of non-custodial sanctioning than their neighbors. In Hungary, probation dates back to 1975, when it was first introduced as a separate body of supervision—and integrated fully into Ministry of Justice in 2003. In the last 20 years, Hungary had numerous reforms to its penal system, many of which widened the network of alternatives to prison. In 1993, the first of these reforms decriminalized prostitution and many forms of drug possession while instituting non-custodial punishment for petty theft. Ten years later, in 2003, these reforms were extended to include restorative justice and mediation programs. As a result, by the mid 2000s, 43% of all criminal convictions in Hungary ended in imprisonment, while 21% ended with suspended sentences and 30% in fines or community service (Lévay 2005).

Yet the real difference between Hungary and its neighbors is its drug policy. In the early 1990s, treatment became an option for those convicted of drug offenses. The 1993 Criminal Code allowed for diversion if an offender was willing to undergo drug treatment for at least six months. The Code justified diversion in this way:

“[The] intention is to make diversion from criminal justice possible in the case of consumers if they are voluntarily willing to undergo medical treatment...Because greater social interest is attached to the consumers’ treatment and rehabilitation than to the conviction of minor offenses. Against addiction or harmful habits, punishment is less effective than treatment” (Act 17 of the 1993 Hungarian Penal Code).

Much of this logic was reversed in 1998, when the diversion option was nullified and drug consumption and possession were re-criminalized with minimum sentences of two years in prison. Then, only a few years later in 2003, the 1993 provisions were reinstated and expanded: the treatment option was applied to more categories of offenders and diversion became an option for both drug users and sellers. By the mid 2000s, the number of offenders in treatment instead of prison had more than tripled:

from 814 in 2000 to 3300 in 2005 (Lorincz 2009). These 3,000 diversion cases go a long way in explaining Hungary's lower incarceration rate *vis a vis* the Czech Republic and Poland (roughly 30% of the difference with the former alone).

As this brief history of drug policy indicates, unlike Polish or Czech public officials, Hungarians fought constantly about the form and focus of penal policy. There has been enormous disagreement among government actors and political representatives over what kind of policies will best solve the "crime problem." On the one hand, the two largest political parties—the Socialist Party (MSZP) and Alliance of Free Democrats (FIDESZ)—were engaged in an on-going pull-the-rope here: the former was responsible for the 1993, 2003 and 2006 penal reforms, which attempted to reduce the use of incarceration and increase non-custodial alternatives, while the latter reversed most of those policies in 1998. And Hungarian imprisonment rates reflect this battle: they spiked in 2000 and 2001, largely in response to the introduction of more punitive policies, only to go back down in the mid 2000s once the MSZP re-reformed the system.

Moreover, in a particularly peculiar dynamic, criminal justice officials also entered these battles, often by fending off more punitive policies. Penal officials were instrumental in resisting calls for more punitive drug laws, claiming prisons were already overcrowded and unmanageable. While they were, this was largely because penal officials were also unsupportive of building more prisons—unlike its neighbors, Hungary did not increase its prison capacity in 1990s. Penal officials engaged in other conflicts: when the system's re-integrative policies were challenged, they came out to defend them. For instance, one of Hungary's most progressive (and contentious) penal policies is the Lenient Executive Rule (LER), which allows inmates to work outside of prison during the second half of their sentence. Until the late 1990s, it was a large program: in 1998, 8% of the prison population used LER for a total of 19,800 leaves (Hungarian Helsinki Committee 2002). By 2000, the FIDESZ government had so restricted the program that the number of leaves had fallen to 2,400, with only 104 inmates eligible for it. So penal officials came out swinging, citing the Criminal Code to argue that LER was a central aspect of inmate reintegration and of their ability to "lead normal, productive lives upon release." Indeed, one of the changes made in 2003 reform was to return LER to its central role in the penal system.

The Complexities of Causality

While the differences between these two post-socialist pathways are not enormous, they are significant nonetheless and thus call for explanation. Yet the common explanations given for penal variation in the West do not work well in the East European context. For instance, the economic variables examined by Cavadino and Dignan (2005) and others have limited explanatory value here: all four of these countries have highly-coordinated market economies. If anything, the Polish and the Czech economies are the most coordinated, with more state intervention and involvement in economic policy—yet they have the harsher penal policies. The same goes for their welfare states: all three of the classic welfare regime-types are present in Eastern Europe, with the Polish creating a more corporatist regime, the Czechs an entitlement-based, redistributive regime, and the Slovaks and Hungarians a market-based, classically liberal regime. So none of the usual predictions hold up here: those countries with less collectivist welfare systems also seem to be less punitive, while those with more inclusive and/or group-based welfare policies are more punitive.

