

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).

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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

inform the implementation and development of effective procedures and practices further afield.

The general framework of the study, as the authors underline, is informed by principal international and European legal instruments such as the UN Standard Minimum Rules on the Administration of Juvenile Justice, the UN Convention of the Right of the Child (CRC). In fact, through the lens of their principles, the authors look at different juvenile justice systems to reveal the extent of and need for an improvement in their standards to grant a proper level of protection for the rights of the child, irrespective of their judicial status. At the European level, the authors also refer to the Council of Europe Guidelines for Child Friendly Justice as well as the European Court of Human Rights jurisprudence.

The book is structured in three parts that enable the reader to consider them as a whole or as stand-alone chapters that advance important arguments in their own right. This work offers insights into how juvenile justice should be, in accordance with the supra national legal instruments (first chapter), about existing management procedures in juvenile justice in 11 European Countries (second chapter) and about examples of good practices that already exist in some countries, especially in Scotland (third chapter).

Rap and Weijers draw on relevant psychological theory to inform their considerations of preferred procedures and practices. For example, the right to be heard in the youth court or other competent administrative body (which is protected by article 12 CRC as one of the main meanings of the right to active participation) is analysed from the perspective of the legal framework that surrounds it and discussed with reference to the way in which it is implemented in a given context. In this regard, the authors emphasise both the significance of structural elements - such as the environment or setting in which the young person participates in the hearing (that should be organised according to specific parameters that, for example, allow people to hear each other without the need to use a microphone, among others) – and also interpersonal elements (such as the ability of the competent authorities to use specific conversational techniques when speaking with minors, or conveying a real interest in their story or avoiding using technical language, or informing the young person as to what they might expect before and during the hearing as well as providing an explanation of what happened, after the hearing.)

Rap and Weijers provide an in-depth analysis of the views of participating stakeholders: the defendants, the lawyers, the judges, the parents and also the victims when considering which kinds of approach best facilitate the constructive participation of the defendant in his/her judicial experience. The authors underline the importance of creating the kinds of conditions that can enable the defendant (the young offender) to actively and positively participate in the whole proceeding, especially the hearings. Of course, what also needs to be conveyed to the young offender is that the judge, the social workers, all the entitled authorities (i.e. the whole judicial system) want to understand her/his position in regard to the offence, not only with the aim of punishing the young person but also in the hope of providing appropriate support to encourage his/her desistance from crime.

When studying the 11 juvenile justice systems, Rap and Weijers present a situation in which, of course, minors are protected everywhere (at least from the legislative point of view). However, they also illuminate the substantial differences that characterize juvenile justice in each country. One such example is the Minimum Age of Criminal Responsibility (MACR); even though the Committee of the Rights of the Child in 2007

stated that 12 years should be considered as the absolute minimum age of criminal responsibility, there still are at least 5 Countries that apply a lower MACR, countries that allow the minors to be prosecuted in front of an Adult Court (the so called ‘flexible model’) and countries that prohibit this possibility (the ‘strict model’).

However, the authors are aware that a comparison of 11 Countries with different legal traditions could in some way affect the evaluation of their own legal systems. They argue that the situations in these different countries should be understood in the context of their principal legal traditions (inquisitorial and adversarial) when considering developing their approach to the protection of the rights of the juvenile defendants in a more effective way.

The authors conclude that the Scottish system and the Swiss system are closest to meeting international standards. They share a focus on the young offender above all as a child and, as such, they recognise the need for a child-centred approach both before and during his/her punishment in order to be re-educated and to prevent recidivism. For these two countries, the punishment applied by the state is more akin to the educational disciplinary approach that parents exercise with their children than a criminal sanction per se. In fact, the most effective response to youth offending is to offer young people an alternative opportunity to take a different approach to their lives. In this sense, the young person is recognised as a person who needs help as do as his/her victims.

The book is a valuable resource for academics as well as students with an interest in juvenile justice systems and it is also a very rich source of contemporary references for those interested in pursuing the subject in more depth. Moreover, the inclusion of re-capitulatory tables and concluding paragraphs at the end of each paragraph helps the reader to focus on key information and to find specific information easily, in case of the need of a rapid consultation.

M. Schinkel, *Being Imprisoned: Punishment, Adaptation and Desistance* (2014), Palgrave, 178 pp.
ISBN: 978-1-137-44082-2

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Schinkel’s book *Being Imprisoned: Punishment, Adaptation and Desistance* explores what the title suggests it does; it is a book about punishment, imprisonment, re-entry and desistance – and the interrelationships between. More specifically, it is a study of the experience of long term imprisonment from the perspectives of 27 Scottish men who are experiencing or who have experienced it and the meaning they ascribe to it, in the context of their own narrative lives. The men on whom the study was based were at different stages in their prison sentences notably men at the start of their prison sentence; men coming to the end of their prison sentence and men who had completed the prison part of their sentence and who were serving the rest of their sentence on licence in the community.

The main aim of Schinkel’s study is to reveal the different meanings the men ascribed to their experiences of imprisonment; while, as Schinkel’s review of the relevant scholarship in Chapter 2 makes clear, others have written about the effects and experiences of