

## Book Reviews

M. Herzog-Evans, *Offender Release and Supervision: The Role of Courts and the Use of Discretion*, Nijmegen: Wolf Legal Publishers ISBN: 9789462401976 (pb).

**Reviewed by:** Carlo Alberto Romano, *University of Brescia, USA*

Martine Herzog-Evans' book is remarkable for the contents as well as for the size: both of them are very significant.

The principal arguments with which this study is concerned (offender release and supervision) are reviewed by a range of authors whose diverse perspectives are informed by their differing positions in and relationships to the criminal justice system. This enables the development of a rounded view of this important discussion to emerge.

Martine Herzog-Evans doesn't limit herself to the collection and organization of her contributors' work but has also contributed many chapters herself, in addition to the first, introductory one in which she states general argument.

Of particular interest is chapter 14 which she dedicates to France in which she is discussing the dynamics implied in the decisional process of the *Juge de Application de la Peine*.

Martine Herzog-Evans returns to the topic, in chapter 18, to make a comparison of the above mentioned operational dynamics over the years to underline the changes that have occurred in response to changing social conditions (such as, for example, the controversial relationship with the community) as well as the new positive elements.

The final chapter is also written by Martine Herzog-Evans to underline and bring together the preceding arguments and discussions, teaching and implications as they emerge within and across the chapters comprising this book.

Among the other authors, Roisin Mulgrew discusses the significance of the system of the International Criminal Court, which is, essentially, linked to the voluntary nature of the cooperation between Countries. It is also important to note that, even if the International Criminal Justice system doesn't protect a specific right of release, all the International Courts have de facto introduced this possibility. This confirms the idea that discretion and the flexibility of the sentence is a fundamental element of the enforcement phase of the sentence and that, on the contrary, a rigid application of 'the rules' doesn't support resettlement.

Christine Morgenstern sheds light on the German system. Among others, she focuses on the role of experts in psychology and psychopathology who, she argues, can become the hidden judges of the decision to release.

The chapter written by Anette Storgaard about the Danish procedure underlines an essential problem: the absolute, totalising effect of life conditions on the future of the person under "supervised release". This is an long-standing problem, strictly linked to cultural heritage, that seems to be not easily resolvable, at least today.

Frieder Dunkel attends to a significant criminological topic: the danger of predicting dangerousness. Much has been written on this subject but, in the context of the procedures of “release”, it continues to be very pertinent. It is of course possible to agree with the author when he suggests the implementation of the automatic use of early release (as a remedy to the excessive of discretionary release), but it is also necessary to consider that an automatic application of release could engender the introduction of longer sentences being handed down by judges to compensate for any perceived reductions in sentence length that this would invoke.

In chapter 11, Mike Hough offers many interesting considerations of procedural justice theory for post-sentence decision-making, among which he discusses the decisional role of psychologists in prison that tend to be a focus of intense interest for prisoners because their interpretation of disclosures can influence the decision to release.

Walker and Kobayashi are the authors of one of the most interesting chapters of the book, not least due to their analytic skills and their innovative intuition in the presentation of mechanisms for the application of restorative justice. The bibliography they refer to is certainly very rich.

Jones and Johnson introduce the use of “therapeutic jurisprudence” as an innovative approach to supporting the reintegration of prisoners and former prisoners and to reduce recidivism. The little known concept of Therapeutic Jurisprudence is worth an in-depth analysis. The authors explain that it is a matter of training lawyers and judges to help them to use their skills in a different way: to attend to the physical and psychological well-being of prisoners and former prisoners. Such an approach is applied not only at the trial stage but also to all the decisions that the competent courts will be called on to take.

In contrast to the well-known, traditional legal systems, the Therapeutic Jurisprudence approach completely changes the role of lawyers in particular, but judges as well; this change is a movement from the position of representatives of two different warring or adversarial opponents, to advocates and enablers of a positive dialogue in which it is possible to seek the best solutions that can achieve the highest level of well-being for all the parties involved. Another important mechanism that uses principles from the Therapeutic Jurisprudence approach can be found in the Problem Solving Courts (used throughout the US and in Canada). The authors cite many studies that evidence that they are both cost effective and efficient in reducing recidivism.

This book will be very helpful for professionals working in the field of community sanctions or measures and release but also it is a precious starting point for academics and jurists that work for the reduction of recidivism.

S. Rap and I. Weijers (2014) *The Effective Youth Court - Juvenile Justice Procedure in Europe*, Eleven International Publishing: Den Haag, 272 pp. ISBN: 978-9462361126 (pb).

**Reviewed by:** Luisa Ravagnani, *University of Law, Brescia, Italy*

Due to the fact that young people are still developing, their judicial treatment requires, of course, specific care and the use of professional techniques. With this in mind, Rap and Weijers have conducted an exhaustive analysis of juvenile justice approaches across Europe to identify similarities and differences, as well as existing good practices to