The variable of political structure is complicated—it seems significant, but not necessarily in the ways that Lacey (2007, 2008) and others predict. In Central Europe, there is little variability in systems of political representation: these are all parliamentary democracies with proportional representation. While Lacey (2007) predicts that such systems lead to more political cooperation and negotiation and less penal populism, this did not occur in the East. If anything, the opposite happened: those countries where governing parties were strong and did not need to cooperate with small parties had more restraint over penal policy. But where political coalitions had to be formed, small parties were given big roles. This is particularly important in the East, where small parties tend to be politically extreme and adept at pushing mainstream parties to the right. Like in the Czech Republic, where those small parties were needed to form a governing coalition. Or in Poland, where the Law and Justice Party began as small. But in Hungary and Slovakia, this was not the case—for much of the 2000s, these governments did not need to cooperate with small, nationalist parties. In this way, the post-socialist East may point to the limits of proportional representation. It might also suggest that Lacey's argument about it applies better to long-standing liberal

democracies than to transitional polities—and that for the latter, state structure might matter more than electoral form.

So what aspects of state structure seem particularly important in the East? Among the most significant is whether a counter-veiling force within the state tempered the punitive discourse these countries share, thus buffering the penal system from it. The force need not be the same in all cases. In fact, different elements of state structure gave rise to divergent counter-veiling forces across the region. In Hungary, a professional cadre of penal officials, protected by their military positions, did the work; in Slovakia, it was done by the expert-driven imperative to please the EU. In both cases, the penal system remained centrally strong and resistant to political whim. Poland and the Czech Republic, on the other hand, were characterized by more permeable state structures that opened their penal systems to swift reform. This created a perfect storm in which nationalist discourse flooded the state—with few barriers to its institutionalization. This happened largely through state decentralization and penal de-professionalization.

In this way, two key institutional mechanisms seem to have acted as causal forces. First, there was the centralization of penal bureaucracies which, somewhat ironically, acted as a force of penal restraint. Both Poland and the Czech Republic initiated penal reforms to decentralize their penal systems and to turn power over to local actors. Among other things, this meant that judges were responsible only for setting sentence length; everything else associated with the sentence was determined by local penal officials. This included where and under what conditions inmates did time. Local officials decided what “penal regime” an inmate would be subjected to—whether it was maximum/minimum security, in an open or closed cell, eligible for programming, etc. This shifted the locus of control from criminal judges to local actors, who were more easily affected by local sentiments. Yet Hungary and Slovakia kept their systems centralized: judges decided on sentence length and regime type. In Hungary, they had enormous power to decide on all aspects of confinement—how long, where, when, and under what conditions people did time. They fought for that control—when the conservative FIDESZ government took it from them in 1998, they struggled to regain it. They also worked to retain the discretion to send inmates to treatment instead of prison

or to use other non-custodial options. Because these judicial officials tend to be moved less by politicized rhetoric, centralization acted to restrain the system.

Second, there was the nature and professionalization of the prison administration itself. In all countries but Slovakia, penal systems remain the terrain of the military—most officials have military training and designations; they are military officers, as opposed to civil servants. After 1989, Poland and the Czech Republic had a massive turnover in their militaries, which affected those working in the prison service. In Poland, 50% of penal officers were immediately fired because of their association with the abuses of the past; another 25% were eventually laid off. This combination of a new prison guard, with military training in a period of harsh law and order rhetoric, may have undermined professionalization.

By contrast, the overwhelming majority of prison staff in Hungary carried over from state socialism. Not because these jobs were particularly lucrative—but because they were more professionalized. Prison administrators prided themselves on a professional ethos; they made public interventions based on their expertise which, among other things, involved a strong commitment to inmate rehabilitation. They had decades to develop this ethos and to turn it into an institutional framework. In Slovakia, this ethos seemed to come less from experience and more from recent training as civil servants—training inspired in part by the promise of EU accession and the introduction of the Euro. Their training was key in teaching a “cosmopolitan rights discourse” of international conventions (McAra 2011: 98). Whatever the source, these professional forces may have insulated the penal system from highly punitive reform.

