

Criminal Justice Culture(s) in Ireland: Quo Vadis?*

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Summary: Employing culture as a lens through which to examine the Irish criminal justice system, this paper reflects on recent developments within key criminal justice agencies with a view to where we may be headed in the near future. Four traits common to criminal justice in Ireland, perhaps paralleling cultural patterns in Irish society more broadly, are identified: the use of discretion; a disjuncture between policy and practice; the primacy of agency; and humanitarianism. Given the unprecedented level of scrutiny brought to bear on the key agencies of our criminal justice system in the past five to seven years, and a growing body of research in a post-colonial vein, the paper argues that we have become increasingly self-aware as a criminal justice system, as well as more reflexive as regards our relationship with other states. Indeed, recent critical scrutiny of organisational cultures in our police and prison services and the Department of Justice has perhaps resulted in a new receptiveness to change and to European influences. Despite this pressure towards convergence, we should not forget that local actors are always responsible for implementation of criminal justice 'on the ground', thus bringing national cultural traits back into focus. Paradoxically, one of the effects of these pressures towards convergence may be to force a deeper understanding of Irish criminal justice culture and the 'recovery', as Brangan (2019) has argued, of its core assumptions, values and fundamentals.

Keywords: Ireland, criminal justice culture, humanitarianism, Garland, penal state, police culture, prison culture, Department of Justice, legal culture.

Introduction

I am honoured to have been asked to deliver the Annual Martin Tansley Memorial Lecture this year. I didn't have the privilege of knowing Martin but my reading about him conveys a man of great energy, commitment, integrity and vision. Given the impressive range of areas of criminal justice in which he was involved, I am intending this evening to examine Irish criminal justice

* This paper comprises the revised text of the 12th Martin Tansley Memorial Lecture, sponsored by the Association for Criminal Justice, Research and Development (ACJRD) and delivered at the Criminal Courts of Justice, Dublin, 6 March 2019.

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culture from a broader, wide-lens perspective rather than focusing on one specific aspect of the system. The aim, perhaps fitting on this the 12th Memorial Martin Tansey lecture, is to deploy 'culture' as an analytical device to reflect on where we have come from since his death in 2007 and where we may be headed in the near future.

Irish criminal justice culture

I have chosen culture as a lens through which to examine Irish criminal justice because it is my strong view that no serious scholar of criminal justice can afford to ignore culture. The well-known criminologist and comparative legal scholar David Nelken (2010) has written that culture (less, it should be said, as a variable *per se* and more as a flow of meaning) is essential to understanding other systems, but also to knowing our own. One of the many examples he provides, which I relay to my students, is that while the USA is still sending people to death in the electric chair, in 2008 a fairground owner in Italy was convicted of an offence against public decency for exhibiting a pretend one! For a researcher seeking to grasp the meaning of punishment in these two jurisdictions such information is critical, moving understanding far beyond the standard criminal justice data and their correlates.

Culture, or more correctly institutional culture, has also been the focus of sustained attention in Ireland in the past decade and failings of the Irish public service have often been blamed on organisational culture, several of them in the very criminal justice agencies that are the focus of this paper (Molloy, 2011, cited in O'Riordan, 2015). In criminal justice, culture is of course significant because of its influence on the exercise of discretion, itself integral to the practice of law. In criminology, research shows that the constraints imposed by the working cultures of agencies are at least as important as legal constraints in shaping practice (Zedner, 2005).

So how can one demarcate culture from everything else that is going on? An enquiry into criminal justice culture, in my view, can do no better than adopt the definition of legal culture espoused by Nelken (2004: 1). He has described legal culture as comprising relatively stable patterns of legally oriented social behaviour and attitudes ranging from, at one end of the spectrum, the behaviour of institutions to, at the other end, the more nebulous aspects of 'ideas, values, aspirations and mentalities'. An immediate objection may be taken to the assumption that there is *one* criminal justice culture common to all the departments, agencies and bodies working within

the system. The reality is of course very different, with agencies not always sharing the same aims and objectives, or even a common understanding of the problem. What is clear, however, is that they share a level of interdependence, so that decisions made in one area have clear implications for others (Nelken, 2010; Zedner, 2005) and, as I will also argue, they share cross-cutting traits common to criminal justice in Ireland, paralleling perhaps cultural patterns in Irish society more broadly.

