

# When crime policies travel: Exploring cross-national policy transfer in crime control

Trevor Jones and Tim Newburn

## Abstract

Despite the long history of cross-national policy movement in the field of crime control, this subject has only relatively recently become the focus of scholarly attention. Extant research suggests that, despite initial appearances, fully-fledged policy transfers in crime control remain quite rare. In practice, 'soft' transfer (in terms of the more symbolic dimensions of policy) appears more prevalent than the 'harder' manifestations (such as the travel of policy institutions, instruments and practices). Where they occur these 'soft' policy transfers are most usually associated with cross-national travel of penal policies with more emotive political appeal. By contrast, 'hard' policy transfers are more likely to occur where policies have a strong 'technical' flavour. Research identifies a number of distinct mechanisms influencing policy transfer, ranging from purposive and self-conscious lesson-drawing' at the more voluntary end, to more imposed forms of policy adoption at the other. In this connection, a number of factors can facilitate or constrain the degree to which crime policies travel, and the ways in which they take shape during and after the process, from matters of cultural and political attraction to the activities of policy and moral entrepreneurs. Finally, where this field was once dominated by a focus on the Global North either as the site of policy transfer or the source of policy influence, increasing attention is now paid to the circulation and spread of policy models between countries of the Global South and from South to North.

## Introduction

For many decades, it has appeared that the world of 'crime policy' is shrinking. Scholars in a range of disciplines have highlighted a range of 'extra-jurisdictional' influences over domestic public policies that can be illuminated by careful cross-national comparative research. Interest in cross-national policy movement has for some time been an important research topic in political science, public administration, comparative social policy and human geography, yet it has only relatively recently come to the attention of criminologists (Jones et al. 2019). Indeed, while criminologists have noted the complex, dynamic and multi-scalar nature of crime and crime control policy, empirical studies of crime policy flows have been few and far between. This is changing, no doubt in part because of the seemingly greater visibility or frequency of contemporary policy mobility in crime control. As Melossi et al (2011: 11) observe, while the diffusion and circulation of 'discourses and practices around crime have been a recurrent feature of modernity ... it seems to have reached

another level of prominence in our present'. The relatively recent awakening of academic interest in the subject has also been driven by the so-called 'punitive turn' in penal policy and the stimulus that such changes in penal practices in many countries brought to comparative criminological research (Newburn, 2021; Aebi and Linde, 2015).

In an earlier review of cross-national comparative criminological research, Michael Tonry (2015: 513) noted a lack of systematic scholarship on ideas of policy transfer and called for 'serious attention' to be paid to this topic within criminology. This chapter is, in part, a response to his call. The focus is on cross-national policy movement in the broad field of crime control and criminal justice, not simply that of 'penal policy'. This is in part due to an analytical desire to explore the significant changes that appear to have occurred in recent decades across all aspects of state (and non-state) responses to crime (and not just in relation to the formal institutions of the criminal justice system). Moreover, given the relative paucity of the empirical research base on policy transfer in this field, there was also a pressing practical necessity to cast the net as wide as possible. As we explore in greater detail below, various terms have been used to capture the increasingly peripatetic and global nature of public policies, including 'lesson drawing', 'policy learning', 'policy transplants', and 'policy mobility' (to name but a few). For the purposes of clarity, in this chapter, we will follow the lead of most political scientists writing about the subject and continue to use the term 'policy transfer' as the most helpful generic descriptor that captures, in our view, the range of activities under consideration ranging from the more voluntaristic manifestations of policy exchange at one end of the continuum, to more incentivised or even imposed forms of policy adoption on the other.

This chapter is divided into two main sections. In the first we examine the intellectual history of research in this field, from initial, largely quantitative studies of policy 'diffusion' to more qualitative examinations of policy 'transfer' and 'mobility'. The variation in terminology illustrates the differing epistemological positions underpinning such research and also reflects the interpretive complexity involved in such studies. The fact that jurisdictions learn from each other, that ideas and practices move, is of course far from novel, as the history of the prison perhaps most obviously illustrates. In our increasingly globalised world, however, it appears that opportunities for such policy learning are increasing, and this certainly has stimulated increasing research. The second substantive section examines the key themes and findings in research in this broad field. In reality, and perhaps predictably, research shows that crude assumptions about 'off-the-shelf' policy shopping are very wide of the mark. In practice, the more obviously symbolic aspects of policy – the terminology and rhetoric associated with particular policies together with their superficial characteristics – move much more easily than do the nuts and bolts of specific approaches. In this manner, while notions such as 'zero tolerance policing' and 'three strikes' sentencing spread quite widely in the late twentieth century, the practical impact

was much more limited. It is on this basis that we argue that what we refer to as 'soft' transfer is more prevalent than its 'harder' equivalent.

As the two examples already mentioned illustrate, the attractiveness of soft policy transfer often lies in the ability to exploit the political appeal and associations of particular policies than it does in the likelihood of their implementation. 'Hard' policy transfer generally proves much more difficult to achieve and is much more likely to occur where the policy concerned is more 'technical' in character (or can be presented as such), thereby avoiding political controversy. The spread of crime prevention practices such as Neighbourhood Watch and related strategies such as 'hot spots policing' fall into this category. The difficulties associated with 'hard' policy transfer also reflect the political, cultural and institutional differences that generally exist between countries of origin and destination and which work to shape and often to limit such developments. Put differently, all practices are 'culturally embedded' (Melossi, 2004) with the consequence that strict translation is impossible. It is important to recognise therefore that the study of policy transfer is consequently, in part, the study of how policies change as they are transferred, and what influences the nature of such change.

It is therefore also a field that offers considerable potential for the analysis of policy-making more generally, not least in reminding us of a number of factors that are crucial in this context, but which are nevertheless often overlooked. It draws attention, for example, to the micro-social world of policymakers and others involved in seeking to influence or mould policy change. Consequently, it underlines the importance of acknowledging the role of agency, something too often underplayed in the examination of penal policy development, but which empirical studies regularly show to play a crucial role in policy transfer - and in limiting or preventing successful diffusion. In turn, this has prompted greater recognition of the important role of mid-level theorising, and of the recognition of that there exists 'something of a 'black box when it comes to demonstrating how penal laws and policies are shaped and how penal decisions are made' (Garland, 2013: 492). Finally, it is increasingly an area of study that focuses on imbalances of power across the globe. Where initially work in this area predominantly focused on policy transfer between countries in the Global North, more recently it has begun to expand to include a range of countries and processes. A growing body of critical research has focused on the impact of North to South policy transfer, processes often characterised by a very significant degree of political influence or coercion. The 'war on drugs', for example, produced numerous examples of U.S. influence on the penal policies of a number of Latin American countries, and international aid activities have frequently centred on attempts to promulgate western community policing initiatives in post-conflict societies and developing democracies.

### **Cross national policy transfer and related themes: A brief intellectual history**

In this section we consider how cross-national policy transfer has emerged as a topic of interest within the broader field of crime control and criminal justice. A number of distinct factors have contributed to this development. First, while the *pragmatic* inclinations of politicians, policy-makers and practitioners to 'learn from elsewhere' have long been a staple feature of crime control policy-making, the phenomenon appears to have been growing significantly in scope and visibility in recent times. Second, *scholarly* interest in policy transfer within criminology has been further catalysed by the expansion of work on comparative penal policy, which has addressed questions about what might explain convergence and divergence in the policy trajectories of different jurisdictions. Work on comparative crime control policy in general, and policy transfer during the late 20<sup>th</sup> Century in particular, was stimulated by what was termed the 'punitive turn' in crime control politics and policy, and the striking but uneven emergence of harsh criminal justice policies across different polities. Another important factor has been the increased attention paid in other disciplines to policy transfer and related issues, which has provided a conceptual and methodological basis for the migration of these ideas and research approaches into the specific arena of crime control. This work has been characterised in particular by three broad methodological traditions which have shaped research approaches exploring cross national policy movement in crime control and criminal justice.

### ***Crime policy transfer in historical perspective***

Cross-national policy learning in the field of crime control has a long history. Famously, in 1773 John Howard left his Bedfordshire estate 'and set out on a career of prison and hospital reform that was to take him to every institution for the poor in Europe' (Ignatieff, 1978: 47). Howard's *The State of the Prisons* when it was eventually published in 1777 was a monumental work of empirical research, documenting and comparing prison buildings and populations, together with everything from diet to the weight of the chains that held the prisoners. Howard's proposals for reform grew out of his travels in Europe and were much influenced, for example, by what he witnessed in the Maison de Force in Ghent and Clement XII's prison for juveniles in the Vatican among others. Howard's influence on prison reform in Britain was significant, but reached much wider, also having an impact on the penitentiary developments in America from the late eighteenth century onward (McLennan, 2008). In turn, the penitentiary model 'was understood by its proponents as capable of being transported and replicated in new settings' (Melossi et al, 2011: 5) and within a short period the 'Auburn' and 'Pennsylvania' models that emerged in New York and Philadelphia became the subject of great interest in many other parts of the world, including England and Wales, the latter eventually having greater impact in the UK. As Rothman (1995: 100) puts it, 'Jacksonian Americans took enormous pride in their prisons, were eager to show them off to European visitors, and boasted that the United States had ushered in a new era in the history of crime and punishment'. Certainly, the emergent American systems had considerable influence, in part promulgated via overseas visitors to the new institutions -

Alexis de Tocqueville, Gustave de Beaumont, Charles Dickens, Frances Trollope, and Hans Christian Andersen among them. In the 1830s the British Home Secretary sent a Commissioner specifically to investigate American prisons and his report, together with other comparative inquiries, subsequently influenced the design and administration of prisons from Belfast and Glasgow to Liverpool, Pentonville and Parkhurst on the Isle of White (Ignatieff, 1978; Hirsch, 1992). As Scharff Smith (2004: 207) observes:

These systems exercised enormous influence on the construction of modern prisons throughout the western world. In several places in Europe the prison debate ended with one simple question – which of the American models should they choose? This was the case, for example, in Denmark, Sweden and Norway. Why things developed in this direction is best understood by following in the footsteps of some of the Europeans who flocked to the United States to inspect the new prisons, several of these on behalf of their countries to evaluate the new institutions.