This analysis remains quite tentative—it is, in many ways, just the tip of the explanatory iceberg. Most importantly, it begs a critical question: where do differences in the structure of the state and penal bureaucracy come from? The story cannot begin in 1989. While I am usually weary of path dependency arguments in this part of the world, these countries came into post-socialism with institutional legacies. And state structure was one of those inheritances, particularly in regard to the legal and penal systems. Without sounding trite, it matters that Poland and the Czech Republic were two of the most politically rigid and punitive state socialist regimes. It matters that they did not allow for even the semblance of a professionalized state bureaucracy. It matters that they stunted the development of all kinds of expertise, from legal to psychological to

economic to educational to penal. And it matters that such things were allowed to develop in Hungary, albeit in limited ways. Alongside the Hungarian second economy were other secondary structures, comprising everything from legal to economic to educational to penal professionals (Eyal and Bockman 2004). Just as these professional forces may have buffered state institutions from the worst abuses of socialist rhetoric, perhaps they insulated them from the worst of post-socialism as well. These ties to the past are even more unavoidable once we go inside penal institutions to explore how punishment is actually practiced.

Penal Integration, Social Disintegration: Some Reflections on Doing Time in Hungary

The first time I walked into a Hungarian prison, I felt like I was traveling back in time. The prison seemed like a relic of the state socialist past—or at least of the past that is now remembered. The “leader” of the institution was an elderly male warden who claimed complete control over the facility, but who was actually clueless about its day-to-day workings. Under him was an administration encased in bureaucratic rules, but in which no one could keep track of all the official mandates. This administration oversaw a series of departments that promised to provide everyone with basic necessities, but the infrastructure was plagued with chronic shortages of resources and space. And the on-the-ground prison staff operated under a veil of formality and discipline, requiring inmates to stand at attention and ask for permission to pass in the hallway, but such disciplining was constantly undercut in daily interactions of camaraderie and friendship. It was as if the prison functioned as a microcosm of the state socialist system.

Then there were the inmates’ uniforms: some were blue, others green, and still others black and white stripes. Hastily, I assumed that, like in many U.S. prisons, the uniforms denoted the inmates’ security risk. But this assumption proved false: the inmates’ uniforms instead designated the kind of work they were engaged in—blue meant prison work, green meant factory work, and stripes meant unemployed. They offered a visual representation of inmates’ positions in the world of work since, as I would come to learn, work was at the center of prison life. Here was yet another parallel to the past: as under state socialism, participation in wage labor was defined as both a

right and an obligation. Work was an activity inmates were entitled and expected to engage in (Haney 2010).

More than five years later, after countless hours conducting ethnographic research in a Hungarian women's prison (Kalocsai Fegyház és Börtön, KFB) and men's prison (Vác Fegyház és Börtön, VFB), I still recognize and relate to these observations. If anything, I've become more convinced that the past/present constitutes a key tension structuring the practice of punishment in Hungary—along with the tension between the conceptions and conditions of punishment. Together, these two tensions shape the everyday life of post-socialist prisons, creating a complex world in which thousands of Hungarian men and women do time. I conclude with these tensions.

Precisely because penal officials' experience and seniority play such crucial roles in their professional identity, their ties to the past are often explicit and elaborate. They retain many of their former institutional practices because, they insist, those practices worked for them. Most striking is the military formality with which they interact with inmates. There are strict rules guiding how officials and inmates address each other—they must always use formal verb conjugations and military titles where appropriate. Equally strict guidelines dictate physical meetings between inmates and staff: inmates stand at attention when staff pass by them; when officers enter their cells, inmates stand with their hands at the back of their waist and ankles touching. They line up in this way whenever they move in groups throughout the prison. All of this is reminiscent of state socialist discipline, making staff/inmate interactions seem like displays of Soviet-era obedience.

The same is true of the main category of prison officer: the “educator.” Every prison has dozens of educators, who supervise inmates' lives and relationships to make sure they demonstrate “appropriate social behavior.” Inmates have to rely on educators for all of their needs, from the essential to the frivolous. Indeed, no problem seems too minor to warrant educator involvement: Educators claim to know intimate details about inmates' personality conflicts, love triangles, and work troubles. They also serve as critical links between inmates and the outside world. Their job is social education in preparation for social integration, which often makes them appear like the interventionist, dictatorial state officials of the past.