Moving on to look at Irish criminal justice culture, I should first of all acknowledge my own credentials, or perhaps lack thereof, as a blow-in from the North in 1994! Yet, having spent all of my adult life studying, working and researching in the Irish criminal justice system, I feel I have gained an appreciation of the culture of this jurisdiction and its critical role as a factor mediating the effects of criminal justice 'on the ground'. This is reflected in my research comparing Irish criminal justice culture with that of Scotland and New Zealand, where I was struck by the manner in which local culture and national psyche acted as an important filter in limiting the options available to politicians and other decision makers within the criminal justice system (Hamilton, 2013, 2014a; see also Melossi, 2001). So, for example, Scottish civic culture, with its values of fairness, welfare and community support, was seen by policymakers to militate against the adoption of more exclusionary criminal justice policies, whereas in New Zealand a cultural strain to conformity (as one former Minister for Justice described it, 'New Zealanders are to some degree the Prussians of the South Pacific') pushed criminal justice in a rather different direction (Hamilton, 2013, 2014a).

Returning to Ireland, I want to suggest four aspects of Irish criminal justice culture that I feel impact on the lived experience of Irish criminal justice or how it is 'done' in practice, namely: (i) the importance of discretion, (ii) the gap between policy and practice, (iii) the primacy of individuals (agency) and (iv) humanitarianism. The fourth cultural trait is perhaps the most speculative, but worth mentioning, I think, as will be elaborated below.

The importance of discretion

The Irish, and most likely post-colonial, preference for informal resolution is neatly summed up by William Duncan in a 1994 article on 'law and the Irish psyche': 'There is still in this country a certain pride attached to the exercise of personal discretion in the face of strict rules' (Duncan, 1994: 452). My own research found much evidence of this, with interviewees describing a 'less black and white' approach to criminal justice than in the UK (Hamilton, 2013,

2014a). In a quotation from a former policymaker that I particularly enjoyed, he described the use of Key Performance Indicators, which are common in law enforcement in the UK, as 'repugnant to the Irish psyche ... the Irish media would be horrified if they saw a circular saying you are to catch, you are to increase your detection rate for burglars by 18 per cent ... they'd say what kind of nut decided that?' (cited in Hamilton, 2013).

It's interesting to note that this approach has important real-world effects with Parsons (2016) speculating that disparities between the rate of victimisation in Ireland and the recorded crime rate (as highlighted by Irish participation in the International Crime Victimization Survey) may be accounted for not only by lower reporting and recording rates, but also by a greater use of discretion by the police to avoid criminalising people.

Gap between policy and practice

A related point concerns the well-known disjuncture between 'law on the books' and the 'law in practice' in Ireland (O'Donnell, 2005; Hamilton, 2014a). While this exists in all jurisdictions, there is a tendency, observed by Fennell (1993), O'Donnell and O'Sullivan (2001) and others (O'Mahony, 1996; Hamilton, 2007), to legislate in response to a criminal justice 'crisis' in Ireland without a concomitant commitment to implementation. Kilcommins *et al.* (2004: 291) may well be correct in stating that this inertia has acted a bulwark against a punitive shift in Ireland (or, as one of my interviewees put it, the country's 'saving grace' (Hamilton, 2014a)), but the failure to act has had pernicious effects too, as the oftentimes glacial pace of progress we have witnessed in relation to, for example, youth justice, prison conditions and expungement laws will account.

Primacy of individuals

A third trait of our culture may be the considerable space that it affords to the personality of individual policymakers, namely Ministers of Justice, within the system. Mary Rogan (2011, 2016) has written in detail about the pragmatism of Irish criminal justice policy and the reversal of seemingly embedded policy directions as a result of decisions taken by Ministers Haughey, Shatter and McDowell. My own research suggests that this is perhaps a function of a smaller jurisdiction in which the role of key actors is amplified so that, while networks may be able to display greater coherence in the face of challenges to the *status quo*, change, when it comes, is wrought very quickly (Hamilton, 2014a, 2014b).

In 1990s Scotland, for example, the prominent role played by a number of elite policy networks in shielding penal policy from the radical change experienced south of the border was certainly facilitated by the smaller size of the jurisdiction (McAra, 2005). In New Zealand, on the other hand, dramatic reforms pioneered by victims' movements, but strongly courted by a hawkish Minister for Justice, Phil Goff, took hold very quickly, sending the country's imprisonment rates soaring in the late 1990s and early 2000s (Pratt and Clark, 2005).

Humanitarianism?