Not only did visitors to the new penitentiary systems return to Europe to influence developments there but, increasingly, mutual contact between reformers was institutionalised, most concretely in the First International Penitentiary Congress in Frankfurt in 1846, which spurred further reform in Western Europe (Scharff Smith, 2004). Indeed, the ‘modern’ idea of the penitentiary had considerable influence elsewhere, not least in Latin America. The Casa de Correção opened in Rio de Janeiro in 1834, Cuba adopted the penitentiary system later in the decade as, later, did numerous Latin American countries. As Salvatorre and Aguirre (1996) note, however, the spread of the penitentiary across South America was a protracted and uneven process, with such institutions often having a different purpose from their North American or European counterparts, and with different effects also. Rather than contributing to a particular democratic vision, for example, reforms in Latin America ‘were predicated upon nondemocratic conceptions of the political order [and] served as either a symbol of modernity or as an instrument of social differentiation and control’ (Salvatorre and Aguirre, 1996: xx). Such an observation reminds us that the subject of ‘policy transfer’ and parallel notions is simultaneously focused on the international movement or spread of ideas and practices and also on the inevitably specific nature of apparently cognate developments in different locations, or what Melossi (2001) refers to as their ‘cultural embeddedness’.

While recognising this, however, it is vital not to exaggerate the cultural specificity of crime control practices and institutions. This can be illustrated using the example of Japanese policing and its *kôban* or urban police substations. In some accounts (Bayley, 1991), Japanese policing generally, and the *kôban* more particularly, have come to be seen as symbolic of forms of organisation and practice that were highly distinctive and admirably different from what was visible in much of the west. There are reasons for being cautious about some claims of Japanese exceptionalism where policing is concerned (though see

Johnson, 2007, on prosecution). First, though the forms of policing that emerged in Japan undoubtedly display some quite distinctive characteristics, they were also much influenced by European policing models such as those in Paris and London in the late nineteenth century (Westney, 1987). Second, an increasing body of research casts doubt on the alleged uniqueness of modern police practice in Japan, including its police-community relations (Leishman, 2007), the 'exemplary' conduct of its police (Johnson, 2004), and its crime control effectiveness (Aldous and Leishman, 2000; Brogden, 1999). The challenge raised by the example of policing in Japan is, once again, to remain alive to the nature and significance of the local and the seemingly specific while simultaneously ensuring that sight is not lost of what is more obviously common or general.

Where does this leave us? Cross-national movement of policies, and self-conscious attempts at importing and/or exporting policy ideas and practices across national boundaries have a long history and it is plausible to assume that pressures towards cross-national policy movement have increased substantially in recent years. This has been linked to the enhanced global mobility of people, goods and services (both licit and illicit), the acceleration and growing sophistication of electronic communications and knowledge exchange, and the expansion of formal governance institutions at the global and regional levels. There is certainly a strong perception amongst informed commentators that policy transfer is a growing in prevalence and importance, and that public policy ideas and programmes are circulating between countries with increasing frequency and velocity (Peck and Theodore, 2009).

### ***Policy transfer research in context***

Criminological interest in cross-national policy flows was long preceded by developments in a number of disciplinary areas including political science, public administration, comparative social policy and human geography. Much of the contemporary scholarship in the field of policy transfer developed from an older tradition of research in political science that explored ideas of policy 'convergence' defined as 'the tendency of societies to grow more alike, to develop similarities in structures, processes and performances' (Kerr 1983:3). From the 1960s on, researchers noted that on a number of measures, different polities were becoming more similar over time. such as. These studies identified correlations between measures of economic development (economic growth rates, distribution of employment between different industrial sectors, proportion of GDP spent on health, education and welfare; average life expectancy etc.) and various indices of public policy. Debates emerged between those who viewed national institutions and cultures as remaining distinctive in key ways (Castles and McKinlay 1979; Goldthorpe 1984), and those who saw strong convergence between societies due to the inexorable processes of modernization and industrialization (Wilensky 1975).

### *Policy Diffusion*

A related body of work, and one that has been hugely influential in preparing the ground for later studies of policy transfer, also focused on 'macro level' explanations of policy trajectories. This approach emerged within political science from the late 1960s and explored ideas of policy 'diffusion' across jurisdictional boundaries (Rogers 1962, Walker 1969, Eyestone 1977). Defined as the sequential adoption of a programme, policy, or practice, studies of 'diffusion' involve mapping the geographical spread of particular innovations across space and time, and the development/testing of explanations for such phenomena. Initially, diffusion studies focused on the spread of policy 'innovations' between constituent states of the USA over the course of the 20<sup>th</sup> Century (Walker 1969). From this perspective, competition between state governments within the 'market' for policy ideas saw policy innovations spreading outwards from the larger and richer states ('sellers' in the market) to the less well-resourced 'buyer' jurisdictions (Peck 2011).

Much of the research on policy 'diffusion' is based on large-scale statistical research designs that demonstrate patterns of the spatial and temporal spread of particular policy innovations between jurisdictions, and test possible associations with a range of structural factors. Jacobi (2013), for example, used quantitative network analysis to study the diffusion of global policies relating to transnational crime problems such as corruption, human trafficking and cybercrime by 193 countries. Makse and Volden (2011) use event history analysis to explore the spread of 27 different criminal justice policies between jurisdictions in the United States (Makse and Volden, 2011). These studies have generally positivist assumptions, defining policy adoption in a relatively straightforward way via dichotomous variables in order to facilitate statistical measurement and modelling. The strength of this approach is to facilitate the robust plotting of the spread of particular policy innovations over space and time, and some exploration of some of the features of polities that appear to influence the probability of adoption. However, such an approach offers, at best, correlational findings which require further in-depth investigation to uncover any causal mechanisms and other features of such policy movement. Thus, very few policy diffusion studies explore the interactions between different types of diffusion mechanism (Dobbin *et al.*, 2007). Moreover, as Stone (2004: 547) argues, focusing on the detailed description of patterns of policy adoption can neglect of 'the political dynamics involved in transfer', with the effect that many such studies fail to capture the complexity of differences between national contexts.

### *Policy Transfer and lesson-drawing*

From the 1990s onwards, political science and public administration scholars became increasingly interested in the political dynamics of cross-national policy flows, the agency of the policy actors involved, and the purposive aspects of policy development. Interest emerged in the phenomenon of cross-national 'lesson drawing', exploring the various ways in which policy-makers intentionally 'learn from elsewhere' and to what effect. 'Lesson

drawing' research looks at how policy makers voluntarily gather evidence about policy exemplars in other jurisdictions and apply this (or not) to domestic policy problems (Rose 1991, 1993). This kind of research has a strong 'applied' element with a view to providing evidence for policy-makers and practitioners about ways in which lesson-drawing can improve the policy process and lead to optimal outcomes in 'adopter' jurisdictions. In this context, the field of cross-national policy transfer offers possibilities for greater discovery of how far and in what ways the process of 'learning from elsewhere' can be improved (Tonry, 2013). While this form of research has been relatively rare within the field of crime control, there are important examples relating to probation and community sanctions (McFarlane and Canton 2014; see also Graham and Robertson, 2021 on the example of violence reduction). Critics of 'lesson-drawing' research expressed doubts about the overly rational, sequential, voluntaristic character of policy development implied in this model, as well as its alleged positivistic assumptions (Peck 2011). Partly in response to such concerns, the broader notion of 'policy transfer' gained currency within political science during the 1990s, moving beyond 'lesson-drawing' to encompass more complex forms of cross-jurisdictional policy movement. 'Policy transfer' was defined as defined as the process via which 'knowledge about policies, administrative arrangements, institutions and ideas in one political setting (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political setting' (Dolowitz and Marsh, 2000: 5). This covers a range of forms of transfer, from the 'voluntary' and consensual processes implied by 'lesson-drawing', more structurally-shaped processes conveyed by terms like 'policy diffusion' or 'convergence' (Stone, 1999) as well as 'direct coercive transfer'. It also sought to widen the focus of research to include a wider range of policy actors, including those situated outside of formal, state policy-making arenas.

Most criminological research on policy transfer has much in common with the methodological traditions of (critical) realist political science, even if this is not always acknowledged explicitly. Such work has tended to focus on the qualitative exploration of the role that cross-national 'transfer' may have played in the complex processes and generative mechanisms influencing policy development. The most frequent research design is the use of retrospective case studies - undertaken by 'outsiders' to the policy process - of particular exemplars of crime policy transfer between different national polities (for example Jones and Newburn 2007, Brown et al. 2016). These studies develop detailed case histories of particular models or programmes of crime control policy that appear to be influenced by developments in other jurisdictions. Such an approach of course also requires a definition of 'policy' that can be operationalised for systematic empirical investigation but which acknowledges the multi-faceted and complex nature of the phenomenon<sup>1</sup>. In their empirical work, researchers have thus attempted to track transfers of different dimensions of policy (see Jones and Newburn 2004). This draws on political science approaches that counsel

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<sup>1</sup> Although criminologists have written extensively about 'policy' it is sometimes unclear what precisely is being discussed (though see Rock, 1990; 1998; 2004 for an exception).



against conflating analytically distinct aspects of policy. One useful framework that has been applied within studies of crime policy transfer has utilised Pollitt's (2001) distinctions between policy 'talk' (political rhetoric and symbolism), policy 'decisions' (written policies and statements) and 'policy action' (the actual implementation of policy).<sup>2</sup> As we explore below, such an analytical approach to unpacking 'policy' has informed the crucial distinction between soft ('talk') and hard ('decisions' and 'action') forms of transfer. While an analysis of different substantive 'levels' of policy can helpfully shed light on the question of 'what is transferred', this alone can tell us little about the processes and mechanisms via which such developments occur. Again, criminologists have drawn upon models of the policy process developed largely in political science to help make sense of these dynamic elements of policy transfer (see for example, the use of John Kingdon's (1995) influential 'streams' model of the public policy process).