Hungarian penal officials are well aware that many of their practices seem like artifacts of a bygone era. And that they often stand in tension with contemporary norms. Monitoring groups from the EU and the Council of Europe find fault in their military discipline. Human rights groups frequently cite educators as violating inmates' rights and privacy. These accusations are raised so often that the Director of the prison system feels the need to defend the practices all the time. For instance, at a conference of Central European prison administrators, his entire speech was devoted to such a defense, as he argued that "as professionals, we must keep our traditions intact while respecting the usefulness of cooperation" (Huszar 2008: 22).

Moreover, the tension between past and present becomes all the more pronounced when Hungarian officials are confronted with new techniques that challenge their institutional traditions. This is especially true of penal technologies—as when U.S. companies make prison visits to explain how to update their security systems with devices that "take the dirty work out of corrections." Or when European advisors arrive to insist that special units be set up for sex offenders. "Tradition is more important than compliance in this case," proclaimed the Hungarian Director in the same speech cited above. "We have more pressing problems than creating units for sex offenders just because we see examples of this in Western Europe" (Huszar 2008: 23). As this defense suggests, the present/past tension is often represented as a global/local one, which only makes their practices seem all the more defensible. So they persist.

This persistence leads to the second institutional tension—where conceptions of punishment butt up against the conditions of confinement. Penal officials in Hungary express a stunning commitment to the ideals of social integration, but they operate within prison conditions that consistently undermine those ideals. On the one hand, there is striking consistency in their understanding of punishment: according to the lowest level prison worker and the highest level official, the ideal is to prepare inmates for social reintegration and reinclusion. This is not to say that they see no need for discipline and control; of course they do. But discipline and control are elements of reintegration, ways to educate inmates to act in socially-responsible ways. The goal is to prepare inmates to integrate into the main institutions of social life. This is largely why they place such an emphasis on work: labor is a way to give inmates a sense of routine; it is a productive way to structure their days and imagine their future; and it gives them an

appreciation for contributing to the common good. The same is true of the job of prison educators—their interventions are understood as attempts at social inclusion. All of these ideas are supported, even dictated, from the top. As the Commander General explained to me:

The big institutions of society have failed these men. The economy, the schools, the family have all failed them. Can we [prison officials] really be in the business of social mobility? What we can do is to prepare inmates for their return to those institutions and hope they will encompass and incorporate them.

Then there is the reality of Hungarian prisons. While the ideology may sound a bit Swedish, prison life is far from it (Pratt 2008). In penal institutions for men, inmates are housed in one of two types of cells: the most common are 12-inmate cells, with three rows of bunk beds on each side of the cell, with an exposed toilet for everyone to use. There are also 3-inmate cells, which inmates claim are even worse because of their small size. All cells consist of the shabbiest of furniture, the dirtiest of walls, and the foulest of odors. Movement in and between cells is limited: the majority of inmates have security classifications that restrict them from leaving their cells for more than two hours a day—one hour for meals and one hour for “exercise” in the yard. Other than this, their cells are shut with windowless, steel doors. Inmates cannot leave their cells for smoking breaks, meaning they all smoke in overcrowded spaces with closed doors.

Although the prison staff often has innovative ideas for programming, few have been actualized due to lack of funds and available staff. Thus, most prison programming is limited to what gets offered by volunteers. But because of the prison administration’s strong sense of professional expertise, it is quite weary to allow outsiders in. The one exception are religious volunteers. Particularly in men’s prisons like Vác (VFB), rarely a day goes by without some sort of religious program: bible study in the morning, a luncheon for handicapped kids in the afternoon, prayer groups in the evening. But the non-religious options are few and far between.

Hence, for most prisoners, work provides the only really break from cell life. Even here, though, the options are limited since there isn’t enough work to go around. Despite all the abstract arguments about the importance of labor and promises of work as a right

and an obligation, male prisons have roughly a 50% unemployment rate. So the inmates beg for work. They ingratiate themselves to educators in the hopes of landing work. Some even go to religious services in hopes that will help their case. “You need to make sure Mrs. Commander General Feher sees you in bible study,” I once overheard Tibor mentioning to Csaba, a new inmate. “She likes the religion and will consider that a positive sign for your employability.”