In this tradition, the substantial and processual dimensions of policy development (and the role that transfer played in this) are analysed retrospectively, most usually via the undertaking of detailed qualitative case studies of particular instances of the (claimed or attempted) transfer of 'concrete' manifestations of 'policy' (e.g. particular institutional forms, legislation, legal rulings or written policy programmes). This approach draws on a combination of systematic documentary analysis (including legislation, policy documents, legislative debates, governmental reports, media accounts etc) and in-depth qualitative interviews with key policy actors. Researchers have then conducted critical comparisons of the 'policies' in their original and adopter settings, alongside systematic analysis of the processual dimensions of policy change via insider accounts of whether, how far and in what ways the policies travelled from one destination to another, what happened to them in transit, and how they developed after arrival (see Brown et al. 2016, Jones and Newburn 2007).

### *Policy Mobilities*

More recently 'critical policy studies' scholars (Peck, 2011) have sought to move beyond the idea of 'transfer' which they consider ill-suited to capturing the complex, processual and uneven nature of policy movements. Rather like work on 'policy translation' (Lendvai and Stubbs, 2009), they propose an interpretive approach to studying what they refer to as policy 'assemblages' and 'policy mobilities', which they consider better suited to capturing the global circulation of policy ideas, models and practices. By contrast, they take orthodox 'policy transfer' research to be overly dependent on individualistic rational-choice assumptions, to pay insufficient attention to the socially constructed nature of policy

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<sup>2</sup> Other political scientists have suggested useful ways of unpacking the different analytical dimensions that constitute 'policy' (see for example Bennett 1991, Bernstein and Cashmore 2000, Dolowitz and Marsh 2000). Such approaches make clear distinctions between policy 'content' (eg. statutes, administrative rules and regulations), 'instruments' (eg. regulatory, administrative, or judicial institutional tools), and more abstract notions of policy 'symbolism' (eg. political rhetoric) or 'styles' (eg. consensual, confrontational or incremental).

formation, to privilege the formal policy arenas of the state, and to give ‘too little attention to *agency* and the process of policy mobilization and the wider contexts that shape and mediate the agency of various policy actors’ (McCann and Ward, 2013: 6). Rather than the assumption of linear replication implied by policy transfer they see policy mobility as involving non-linear reproduction, and as something which requires greater attention to be paid to the essential ‘spatiality’ of policy-making (Peck 2011, Tenemos and McCann, 2013) . The burgeoning ‘critical policy studies’ literature has provided significant new impetus to the broader study of policy movement, and potentially extended the methodological repertoire for criminologists interested in undertaking such work. However, as we have outlined elsewhere, this critique of ‘orthodox’ policy transfer studies has been somewhat overstated (Newburn et al. 2017). As Marsh and Evans (2013) argue in a rebuttal, work under the banner of ‘policy transfer’ has become much more sophisticated in recent decades, rendering the model on which the ‘mobilities’ critique is based something of a straw man. This is a position with which we largely concur and, as a consequence, we continue to use ‘policy transfer’ as a helpful generic term.

As noted above, policy mobilities scholars adopt a broadly interpretivist approach, focusing on the idea of ‘policy assemblages’ and arguing that research designs must seek to better capture the multiple and mobile situations which work to shape policies, thus requiring analysis of the various sites where policy knowledge is created, mobilized and assembled (McCann and Ward 2013, Peck and Theodore 2012). Policy mobilities scholars suggest a series of approaches to capture some of the complexities of international policy mobility, in particular by the ‘following of people, policies and places’ via global ethnography, and multi-site ethnographies (McCann and Ward, 2012). Such approaches have been applied in empirical studies in some policy fields, but clearly raise significant challenges of access and resourcing, perhaps particularly so in the field of crime control (Newburn et al, 2017). This may explain why this perspective has only recently gained purchase within criminology and related examinations of crime policy transfer (Newburn et al. 2017, though see McCann 2008 for an exception). Some recent work on crime policy mobilities has, attempted to combine the political science-inspired analysis of different ‘policy levels’ with mobilities-related concepts of policy assemblages in order to interrogate the dynamic processes of knowledge formation and exchange that drive crime policy mobilisation (McMenzie *et al.* 2019). Although not identifying explicitly as ‘mobilities’ scholarship (and certainly not attempting the ambitious goal of ‘multi-site ethnography’) there have been a small number of studies within the field of crime control policy transfer that have adopted generally interpretivist approaches. Such studies provided ‘insider’ accounts of the role of policy transfer ‘as it happens’ by researchers who have been themselves party to policy development (see for example Blaustein 2015, Durnuscu and Haines 2012, Graham and Robertson 2021).

### *Understanding penal variation*

Across all these different perspectives there has been relatively limited focus to date on crime control when compared with other spheres of public policy. This reflects in part a reluctance among political scientists to undertake empirical research within the fields of crime and punishment, along with the historical tendency for criminologists to focus on the content and impact of policy rather than its provenance (Jones and Newburn 2007). This has begun to change and developing interest in crime-related policy transfer research emerged in parallel with and as part of the recent growth of comparative criminology and, more particularly, from the increasing interest in the comparative study of policy-making and policy-development. Initially, the focus of attention was primarily on seemingly cognate developments in different jurisdictions – on apparent penal *convergence*. Much work here focused on the broad structural economic, social and cultural shifts taking place and which appeared to be associated with punitive penal policy (Christie, 2000; Wacquant, 1999, 2001, 2009; Garland 2001). In time, however, this apparent ‘punitive turn’ also raised questions about alternatives and stimulated scholarly analysis of difference and *divergence*. Why, scholars began to ask, did what otherwise appeared to be rather similar jurisdictions develop contrasting penal policies? Comparative study in this field has increasingly drawn attention to the ways in which features of the political economy and social organization of different democratic countries shape distinctive approaches to penalty (Lacey 2006, 2007, 2011, 2018; Tonry 2007, Green 2007, Pratt and Eriksson 2013; Garland 2020).

The importance of comparison and dissimilarity was further brought into focus by work that explored penal variations *within* states, and in particular, the importance of understanding the institutional, cultural, economic and political make-up of sub-national jurisdictions in understanding penal variation (see, for example Lynch, 2010; Page, 2011; Rubin 2015, Lappi-Seppälä 2017). Such work chimed with Tonry’s observation that, notwithstanding the influence of broad globalizing accounts of penal change, ‘explanations of penal policy remain curiously local’ (2001: 518). The challenge for scholars has been to reconcile ‘sensitivity to local difference with the generalizing imperatives of the comparative’ (Zedner, 1995: 518) thereby increasing our understanding of the ways in which ‘global’ changes are reconfigured by particular national and sub-national institutions and cultures (Fourcade and Savelsberg 2006; Benson and Saguy 2005). A similar insight underpins Garland’s (2013) call for work that adds to macro-level structural analysis by focusing on the ‘proximate causes’ of penal change. In his view, the problem of much extant inquiry is that it has left us ‘with something of a black box when it comes to demonstrating how penal laws and policies are shaped and how penal decisions are made’ (2013: 492). We turn our attention next to what research in this field has found.

## **Key Themes in Crime Control Policy Transfer Research**

What have we learned from the existing literature on policy transfer in the field of crime control? Our consideration of this question is divided into four broad areas, beginning with what we call the 'object' of policy transfer (ie. what, if anything, is 'transferred'?). We then move on to examine 'mechanisms' of policy transfer. By this we are referring at heart to a continuum of approaches that runs from processes that might be conceived of as essentially voluntaristic – the types of activity implied by words like 'learning' or 'borrowing' – through to policy transfers that involve some degree of compulsion or coercion. From there we then consider those factors that research suggests help facilitate or constrain the movement of policy. This includes a focus on the broad structural and cultural features of the jurisdictions involved and the nature of the political environment; the particular nature of the policies at hand; and the role of entrepreneurial groups and individuals. Finally, we consider the directions of policy transfer, in particular considering mobilities within and between the Global North and South.

### ***The object of policy transfer: what is transferred?***

An important finding of empirical research on crime control policy transfer to date is that the answer to the question posed is quite frequently 'not a lot'. Despite significant amounts of visible 'policy transfer' activity at various levels, successful examples of 'hard' policy transfer (Evans and Davies 1999) – that is the more-or-less faithful importation/copying of concrete policy content and instruments – remain few and far between. For example, in our study of policy transfer between the USA and UK, in each of the areas we studied it was primarily the 'softer' elements of policy - the ideas, symbols and political rhetoric - that were the main objects of transfer, though of course, these were not without wider consequences. In each of the areas were considered within policing, sentencing and corrections, where particular policy ideas or models appeared to have travelled, we found that subsequent developments in terms of policy content and instruments were substantially revised and reshaped in the very different legal and political context of the UK, and that the policy forms that actually developed subsequently were very different from their US precursors (Jones and Newburn 2004, 2007). Similar findings were apparent in Brown et al.'s (2016) analysis of the ways in which US-inspired ideas associated with 'Justice Reinvestment' were modified when developed within other national and local contexts. Tonry (2010) outlines several instances of crime policy innovations where in particular contexts, the initial ideas were either completely and successfully dismissed at the outset, or if they were introduced, very quickly withered and died. For example, the experiments with 'day fines' (originally conceived in Scandinavia as alternatives to short prison sentences) were very short-lived the contrasting legal and cultural contexts of the USA and England & Wales. In some areas of course, there are examples where the more concrete manifestations of policy (or elements thereof) do appear to travel, in relation to particular forms of sentencing legislation, innovations such as drugs courts or restorative justice forms, or in the institutional forms and practices of privatised corrections. However, as will be

discussed in more detail below, even in these cases, a significant process of modification, mutation and reconfiguration almost always takes place.

### ***The mechanisms of policy transfer***

Here, we consider what is involved in policy transfer. Building on our earlier discussion of what is meant by 'policy', we examine the mechanisms that underpin the movement of such talk, decisions and action. Our focus, wherever possible, is on 'crime policy', though we also draw on wider literatures where necessary in order to illustrate the general lessons that can be derived from extant research on policy transfer and policy diffusion. This broader literature, for example, has distinguished four primary mechanisms underpinning the mobility of policy: these have been referred to as 'learning', 'coercion', 'mimicry' and 'competitor' (Marsh and Sharman, 1991; Kuhlmann, 2021<sup>3</sup>). It is important not to think of these as necessarily easily separable or distinct categories. Rather, they are essentially ideal types, designed to capture key elements of policy transfer and to aid the process of analysis. In practice, elements of more than one of these mechanisms may be at work in particular instances of policy transfer.

#### *Learning*

As we suggested earlier, when policy transfer is discussed in the abstract, arguably the archetypal process is imagined to be something akin to a rational form of shopping. Superficially, it might be considered to be a form of import-export business, where one jurisdiction scans the horizon for potential solutions to a problem it has identified and/or actors from 'innovator' jurisdictions actively seek to promote their policy models elsewhere. Policy 'solutions' are then recreated in their new jurisdictions. This form of broadly voluntary transfer is implied by phrase 'lesson-drawing' that was discussed earlier. The assumption within the 'learning' model is that governments, at whatever level they are involved, seek to emulate others in order to produce more effective outcomes to policy problems than would otherwise be available to them (Rose, 1991). Most usually this is via bilateral learning, but it can also occur through transnational problem-solving involving international networks of experts. Given criticisms of rational choice theory, in some more recent literature a modified approach based on bounded rationality is taken in order to temper what is otherwise be a rather inflexible model of policy diffusion (Marsh and Sharman, 1991; Weyland, 2004).

There is significant evidence within the field of crime and punishment of considerable activity in which policy actors appear to have actively sought to learn from jurisdictions beyond their own or, alternatively, have sought to 'teach others' via the export of domestic

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<sup>3</sup> Kuhlmann points out that while this typology of policy transfer/diffusion mechanisms has been subjected to some important criticisms – not least in relation to partial overlap between categories and in failure to specify the precise causal mechanisms that underpin them – it remains the dominant organisation framework for thinking about how policy transfer happens

policy ideas and innovations. The crime drop in New York City in the late twentieth century led to numerous examples of policy makers seeking to learn lessons from what was sometimes referred to as 'zero tolerance' or 'quality of life' policing (Jones and Newburn, 2007). There was considerable cross-Atlantic activity involving British politicians and their advisers who explicitly sought to learn from the New York City experience, as did policy makers from Latin America (Swanson, 2013), Australia (Dixon and Maher, 2005), France (de Maillard and Le Goff, 2009) and beyond.

Although the recent history of crime control policies in Western developed democracies provides many other examples of such activity typically, however, it departs from the classic rational 'shopping' model in at least one of a number of respects. Butler (2013), for example, documents the adoption of a broadly Americanised drug court model in Dublin, Ireland. What becomes clear in this case is that notwithstanding claims that the American model had been adopted 'hook, line and sinker', in reality the Irish project displayed some significant differences from its US counterpart, not least in a largely pragmatic venture which eschewed therapeutic jurisprudence. Interviews with those involved in the policy process suggested that the decision to 'borrow' aspects of the drug court model was influenced more by politics than any firm conviction in the utility of the model, and that it 'had more to do with the symbolism of treatment as a humane or liberal option than with any real conviction that the imported model was instrumentally superior to work already being done with drug-using offenders in Dublin' (2013: 12). This example is entirely consistent with the point made above about the distinction between 'hard' and 'soft' transfer, and in particular the relative portability of broader ideas and associated labels, but the relative immobility in practice of particular organisational forms and practices. Robertson's study of 'community policing' projects in Russia and Ukraine found considerable scepticism within the 'donor' or 'export' community involved in supporting police reform activities, leading to very considerable refashioning of the models that were eventually the subject of experimentation. Nellis' (2000) study of what superficially appeared to be the transatlantic diffusion of electronic monitoring, suggested that there were numerous barriers to anything that might have approached the 'copying' of policy and, instead, terms such as 'inspiration' and 'emulation' were more apposite. It comes as little surprise to most involved in research in this field to find that assumptions of 'pure' rational choice in relation to learning mechanisms turn out to be unrealistic. In practice, the bulk of empirical research has suggested that where self-conscious and purposive 'learning' is attempted, it occurs under conditions of bounded rationality.

An important avenue for policy learning that has been identified in the literature has been the development of transnational 'epistemic communities': 'a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue area' (Haas, 1992: 3). Such groupings ordinarily include policy-makers, senior practitioners, scholars, representatives of

commercial firms, and NGOs working in the fields of security and justice – the networks operating to facilitate knowledge exchange about particular policy ideas and models as well as propagating among members an increasingly shared set of norms and ways of seeing the world. They have been linked with policy learning in a range of security and justice-related fields, not least in the realm of policing (Jones and Newburn, 2007). Graham and Robertson's study of the development of the gang-related violence reduction policies in Glasgow demonstrated the key role played by a transnational 'epistemic community' in promoting a form of policy learning from policy-makers and practitioners in Cincinnati, USA (Graham and Robertson 2021). This is not to argue that this necessarily facilitates, or is associated with, highly rational forms of policy learning, only that on some level there is an effort to gather 'evidence' and share knowledge, ideas and practices that go on to inform policy development in different jurisdictions. It is worth re-iterating here the finding from the extensive body of work on 'research utilisation' that different politicians, policymakers, practitioners and researchers often have strongly contrasting conceptions of what counts as evidence (Tonry and Green, 2003; Tonry, 2010). Elite-networking (Bennett 1991) is a related mechanism involving transnational groups of policy actors sharing expertise and information about a common problem, often within the context of a growing international policy 'culture'. Once consensus among these 'transnational policy communities' about particular policy interventions is achieved, participants then actively promote particular 'policies' domestically. International police reform initiatives, often centred around the development of community policing programs, are one of the most prominent criminological examples. Evaluation of such initiatives illustrates the wide variety of changes often justified by the label 'community policing', as well as documenting the regularity with which attempts to 'transfer' such a model fail (Diphoorn and van Stapele, 2020; Koci and Gjuraj, 2019).

### *Mimicry or emulation*

'Mimicry' or emulation denotes 'the process of copying foreign models in terms of symbolic or normative factors, rather than a technical or rational concern with functional efficiency' (Marsh and Sharman, 1991: 272). Some countries adopt the policy models and approaches of other countries perceived as 'international leaders' or those proposed by international organisations in order to be seen as part of a civilised and advanced international community and bolster legitimacy in the eyes of domestic or international audiences (DiMaggio and Powell, 2009). The spread of use of community service programs as punishments is one partial example of such emulation. Introduced formally in England and Wales in the early 1970s their primary author, Barbara Wootton, acknowledged the existence and influence of similar practices already established in state and municipal courts in the U.S. and in juvenile courts in Germany (Wootton, 1973), though what eventually emerged in England differed in important respects from earlier developments (Morris and Tonry, 1990). In turn, it seems, this innovation then influenced cognate developments in jurisdictions as widespread as Scotland, the Netherlands, France, Belgium and Denmark, all the way to Australia and New Zealand (Kilcommins, 2014). Across Europe, nevertheless,

there has been considerable variation in the ways in which 'community work' has developed, in the justifications underpinning such developments, the practices involved, and the relation of such developments to notions of 'community' (Cabana, 2020). Whilst some countries such as Scotland and the Netherlands embraced community service as a sentence of the court, policy-makers in Finland and Germany (for example) quickly rejected such reforms on grounds of inappropriate intrusiveness, such that the nature of the 'punishment was not compatible with Finnish and German constitutional and legal principles (Tonry 2010). Raandma Liiv and Kruusenberg's study of probation reform in Latvia and Estonia found that in the latter 'it was the desire to be legitimized and recognized by the West [that] produced a strong impetus for the probation system [to reflect] the values of democratic societies' (2012: 157), not least with accession to the EU in the balance. Relatedly, in the absence of any sizeable political or economic weight, the influence of the Soros-funded Open Society Institute is said to reside 'in the appeal of its norms, knowledge and networks. That is, the norms of the open society and human rights bolstered by knowledge creation through think tanks, university and policy fellowships' (Stone, 2010: 281). Sharman's (2008) analysis of the diffusion of anti-money laundering policies, which we discussed earlier, found evidence of the adoption of policies where there was little or no evidence as to their efficacy, largely because local actors in developing nations were concerned to be seen as members of a responsible international community (Halliday et al, 2020). Jakobi's (2013) research similarly illustrated the wholesale adoption of UN-promoted changes human trafficking laws, primarily for the purposes of international legitimisation (whereby the policies were formally adopted but not implemented or enforced to any significant degree). In such cases, policy adoption takes on a primarily symbolic character. Pantazis and Pemberton (2009) in their study of UK counter-terror policy development found evidence of 'import' resulting from the influence of supra-national and regional bodies, as well as 'export', much influenced by the apparent 'kudos' that was derived from the handling of conflict in Northern Ireland.

Finally in this context, 'mimicry' may also be influenced by negative lessons: a desire to be *unlike*, or to distinguish oneself from, another jurisdiction or body. In such cases policy transfer may be constrained rather than enhanced because of the political optics and symbolism involved. Mulcahy's (2005) analysis of public order policing in the latter decades of the twentieth century, for example, suggests that despite political pressure to draw on relevant lessons, 'the scale of the conflict and the controversies surrounding policing in Northern Ireland generated counter-pressures that prevented uninhibited transfer of repressive technologies and practices' (2005: 204). Jones and Newburn (2007) demonstrated that, contrary to surface impressions, there was little evidence of any direct US influence over the adoption of mandatory minimum sentencing in England and Wales in the late 1990s. However, the campaign of opposition to such reforms drew heavily upon 'negative lessons' relating to the perceived problems of such approaches in parts of the USA. There is much in the policy mobilities literature which illustrates ways in which



apparent 'learning' activities often amount to little more than 'policy tourism' (Clarke, 2012) and 'mimicry' of the kind discussed here. Gonzalez, for example, uses the example of visits by international policy professionals to Barcelona and Bilbao around the turn of the century to explore models of urban governance, both cities having become widely celebrated as international models of 'best practice' (Gonzalez, 2011). In practice, the visits were brief and stage-managed, once again having more to do with the legitimization of the visitors' already-taken decisions rather than indicating any genuine interest in or considered assessment of new policy ideas.