In this way, while Hungarian prison officials confine and punish, they do not do so under conditions of their own making. Those conditions are set largely by budget allocations dictated by national-level politicians—the same men who are so adept at criminalizing the other. This results in a yawning gap between the conceptions and conditions of punishment. And out of this gap emerge very different messages about the purpose of confinement: inmates learn how to spend days idling in their cells; they learn how to maneuver to protect themselves and not the common good; and they learn behaviors that will make it harder to re-integrate socially once released. Not quite the lessons that penal officials want to be teaching them.

Clearly, the gap between penal ideology and reality is not only rooted in dynamics internal to the Hungarian prison system. It also comes from the social realities surrounding Hungarian prisons. This leads me back to the issues I began the paper with. At the end of each day in the field, when I ventured outside the prison into the world of post-socialism, I could not help but feel like the prison staff was fighting a losing battle. They insisted on a vision of penal integration in a world of extreme social disintegration. It was not only prison conditions that were out-of-sync with their vision: social reality was as well. Of all the contradictions, tensions, and ironies in the post-socialist punishment story, this is the hardest one to grapple with.

As the Commander General of the Hungarian penal system himself asked, what does it mean to engage in social mobility when all of the “big” institutions have failed these men and women? When the landscapes surrounding them are littered with abandoned factories, closed businesses, and boarded-up shops? When educational opportunities have escaped them and social programs denied to them? When families have so often neglected and closed their doors on them? When the larger culture awaiting them has become so ready to demonize them? Indeed, what does it mean to speak of reintegration and reinclusion given these post-socialist realities?

APPENDIX 1*



Incarceration Rates per 100,000

Dark Burgundy: 500+

Dark Red: 200-299

Red: 150-199

Pink: 50-150

Source: King's College World Prison Brief

I. LITERATURE CITED

- Bosworth, Mary. 2010. "Reinventing Penal Parsimony." *Theoretical Criminology*. 14:3.
- Cavadino, Mick and James Dignan. 2005. *Penal Systems: A Comparative Perspective*. London: Sage.
- Council of Europe. 2008. *Annual Penal Statistics—SPACE 1*. Strasbourg: Council of Europe.
- , 2007. *14th Conference of Directors of Prison Administration: Managing Prisons in a Complex Environment*. Strasbourg: Council of Europe.
- Drugnet Europe. 2010. "New Czech Penal Code Enters into Force." In *Drugnet Newsletter*, 69:1.
- Dunavolgyi, Szilveszter. 2004. "A Public Survey on Public Security and on the Police." In *Victims and Opinions*, National Institute of Criminology. Budapest: Okri.
- Eyal, Gil and Joanna Bockman 2004. "Eastern Europe as a Laboratory of Economic Knowledge: The Transnational Roots of Neo-Liberalism." *American Journal of Sociology*, 103, 2: 310-352.
- Garland, David. 2001. *The Culture of Control*. Oxford: Oxford University Press.
- Haney, Lynne. 2010. "Working through Mass Incarceration: Gender and the Politics of Prison Labor from East to West." *Signs*, 36: 1.
- Hollan, Miklos. 2007. "A Társadalomra Veszélyesség." In *A Magyar Jogrendszer Átalakulása, 1985-2005*. Budapest: Gondolat.
- Hungarian Helsinki Committee. 2002. *Double Standard: Prison Conditions in Hungary*. Budapest: Hungarian Helsinki Committee.
- Huszar, Laszlo. 2008. "Questions and Tasks Related to the EU Accession Concerning the Hungarian Prison Service." In *Kriminalexpo*. Budapest: Corvin.
- Jones, Richard. 2010. "Populist Leniency, Crime Control, and Due Process." *Theoretical*

Criminology. 14:3.

Kó, Jozsef. 2004. "Fear of Crime." In *Victims and Opinions*, National Institute of Criminology.

Budapest: Okri.

----- . 1998. "Vélemények a Bunozesrol." *Kriminológiai és Kriminálisztikai Tanulmányok*. 35:2.

Korinek, Laszlo. 2007. "A Buntetopolitika Irányelvei Magyarországon." In *A Magyar Jogrendszer Átalakulása, 1985-2005*. Budapest: Gondolat.

Krygier, Martin. 2005. "Rethinking the Rule of Law after Communism." In Adam Czarnota,

Martin Krygier and Wojciech Sadurski eds. *Rethinking the Rule of Law after Communism*. Budapest: CEU Press.

Lacey, Nicola. 2008. *The Prisoners' Dilemma: Political Economy and Punishment in Contemporary Democracies*. Cambridge: Cambridge University Press.

----- . 2007. "Criminal Justice and Democratic Systems: Inclusionary and Exclusionary Dynamics in the Institutional Structure of Late Modern Societies." Center for European Studies Working Paper Series, #148.

Lappi-Seppala, Tapio. 2000. "The Fall of the Finnish Prison Population." *Journal of Scandinavian Criminology and Crime Prevention*. 1: 27.

Lévay, Miklos. 2007. "A Buntetojog Társadalmi Szerepének Változása Magyarországon." In A

Magyar Jogrendszer Átalakulása, 1985-2005. Budapest: Gondolat.

----- . 2005. "Exclusionary and Inclusionary Tendencies in Crime Control in Hungary." Paper presented at the Stockholm Prize in Criminology Symposium.

Loader, Ian. 2010. "For Penal Moderation: Notes Toward a Public Philosophy of Punishment."

Theoretical Criminology. 14:3.

Lorincz, József. 2009. *Buntetopolitika és Börtönügy*. Budapest: Rejtjel.

Markovits, Inga. 1995. *Imperfect Justice: An East-West German Diary*. New York: Oxford

University Press.

McAra, Lesley. 2011. "Global Politics and Local Culture: A Response to Nicola Lacey." *Punishment & Society*. 13: 96.

- Melossi, Dario. 2011. "Neoliberalism's Elective Affinities: Penalty, Political Economy, and International Relations." In D. Melossi, M. Sozzo, and R. Sparks eds. *Travels of the Criminal Question: Cultural Embeddedness and Diffusion*. Oxford: Hart Publishing.
- Nelken, David. 2011. "Theorizing the Embeddedness of Punishment." In D. Melossi, M. Sozzo, and R. Sparks eds. *Travels of the Criminal Question: Cultural Embeddedness and Diffusion*. Oxford: Hart Publishing.
- Newburn, Tim and Trevor Jones. 2005. "Symbolic Politics and Penal Populism: The Long Shadow of Willie Horton." *Crime, Media, and Culture*. 1:1.
- Pease, Ken. 1994. "Cross-National Imprisonment Rates: Limitations of Method and Possible Conclusions." *British Journal of Criminology*, 34:1.
- Pratt, John. 2008. "Scandinavian Exceptionalism in an Era of Penal Excess: Part I." *British Journal of Criminology*. 48: 2.
- , 2007. *Penal Populism*. London: Routledge.
- , 2006. "The Dark Side of Paradise: Explaining New Zealand's History of High Imprisonment." *British Journal of Criminology*. 46: 4.
- Savelsberg, Joachim. 1999. "Knowledge, Domination, and Criminal Punishment Revisited: Incorporating State Socialism." *Punishment & Society*, 1: 45.
- Scheppele, Kim Lane. 1996. "The History of Normalcy: Rethinking Legal Autonomy and the Relative Dependence of Law at the End of the Soviet Empire." *Law & Society Review*. 30:3.
- Sozzo, Maximo. 2011. "Cultural Travels and Crime Prevention in Argentina." In D. Melossi, M. Sozzo, and R. Sparks eds. *Travels of the Criminal Question: Cultural Embeddedness and Diffusion*. Oxford: Hart Publishing
- Sutton, John. 2004. "Imprisonment in Affluent Western Democracies." *American Sociological Review* 69: 170-189.

Teitel, Ruti. 2000. *Transitional Justice*. New York: Oxford University Press.

Tennant, Agnieszka. 2006. "Why Adam Michnik is Afraid of Theocracy: Confessions of Democrat-Skeptic." *Books and Culture* magazine, 20, November 2006.

Tonry, Michael, ed. 2008. *Crime, Punishment and Politics in Comparative Perspective*. Special issue of *Crime and Justice*, Vol. 36.

Wacquant, Loic. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham: Duke.

-----, 1999. "How Penal Common Sense Comes to Europeans: Notes on the Transatlantic Diffusion of Neoliberal Doxa." *European Societies* 1-3: 319-352.

Whitman, James. 2003. *Harsh Justice: Crime, Punishment, and the Widening Divide between the United States and Europe*. New York: Oxford University Press.

van Dijk, J and R. Manchin, J. van Kesteren, S. Nevala, G. Hideg. 2005. *The Burden of Crime in the EU. Research Report: A Comparative Analysis of the European Crime and Safety Survey EU: ICS*.