### *Coercion and incentivisation*

At the other end of the continuum from where we began are those forms of policy influence where unequal power is more visible and where the influence is more coercive. This, Marsh and Sharman (1991) suggest is a form of influence often exercised by powerful states, and international organisations such as the European Union, the International Monetary Fund and World Bank, and NGOs such as the Open Society Institute (Stone, 2010)<sup>4</sup>. In fact, direct coercion is rarely identified as a leading mechanism of policy movement. In part, this is simply a reflection of a lack of evidence. More importantly perhaps, although asymmetrical power relations may well be associated with significant policy influence, a degree of compromise, negotiation and accommodation is almost inevitably present in such situations. Thus, the term 'coercion' is by no means always considered well-suited to the explanatory task at hand and often overstates the kinds of influence that we discuss here. What this particular category, in practice, seeks to capture is policy mobility that is less than entirely voluntary, in circumstances where power relations are uneven, but where the mechanism nevertheless often falls a considerable way short of enforced adoption of particular policy approaches. Where policy change has been at an international level such asymmetrical influences have tended to be North to South, with liberal democracies and transnational organisations exercising their authority in developing countries and transitional societies. Indeed, the history of colonialism is littered with examples of the imposition of 'western' traditions and institutions on indigenous communities, forming the most overt and explicit forms of coerced international policy movement. We consider this point further below in relation to the directions of policy transfer.

Asymmetrical power relations have been particularly applicable in recent decades with Western intervention in post-conflict societies and emerging democracies. Such activity regularly involves the export of 'best practices' in security and justice policies, presenting them as a key element in 'international efforts to keep and build the peace, assist failed states on the road to stability and recovery, dampen civil strife and violence, prevent conflict from spiraling out of control, and promote political and economic development' (Peake and Marenin, 2008). Overseas 'police missions' have been an important example of

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<sup>4</sup> See also Bennett's (1991) mechanism of 'policy penetration'

such interventions, deploying police officers from North America and Western Europe to help the process of police reform in transitional democracies (Aitcheson, 2007; Ellison and Pino, 2012; Blaustein, 2015). Bi-lateral aid has also been an important part of reform in the penal sector, illustrated, for example, by the UK government funded probation reform project in Romania (Durnescu and Haines, 2012).

Much of this is big business. Hills (2012), for example, notes that the UK spent £37m between 2002 and 2009 on attempting to reform the policing and security sector in Nigeria, and the Obama administration spent US\$8m on similar activity in Liberia in 2010 alone. Notwithstanding the terminology in this field, which tends to talk in terms of 'donors' and 'recipients', it certainly cannot be characterised as straightforwardly 'voluntary'. As Steinberg (2011: 350) notes when explaining South Africa's reform processes in the aftermath of the overthrow of Apartheid and their swift adoption of community policing and crime prevention, 'both domestic and foreign corporations warned South Africa's new government that market stability depended on its commitments both to reducing high crime levels and establishing civilian control over the police. In other words, the new government had to show that it was adopting "best practice".' The addition of the vocabulary of best practice or, more recently, 'evidence-based policing', also serves to further flatten the process of reform, tending to divert attention from engagement with the necessarily political context and consequences of such activity. As Blaustein et al (2018: 775) observe in connection with international development in the areas of justice and security 'it is international organizations like UNODC along with sovereign donors and ... consultants and policy entrepreneurs from the Global North with extensive track records of contributing to [security sector reform] projects who are strategically positioned to dictate which issues should be prioritized, what interventions should be funded, and how they should be implemented'. Some of these entrepreneurs and consultants rather than being viewed as the representatives of 'donors', are arguably more appropriately seen as the delegates of 'investors' – bodies that expect some form of return from their funding.

More recent work relevant to this type of 'policy transfer' has developed within the field of 'Border Criminology', focusing on the intersection between policies relating to security, justice, immigration and border controls. As one example, the UK introduced a 'Returns and Reintegration Fund', which it used to support a range of projects in different countries with the aim of 'managing migration'. Bosworth (2017: 53) reports that for over a decade Britain attempted to persuade the Jamaican government to sign a prison transfer agreement. To help facilitate this they 'invested considerable sums ... in local correctional practices, funding training programmes in a series of Jamaican penal establishments'. In addition, it invested £4.6m over six years in provide support services to reintegrate and rehabilitate deportees and immigration offenders and improve 'effective management' in the Department of Correctional Services. Bosworth's (2018) work documents the way in which the boundaries between policies on migration and punishment in both Jamaica and Nigeria are blurred, and

how, under the veneer of humanitarian aid, British influence has worked to expand the reach of the penal system. While many scholarly accounts understandably focus upon the problematic aspects of these forms of 'coerced' (or, perhaps incentivised) policy transfer, there are also counter-examples which focus on changes that might more generally be viewed as progressive. In particular we think here of the role of global or regional governance institutions in promoting abolition of the death penalty (Mathias, 2013), or in improving protections against ill-treatment of those held in custody by the state (Daems, 2017).

A related mechanism of policy transfer has been associated 'harmonisation' or policy convergence driven by formal intergovernmental organisations such as the European Union (Bennett 1991). Indeed, the treaties underlying the EU not only promote harmonization but also seek, in broad terms, to encourage the 'Europeanization of ... domestic criminal justice systems' but also 'common criminal policies and shared values' (Vervaele, 2019). Whilst clearly this is not coerced policy transfer, as sovereign countries sign up for membership of such organisations for reasons of perceived advantage, issues of power differentials are not completely absent either. For example, in 1998 the EU made it a precondition of membership that countries would implement a moratorium on executions and also sign and ratify within a set period the Sixth Protocol of the European Convention on Human Rights. The policy impact was huge, particularly in Eastern Europe where a range of countries hoped at some point to benefit from membership of the Council of Europe and, potentially, the EU (Hood and Hoyle, 2008).

### *Competition*

A further model of policy transfer is one that focuses more on economic influences such as 'the growing importance and mobility of capital', as the basis for understanding why nations appear to adopt broadly similar policies, 'including privatization, deregulation, balanced budgets, low inflation and strong property rights' (Marsh and Sharman, 1991: 271-72; see also Dobbin et al, 2007). Perhaps not surprisingly, this mechanism of policy exchange is more associated with the spread of policy approaches relating to the imposition of international standards in relation to environmental, fiscal or labour market policy (Marsh and Sharman, 1991). To date the literature has had relatively little to say about the influence of competition on policy transfer in the field of crime control, though clearly the features of national political economy which it concerns are a vital conditioning factor in shaping domestic justice and security problems and policies (Reiner, 2020). One exception to this general lacuna is Sharman's (2008) work on policy diffusion of Anti Money Laundering (AML) policies driven in developing countries by the Financial Action Task Force (FATF). Sharman found evidence that a combination of mechanisms were at work, but especially important within these was a process of competition between developing states to demonstrate to potential inward investors that they were compliant with international AML regulations and could be a safe haven for capital investment. Arguably, 'competition' is

most obviously visible in combination with aspects of the broader category of 'coercion/incentivisation' above. It also has some overlap with some aspects of 'policy learning' already discussed, via which transnational epistemic communities come to share a particular perspective about best practice. The clearest examples can be found in attempts at promulgating 'Northern' approaches to crime reduction, policing and justice reform in the Global South, not least as crime and insecurity have become defined by international financial organisations and donor countries as important obstacles to the promotion of economic growth in developing countries (Blaustein, 2016).

### ***Facilitating and constraining factors in policy transfer***

Within the broad field of criminal justice and penal policy, extant research identifies a number of factors that affect the likelihood (and ongoing trajectory) of policy transfer. They do so in both directions, positively facilitating policy mobility or, often because they are weak or absent, mitigating such possibilities. Broadly speaking these factors fall into three main groups: cultural and political attraction or some form of affinity between the polities involved in policy mobility; the actions of influential entrepreneurial organisations or individuals; and factors intrinsic in the 'policy' itself.

#### *Cultural similarity and political attraction*

Much work in the policy transfer tradition, especially that which has focused on American influences has, understandably, concentrated on what might be supposed to be the political, legal and ideological proximity of Anglophone countries. Empirical research on crime control policy transfer from the USA to the UK found that shared language, common law traditions and perceived cultural similarities were important explanations for why politicians and policy makers appeared to look across the Atlantic rather than towards mainland Europe for inspiration (Jones and Newburn, 2007). This is not to suggest that such similarities necessarily facilitated successful transfer – which is why we have referred here to *attractiveness* as well as to *similarity*. Indeed, more often than not successful transfer is not achieved (in terms of a comprehensive importation of the 'nuts and bolts' of the original policy model). Jones and Newburn (2004), for example, found that the journey across the Atlantic, away from one political, cultural and legal context toward another, constrained policy transfer in practice, providing space and levers for resistance, reworking and reconfiguration (so that policies hardly developed at all, or developed in very different ways in the UK context). The lesson here is that while such similarities as exist tend to form the basis for attraction, they are often an insufficient foundation for successful transfer.

The research literature provides a number of examples of attempts cross-national policy influence where what has transpired has been more akin to 'inspiration' rather than direct forms of 'hard' policy transfer. Our earlier research on purported US-UK policy transfer in crime control demonstrated that whilst policy ideas and innovations clearly travel both within and between polities, they change form via a range of reshaping influences in the

process of travelling and in their subsequent development within a new cultural, political and legal context. For example, we found that whilst privatized prisons and electronic monitoring schemes were clearly influenced by US exemplars, and of all the policy areas that we studied this one demonstrated the most evidence of some 'hard' policy transfer in terms of policy instruments and mechanisms. Nevertheless, the form of privatized corrections that emerged in the UK was very different from that which operated in the original exemplar states of the USA (Jones and Newburn 2007). Similarly, Karch and Cravens' (2014) research on the diffusion of 'three strikes' laws within the U.S. makes the important point that the 'post-adoption' phase of policy-making is a potentially important element, during which phase policy trajectories can be reconfigured by a range of contextual features. Initial variation in the nature of such mandatory minimums (Clark et al, 1997) was further complicated by subsequent modifications that states made, the nature of which appears to have been influenced by a range of local factors, including racial diversity, the power of particular interest groups and finance among others. Karch and Craven's research reinforces the importance of seeing policy development (and transfer/diffusion) as a dynamic, developmental, ongoing process.

Research regularly documents what tends to be, at best, partial policy transfer. That is to say ideas, policies and practices in one jurisdiction tend to look slightly or, more often, considerably different when transplanted elsewhere. Where cultural similarities and forms of apparent political attraction may sometimes form the basis for potential policy mobility, the reality is that cultural and political particularities work to shape policies in often profoundly different ways. In his study of the international diffusion of plea bargaining, Langer (2004: 3) examines the influence of American practices in countries such as Germany, Italy, Argentina and France. There was undeniable evidence of 'Americanization' he found, and yet each of these jurisdictions adopted forms of plea bargaining that differed, sometimes markedly, from the American model, and from each other. They did so, he argues, because of some combination of the decisions taken by the legal reformers in each jurisdiction, because of the influence of structural differences or variations in criminal procedural cultures in different locations. As a consequence of this analysis, Langer argues that the metaphor of 'legal translation' is more apt than the traditional notion of 'legal transplant' (Hunt, 1985). Its advantage, he argues, is that it retains the comparative dimension while also distinguishing 'the transformations the legal idea may undergo when initially transferred from the source to the target legal system' (2004: 33). In this context Melossi (2004: 80) issues something of a warning, arguing that 'Conversation between different cultures is possible, but not translation from one to the other. Any term, even the simplest, is embedded within a cultural context, or milieu, that gives it its meaning.' Accepting that Langer and Melossi may be using the term 'translation' in slightly different ways here, the fundamental point arising out of research in this field is that strict transfer or translation rarely if ever occurs. Rather, the closest one tends to see is the creation of a new variant on an original model.

In this context, and as several studies of policy transfer have documented, the distinction between rhetoric and action is often an important one where understanding the extent of transfer is at issue. More particularly, it is often the case that superficial rhetorical similarity – the adoption of terminology and slogans (‘zero tolerance policing’, ‘three strikes’, ‘restorative justice’, ‘honesty in sentencing’, ‘community policing’, ‘Justice Reinvestment’ etc) - hides considerable practical variation. Dixon and Maher (2005), for example, documented some significant U.S. influence on Australian drug policy around the turn of the century but, nevertheless, described a series of adaptations that shaped domestic practices in ways that differed in important ways from the models from which inspiration was drawn. Such findings parallel Jones and Newburn’s conclusions on US influence on UK penal policies around the same time. In relation to zero tolerance policing they note, to take one example, how the constitutional position of the police in Britain provided a buffer against popular political pressures over policing policy (see also, Newburn, 2012; Hathazy (2013) documents something similar in Argentina). Similar lessons were discovered by Nellis in his study of the development of electronic monitoring in Europe. He found that despite both rhetorical and substantive commitments to ‘modernising’ criminal justice in many jurisdictions, they nevertheless implemented such reforms in distinctively different ways. The influences shaping policy and affecting patterns of implementation he locates in ‘distinct cultural traditions and constitutional configurations, particular national experiences, memories and aspirations, as well as immediate political contingencies’ (2014: 495).

In a similar vein, a series of studies have documented the ways in which Anglo-American ‘community policing’ models have taken on very different shapes when introduced into contrasting environments. Watson and Kerrigan (2018) note a general failure to influence policing in Trinidad and Tobago despite the very significant levels of ‘Northern’ expertise and investment involved, and Mendez Beck and Jaffe (2019: 838) document the shifting assumptions underpinning community policing as it travelled from the U.S. to Jamaica, with the urban contexts in the two countries being ‘marked by specific historical trajectories of crime, policing and urban governance.’ In surveying international police reform efforts, one of Peake and Marenin’s (2008: 65) conclusions is that the limited impact can in part be laid at the door of a ‘fundamental ignorance of the importance of context.’ They go on to say: ‘It is now a canon among researchers that all elements of the police – who they are, how they behave, how they perceive their responsibilities, and the extent to which they are regarded as legitimate – are tied to the political context from which they spring and form part’.

A final comment on this point relates to the fact that political and cultural *dissimilarities* can actually provide an important source of attraction for politicians and policymakers in ‘importer’ jurisdictions. With particular regard to North to South policy travels, there are clear examples of policy actors in the Global South actively seeking to promote policy importation from the North because of perceived normative associations with what they

see as different – but judge as normative superior – about established democratic polities. Good examples can be found in relation to the importation of various penal forms and practices by Latin American countries from the USA in particular, whereby domestic policy elites played a key role in facilitating aspects of policy transfer (see for example Macaulay 2017).

### *The 'nature' of the policy itself*

Everett Rogers (1983), author of one of the foundational works on policy diffusion, observed there is something of a contrast in the research literature between the significant effort that has been placed on attempting to understand what it is about the actors, institutions and jurisdictions that helps explain differences in the spread of innovation, and the relatively slight investment in studies that focus on the innovations themselves. As we reported above, and has been illustrated regularly in research, it appears that the vocabulary of policy travels with greater ease than do the substance or mechanics. In one of the few studies that directly focused on the attributes of widely varying criminal justice innovations, Makse and Volden (2011: 122) examined the spread of '27 major criminal justice policies' across the U.S. between 1973 and 2002. Basing their analysis on five main factors, they found that 'policies with high relative advantages, high compatibility, low complexity, high observability, and high trialability all spread across the states at a greater rate' than others. Though they offer little in the way of detail or definition, the fact that 'complexity' was significantly linked with a lower likelihood of adoption reinforces the hypothesis that simpler, more technical changes stand a greater chance of adoption than those that are multifaceted. What it leaves hanging is *why* this pattern holds.

One very clear possibility is that differences in 'portability' may reflect the extent to which innovations are considered to be 'technical' and therefore to have fewer normative or ideological implications. Nothing is purely technical of course where issues of criminal justice or penal policy are concerned, but there are aspects of policy development that may appear less substantively challenging and thus prove easier to transfer – or can be presented in this way. As Tonry (2010: 785) observes, 'incremental improvements in technology that make credit cards more secure (e.g., use of holograms) are adopted around the globe as fast as news about them can travel'. Similar arguments can be applied to the spread of other 'target-hardening' innovations related to Situational Crime Prevention (SCP). Within ten years of its emergence as a police innovation in New York City, Compstat had diffused widely throughout the larger U.S. police departments. An analysis of its spread suggested that its attractiveness stemmed from the fact that it held out 'the promise of innovation in police organization, strategies, and tactics but [did] not demand a revolution in the organizational structure of American policing' (Weisburd et al, 2002: 446). Though the authors did not reflect on the characteristics of the reform itself, and how these might have affected the nature and pace of adoption, a broadly similar observation might surely also be made in relation to the widespread diffusion of computerized crime mapping in policing

(Weisburd and Lum, 2005). Certainly Skogan and Hartnett's (2005) study of the diffusion of information technology in policing suggests this is likely. They offer a comparison, suggesting that 'a serious community policing program ... is potentially destabilizing. It calls for adopting departments to change their relationships with the general public, take responsibility for a host of new community problems, and rethink the relationship between downtown managers and rank-and-file officers... [whereas] ... Technological support for criminal investigations may be a stabilizing rather than a destabilizing force, and may help preserve a traditional model of policing' (2005: 416). From one perspective, therefore, the 'evidence-based policing' movement might be viewed as an attempt to present police reform in technocratic form, potentially reducing political resistance to certain forms of change.

When policies cannot be presented so easily as politically neutral and scientifically-justified technological innovations, it appears they are less likely to be the focus of hard policy transfer. Paradoxically, the emotive 'symbolic politics' visible for some years in the United States and the United Kingdom among others, together with the pressures of such 'hot' political issues (Loader and Sparks, 2016) may well have incentivised politicians to search for potentially popular policy 'models'. However, the fact that legal frameworks and institutional architectures of criminal justice remain closely tied to the sovereign state may explain why 'hard' forms of policy transfer (such as the transfer of specific laws and sentencing practice) appear to be less mobile internationally. Given the paucity of research on this particular question the discussion here is necessarily speculative. Nevertheless, what it points to is the potential existence of an intriguing paradox. That is that at the level of symbolic policy – of rhetoric and ideas – the attractiveness of policy 'borrowing' may often lie in the ideological signals that are sent by courting association with particular innovations. By contrast, where substantive policy transfer is concerned, it seems quite plausible that it is those innovations that have 'few self-evident ideological implications that move most straightforwardly. Policies that raise political and ideological implications do not' (Tonry, 2015: 511). Put another way, as Langer (2007) observed in relation to external influence on reform of criminal procedure in Latin America, success is promoting innovations with potentially significant ideological or political implications often lies in the ability to present them as primarily technical changes.

### *Key actors and entrepreneurs*

Although some scholars have been critical of what they see as the occasional over-emphasis on political agency in explaining policy movement, research suggests that the role of key actors and institutions remains important in understanding the how, the why and the extent to which crime control policy moves across borders to identify the key actors and institutions that are involved. Much of the literature in the policy transfer field operates at a 'meso' level, and focuses on networks of actors, referred to variously as 'epistemic communities' (Haas, 1992) and 'advocacy coalitions' (Sabatier, 1991). The broader policy



transfer and lesson-drawing literature also identifies the importance of ‘policy entrepreneurs’ (Mintrom, 1997) in the spread of information about particular innovations. Such individuals or organisations tend to have a particular ‘concern with a special subject [which] leads them to build up a nationwide or international network of contacts that are a source of ideas for new programs’ (Rose, 1993: 56) or are aimed directly at their promulgation. Existing research on crime policy transfer has identified a number of important policy transfer agents situated primarily at the national level including politicians, civil servants, and political advisors, commercial corporations, advocacy groups and professional associations (Jones and Newburn 2007). In addition, a range of actors above and below the level of the state have been important in promoting cross-national policy movement, including NGOs, think tanks, criminal justice practitioners and local or regional government politicians and officials, as well as transnational commercial organisations, mid-level consultants and technocrats.

Policy mobilities researchers have made important arguments for an expansion of the analytic gaze to include ‘non-elite’ actors operating in a range of policy-making sites when considering the possible role of policy transfer agents, including frontline criminal justice practitioners, service users and activists (Baker et al. 2019) including, potentially, academic criminologists who have also been identified as ‘increasingly eager exporters of knowledge’ (Aas 2011: 409; see also Blaustein et al, 2018). Langer’s (2007) study of widespread changes to criminal procedure (most often involving the introduction or strengthening of the office of prosecutor; increasing defendants’ rights at the pre-trial stage; introducing the principle of prosecutorial discretion; and, expanding the victim’s role and allied protections) in a range of Latin American countries in the late twentieth/early twenty first centuries identified the importance of ‘legal entrepreneurs’ to the process of reform. In part, these were cases which involved forms of influence lying somewhere between coercion and incentivisation, with the U.S. Agency for International Development, together with international financial institutions playing an important role in specifying legal change as a vital precursor to economic development. Domestically, however, a network of legal entrepreneurs were crucial in persuading local elites (political and financial) of the necessity and value of such reform. Indeed, the nature of this group of legal entrepreneurs, which combined expertise and activism Langer suggests, doesn’t fit existing models of such activity (such as advocacy networks or social movements), leading him to describe them as a ‘Southern activist expert network’.

Eugene McCann’s study of drugs policy mobility, and on the connections between major cities internationally, identifies what he calls a ‘global consultocracy’ – a mobile group of transfer agents that work across ‘far-flung and, in many cases, incommensurate cities’ (2008: 11). In his account it is their mobility, specialist knowledge and interconnectedness which makes them such potentially successful conduits of information. That said, and in contrast to the often elite-oriented nature of much work in this field, he acknowledges that

policy transfer tends to involve 'a much wider range of expertise (from credentialed professionals to grassroots activists), practices and representations, than has generally been acknowledged' (2008:14). In parallel with McCann, though on this occasion in the context of policing policy, Peake and Marenin (2008) also point to the existence, and potential importance of a 'global police policy community ... comprised of a free-floating, forever circulating, donor-funded band of international civil servants, policy makers and planners, academics, researchers, and increasingly, current or former police officers who work for a wide range of international organizations, non-governmental organizations, private sector consulting firms, and international professional associations' (2008: 59). Though using the term 'transmitters' – facilitators (or otherwise) of international policy efforts – rather than entrepreneurs, Hills (2012) offers a series of observations on the differential impact of varied sources of influence. In the case of police reform in Nigeria she suggests that international actors like the UK's Department for International Development, the British Council and retired or seconded British officers were among the least influential. More crucial were members of Nigeria's political and policing elites, reinforcing the important point that it is not just the promoters of policies that are important in such processes, but those who are involved at the 'learning' or 'importing' end of matters.

One matter that appears with regularity in studies of policy transfer, and of the role of policy entrepreneurs more particularly, are matters of contingency and happenstance. Bainbridge's (2020: 6) study of the 'importation' of a South Dakota-influenced compulsory sobriety programme to London identified the important roles played by London's Deputy Mayor at the time (Kit Malthouse) and, serendipitously, Jonathan Caulkins, an American academic who had been researching the South Dakota program. The 'collision of Malthouse (problem carrier) and Professor Caulkins (solution bearer) at [an academic/practitioner seminar] ... was not a direct corollary of disciplined search activity' but a chance meeting with, as it turned out, subsequent substantive implications. Similarly, Jones and Newburn's (2007) study of US-UK policy transfer considered the vital contribution to policy transfers (and subsequent developments) played by serendipity and agency in the policy process. While key decisions taken by policy actors were clearly shaped and conditioned by wider structural features and immediate political contexts, they were certainly not 'determined' by them and in each case it was clear that matters could easily have played out very differently.

Though the language of policy transfer and diffusion is often neutral, no account of international or other influences can hope to be accurate without some acknowledgement of the power differentials that are often involved. In this connection, Dixon and Maher's (2005) study of Australian drugs policy found it to be negatively influenced by American influences, including direct lobbying by senior officials in the U.S. State Department and the Director of the FBI. Financial leverage may on occasion be just as powerful as political influence. Blaustein's (2016) study of attempts at the export of 'evidence-based crime

prevention' to Latin America suggests that the debts accumulated by a number of countries led to pressure from a range of economic sources and that, as a consequence, much knowledge transfer activity occurred via bodies such as the Inter-American Development Bank and their links with particular academic entrepreneurs. Such observations raise broader questions of the direction of travel where policy transfer is concerned, inviting us to consider more particularly the nature of the relationship between jurisdictions where such policy movement appears to have occurred.

As James Q. Wilson (1981: 33) observed, in his experience the 'most influential intellectuals were those who managed to link a concept or a theory to the practical needs and ideological predispositions of political activists and government officials'. One lesson here is that timeliness is important. Tonry and Green (2003) illustrate this by reference to changing 'punishment paradigms', arguing that trenchant criticism of individualized sentencing had been around for at least a quarter century before Robert Martinson's famous paper was published in 1974, but it was the rise of retributivism that enabled such criticism to bear fruit.

### ***Directions of policy transfer***

Research in this field has, in the main, focused on the mobility of ideas, policies and practices between liberal democracies. Early work in this field, for example, concentrated on the spread between northern hemisphere countries of what were perceived as US-inspired policy approaches (Wacquant, 1999; Christie, 2000; Jones and Newburn, 2006), with a broader focus more generally on relations between Anglophone countries. It is generally in connection with such studies that factors such as political attraction and cultural similarity understandably play a greater part in facilitating policy movement. Thus, Brown et al. (2016) found that initial interest in the ideas associated with 'Justice Reinvestment' in countries such as the UK and Australia were related to perceived legal and cultural similarities with their country of origin, the USA.

Offering something of a contrast with political science-influenced policy transfer research, the 'critical policy studies' literature has focused in more detail on the circulation of policy models within and between countries of the Global South, and Latin America in particular, not least in the field of urban governance (Montero, 2017). Where policy movement within the Global South is concerned, relatively little such work has taken crime and justice policy as its focus, with the partial exception of urban policing and security policy (Davis, 2013; Mountz and Curran, 2009; Sotomayor, 2017; Swanson, 2013). Though not an in-depth analysis, Hautzinger (2016) discussed the 'ripple effects' through which the development of women-only police stations, originally found in India and Brazil, have spread to countries as widespread as Pakistan, South Africa, Ghana and Kosovo. As yet, studies have had little to say about the processes underpinning such movement though, again, the widely differing circumstances in which these developments have occurred appears to have resulted in

considerable variation in practice (Carrington, 2021). The broader policy transfer literature has certainly suggested that policy transfer within the Global South has particularly distinctive features, which require further investigation in relation to the specific field of crime control policy (see for example Gonnet, 2021).

Further though policy transfer research has tended to be dominated by work at the level of the nation state, a small but increasing number of studies have started to highlight cross-national transfer between sub-state units, and 'city regions' in particular, thus drawing attention to a wider range of agents beyond (above and below) the nation state (Edwards and Stenson, 2017; Bainbridge, 2019). Importantly, Montero (2017) notes that even where South to South exchange is being considered, it is often the case that such exchange is mediated by Northern governmental and non-governmental organisations: 'Southern policies that reach world recognition are also deeply entangled with Northern policy networks and agendas' (Montero, 2017). In this regard, Hathazy's (2016) analysis of legal reform in a number of Latin American countries is of relevance. Building on Langer's work that has already been cited, he shows how in addition to central/periphery or north/south movements, there are also developments at a regional level reflecting more localised political struggles. As one example he points to the way in urban zoning policies influenced by the U.S. and France in the 1960s, together with largely American community policing practices in subsequent decades, were 'combined, packed together and exported to Colombia, Peru, Guatemala, El Salvador, Dominican Republic, Panama and Mexico' (2016: 307), not least through channels of influence made possible by the Inter-American Development Bank.

More recently, however, North-South policy movement has received greater attention, with scholars especially concerned to investigate and to highlight the more problematic elements through which 'Northern' models travel elsewhere (Carrington et al, 2016; Steinberg, 2011). As Tauri notes, 'the indigenous peoples of Africa, the Americas and the South Pacific have experienced an almost continuous process of cross-border transfer of crime control products throughout the last 200 years or more' (Tauri, 2014). Stan Cohen (1988: 173) noted the irony that 'the type of crime-control models (and criminological theories that sometimes inform them) being exported by criminologists, crime-control officials, international agencies, and various other "experts", are the very ones that are now being discredited in the West'. Cohen was anticipating elements of what has subsequently come to be termed 'Southern Criminology' (Carrington et al, 2016). This approach, which takes a particularly critical view of the putative transfer of penal technologies from North to South, suggests that much such activity has not only tended to privilege Northern concerns and ideas, but has facilitated a stance that 'overlooks the role of penal policy as imperial statecraft in the modern world' (2016: 6). Numerous examples of such North to South travel are available. These include the widespread attempts that have been made to implant community policing models in transitional societies or developing democracies (Ellison,

2007; Peake, 2009) the attempted transplanted of a variety of approaches to responding to violence against women developed in America and Europe to indigenous communities in the Global South (Walklate and Fitz-Gibbon, 2018), and the influence of U.S.-inspired 'war on drugs' policies in Latin America including, for example, the export of supermax-style prisons to Colombia (De Dardel and Soderstrom, 2018). Many such cases, predictably, lie closer to the 'coercive' end of the continuum we outlined earlier and, in part at least, reflect the power asymmetries involved. It would, however, be incorrect to assume that North-South crime policy transfer is simple or straightforward. Macauley (2013) shows how although there has been clear evidence of US attempt to impose its penal technologies as a proposed solution to the internal security problems of Latin American countries, local policy-makers have developed hybridised responses that combine elements of domestic and international penal forms, and reflect local political environments. Beyond evidence of resistance to and reworking of what many might view as regressive penal technologies, there are of course examples of more progressive policy mobility and influence associated with North-South exchange. This would include such things as the global movement towards the abolition of the death penalty, and cognate developments associated with the emergence of global 'human rights' regimes such as increasing protections against torture and due process protections for people held in custody (Mathias, 2013). In some of these cases the primary sources of influence are global and regional governmental institutions. In addition, one might also draw attention to other examples of cross-national policy learning such as harm reduction approaches to substance misuse (Baker et al, 2019: 61), 'public health' as opposed to enforcement-based approaches to violence reduction (House of Commons, 2018), the 'Justice Reinvestment' movement (Brown et al, 2016), and the international spread of restorative justice (Miers, 2006). These examples help extend our understanding the problems, pitfalls and unintended effects associated with policy mobility, even when driven by apparently progressive concerns. Policy transfers from more to less powerful countries – whether viewed as progressive or regressive - clearly raise significant normative issues. These relate to matters of sovereignty and respect for indigenous rights to self-determination, as well as the risk, intentional or otherwise, of harms associated with exports in crime control. Lohne's recent work on international criminal justice highlights the normative complexities of forms of transnational 'penal aid' that, she argues, remain 'imbued with neo-colonialism and global inequalities', however laudable their original intentions (Lohne 2018). Having said that, such examples offer an important alternative to, and a corrective to any assumption that there is something *inherently* punitive or reactionary about cross-national policy transfer in crime control.

Attention has also focused on policy ideas that have their origins in indigenous communities in the Global South, and First Nations communities in North America, that appear to have travelled to the countries of the Global North, perhaps most obviously in the case of restorative justice (Karstedt, 2004; Tauri, 2014). Such movement is not, of course, historically novel. For example, scholars have documented ongoing circulation of policy

ideas, practices and personnel throughout the colonial period, and point to the significant influence of innovations developed within penal colonies that preceded their adoption by the UK (Hogg and Brown, 2018). One dominant narrative has it that many restorative justice practices have been drawn from, or at least informed by, long-established principles in a range of indigenous communities (Braithwaite, 1999; Weitekamp, 1999) and have, through a variety of means, come to occupy a varying role in the penal systems of the West (Aertsen et al, 2013). Tonry (2013), in assessing the possible factors that conduce toward, or constrain the likely successful adoption of restorative justice approaches, identifies, *inter alia*, the existence of Aboriginal cultures characterized by informal dispute resolution traditions, relatively non-moralistic cultural traditions concerning punishment, and relatively low levels of politicization of criminal justice – or their reverse. While the history of restorative justice potentially offers something of a counterbalance to the predominant focus on North to South travel, it is important not to exaggerate this. The very term ‘restorative justice’ necessarily simplifies the very wide range of practices and, consequently, over-generalizing the nature of patterns and trends in its development and spread is an ever-present trap. In parallel, critics have pushed back against elements of the standard portrayal of restorative justice, suggesting that some accounts smooth out and homogenise the complex and varied histories involved (Daly, 2002), collapsing ‘a diversity of indigenous justice practices into a singular “Aboriginality”’ (Blagg, 2001: 230). Whatever the direction of policy travel, therefore, it remains vital not to lose sight of the complexities of the supposed object of such mobility (‘the policy’) and of the multiple ways in which such objects mutate as they move.

## **Conclusion**

Emerging from a long tradition of work on convergence and diffusion, the study of cross-national policy transfer has become an established focus of research in political science, public administration, comparative social policy and human geography among others. There is a widespread perception that ‘learning from elsewhere’ is an increasingly central feature of the public policy-making process with the result that policy ideas and programmes are circulating the globe with increasing frequency and velocity. These ideas have been explored empirically within a wide array of policy domains, but continue to remain relatively understudied in the field of crime control. Nevertheless, there is a growing body of work, both within criminology and in other fields, that has begun to address this gap.

Our focus in this chapter has been on policy transfer, and our use of this terminology reflects what we take to be its advantages over many of the assumptions built into the often positivistic studies of diffusion, as well as our sense that such an approach also has the capacity to incorporate the interpretive nuances suggested by the mobilities literature. As such, we continue to think that ‘policy transfer’ best captures those activities that range from the more voluntaristic manifestations of policy exchange to the more incentivised or even imposed forms of policy adoption. Despite taking a fairly wide purview, covering the

broad field of crime control and criminal justice, not simply that of 'penal policy', it is still not possible to conclude other than there continues to be a relative paucity of the empirical research in this field. Studies continue to emerge and the evidence-base grows, if slowly.

Very predictably, and as policy transfer research across a range of sectors has shown, crude straightforward, rationalistic models of 'off-the-shelf' policy shopping simply do not accord with the reality of what occurs when policies travel. This is illustrated in a number of ways. Most obviously, perhaps, there are simply no studies which match this model. At best, such as in the cases of the spread of private prisons (Jones and Newburn, 2005), sex offender registration (Jones and Newburn, 2013), or even restorative justice (Gude and Papic, 2020) only partially reflect the model on which they were based (assuming some single model can be alighted upon). In each of these cases, and other examples, important differences can be identified between the practices visible in the countries of origin and destination. Such differences, as with all comparative research, raise interesting and important analytical questions. In particular, they raise the issue of how instruments, ideas and practices are 'naturalized, adapted and changed in that process?' (Melossi et al, 2011: 8)

What, then, does move? Research to date in the crime control field suggests that what we have referred to as the more symbolic aspects of policy, particularly language and rhetoric, seem to flow across borders more straightforwardly than do their more concrete, and substantive components. That is, as we have described it, 'soft' policy transfer is much more common than 'hard'. In this regard, the language of punitive penal policies (zero tolerance, three strikes, 'truth in sentencing') has been much more mobile in recent decades than have the practical policing and sentencing practices that they refer to. Indeed, it appears that it is the message conveyed by the proposed adoption of such policies, and their ideological associations, that makes them attractive in the first place. This is the case most obviously where punitive policies have been concerned, but also appears to hold true in relation to more progressive developments such as 'justice reinvestment' (Brown et al, 2016). The impact of 'soft' transfer should not be underestimated, however, for 'political rhetoric and official representations of crime and criminals have a symbolic significance and a practical efficacy that have real social consequences. Sometimes "talk" is "action"' (Garland, 2001: 22; see Jones and Newburn, 2005).

There is a rather contrasting situation where 'hard' policy transfer is concerned. To date the evidence suggests that it is policies of a more technical character that travel most easily. In the field of probation, for example, instruments related to training and other elements of practice transferred with greater ease and precision than did broader matters of policy (Canton, 2006: Sorsby et al, 2017 ). In part, this appears to be because they are able to avoid potentially controversial political or ideological associations, being presented more as neutral changes aimed at greater efficiency and effectiveness. Although the policies associated with 'broken windows policing' have spread to various parts of the U.S. (and

beyond) they have been controversial. An associated instrument, 'Compstat', has arguably diffused much more widely (though its international spread is also limited, interestingly) but with less controversy (Weisburd et al, 2003). At heart, the reality of crime control policy transfer is that it is general ideas and influences that tend to travel, within which new, culturally specific practices and programmes then emerge. This is the case even where the changes are partly technical. The use of electronic monitoring, for example, originating in the U.S. and having spread widely since, is utilised in widely different ways, with differing consequences in different contexts (DiMichele, 2014).

Accepting that there are significant limits on the nature of policy transfer in this field, there still remain questions of process: what are the mechanisms through which transfer occurs? The literature identifies processes that range from the relatively voluntaristic to the more coercive. The ideal typical model of policy transfer is arguably one in which political elites in liberal democracies borrow ideas in the policy marketplace. In practice research shows such processes to be much less obviously rational than such models imply. A range of other stimuli for policy movement can be identified, ranging from international standards and treaties, commercial interests and requirements, through to the more obviously coercive forms of policy influence. The latter have also drawn more attention to 'policy transfer' in the Global South and, more particularly, to the potentially neo-colonial character of the processes through which crime policies travel.

While it is something of a cliché to end such reviews with a call for more research, this can hardly be avoided here. The interest in policy transfer in a wide range of policy fields has not been matched where crime control is concerned. There is much here still to be done, both in understanding the nuts and bolts of such processes and the bases for their relative 'success' or 'failure'. In this connection, there is much to be gained from an expanded purview, focusing on policy travel within the Global South and from South to North (Carrington et al, 2016). As we argued earlier, though important in its own right we also think the study of how policies travel also has much potential in terms of shedding light on policy making and policy development more generally – still an understudied matter where crime and justice are concerned. Following the arguments above, such activity also contains the prospect of enhancing our understanding of the relationship between countries in different parts of the globe, and how political, cultural, economic and institutional variation affects the nature and implementation of policy. We have indicated a general sympathy with broadly interpretive approaches to such research, while also noting the need for pragmatism and normative engagement (Jones et al, 2019; Jones and Newburn, 2019). Thus, beyond extending our understanding of such processes, studies in this field also have potential we believe to improve policy making. Thinking about progressive policy development leads, we think, to the importance of considering greater use of *contemporaneous* approaches and highlights the potential in what we might term *prospective policy transfer research*. Cross-national transfer, from this vantage point, is akin



to what Rose (1991) referred to as 'prospective policy evaluation', one which seeks to develop an awareness of relevant policy models operating in other jurisdictions, engaging in systematic assessment of their suitability, and developing a more informed understanding of how such ideas might be applied in practice and within what limits (see Mossberger and Wolman (2003). And if the research to date shows one thing it is that these limits are often quite profound. The travel of policy ideas and innovations has great potential importance, but only if we remember, as Tonry (2007: 312) observed, that they are best understood as 'seeds for planting' rather than 'plants for potting'.

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