The fourth and final trait that I think may be pertinent to Irish criminal justice is humanitarianism. As I mentioned earlier, this is perhaps more speculative than the other cultural features observed above, but it has been suggested by several authors. Ian O'Donnell (writing with Yvonne Jewkes (2011)) and Kilcommins *et al.* (2004), for example, have pointed to the release of prisoners at Christmas, or more particularly the 'routine and mundane' approach taken to this, as a potential illustration of 'the humanity that continues to characterize the Irish system, for all its flaws' (Kilcommins *et al.*, 2004: 265). Similarly, Louise Brangan (2019), as we will see, has suggested that humanitarianism formed an important plank of the Irish approach to imprisonment in the 1970s, one which sought to reduce the pains of imprisonment, motivated by empathy and a respect for prisoners as people.

Irish probation practice, moreover, continues to be strongly motivated by penal welfarist concerns (Healy and Kennefick, 2017), and, at least from what I have observed in my research with adult and youth probation services, retains a strong commitment to clinical judgement over risk assessment techniques (Hamilton *et al.*, 2016; Fitzgibbon *et al.*, 2010).

The penal state and control of the power to punish

As observed above, my definition of legal culture includes *institutions* and their behaviour, and indeed there is strong evidence that it would be dangerous to ignore infrastructural differences in seeking to understand a social field such as criminal justice (Blankenburg, 1997; Smulovitz, 2010). In this regard it is interesting that David Garland, one of the world's foremost criminologists, who previously has advanced a dystopian vision about a growing 'culture of control' or punitive turn in the UK, the US and other western societies (Garland, 2001), has now shifted his analytical lens towards

aspects of the 'penal state', defined as 'the governing institutions that direct and control the penal field' (Garland, 2013: 495). A dimension of the 'penal state' identified by Garland that is particularly relevant to our discussion is 'the control of the power to punish' and the significant consequences for the penal field that can result from changes in the balance of power between various agencies over time. The example given by Garland is the shift from judicial to prosecutorial power that occurred in the US in the 1970s and 1980s, largely as a result of the enactment of mandatory sentencing laws and determinate sentencing policies (shifting the focus from sentencing to charging decisions), which incidentally has been fiercely resisted by prosecutors in recent times as such laws have been gradually reversed (Tierney, 2013).

In an Irish context, this matters because of what I have described in my research as the 'front-end' orientation of the criminal justice system in Ireland (Hamilton, 2014a), or perhaps what may be argued to be the position of An Garda Síochána as the 'fulcrum' of the system. As previous research has suggested, the Gardaí were bigger (in relative terms), more powerful and more significant culturally than police forces in other jurisdictions (Conway, 2014; Hamilton, 2014a, 2017a). The organisation has always been one of Ireland's 'in-groups' (Mac Gréil, 1996), an embodiment of the cultural nationalism that underpinned the fight for independence, and has enjoyed, and continues to enjoy, high levels of legitimacy and public support (Mulcahy, 2016; PWC, 2018). This front-end orientation of the system may not be without important implications for criminal justice culture in this jurisdiction. Australian and US criminologists have observed how jurisdictions with higher levels of expenditure on the police tend to have lower imprisonment rates, something which it is interesting to consider from an Irish perspective given our low-moderate levels of incarceration (Hinds, 2005; Sherman, cited in Tierney, 2013). Relatedly, while of course much recent attention has rightly been focused on the negative effects of the overly deferential attitude to the Gardaí in the past, consideration might also usefully be given to positive effects of high levels of public and political trust in the Gardaí, such as the development and expansion of the Garda Diversion Programme in the 1960s and ensuing decades.

Policing, departmental, prison and legal subcultures

Policing subculture

Discussion about the front-end bias of the criminal justice system in Ireland leads me to the culture of An Garda Síochána itself. Much academic ink has been spilled on the subject of 'cop culture' in criminology since the 1950s and 1960s, when criminologists first started writing about the worldview or working personality of police officers as pivotal in shaping police practice. Characteristics such as machismo, racism, solidarity/isolation, thirst for action and conservatism, among others, have identified by policing scholars such as Robert Reiner (2010) and it is interesting that, despite major recent transformations in policing work, researchers have observed a remarkable durability of cultural themes (Loftus, 2010).

While little research has been conducted on police culture in an Irish context, the 'avalanche of scandal' (Mulcahy, 2016: 273) that has gripped the Gardaí in recent years has required us to face some uncomfortable facts about the culture of the organisation. The recent Garda Cultural Audit (PWC, 2018), which included a survey undertaken with 6500 members of the force, identified problems with speaking up (in line with the 'solidarity' theme in the policing literature) and with the promotion/competition process. Cultural insights included: 'Silence means survival: Generally we have the personal courage to speak up, but fear the consequences of doing so' and 'our promotion/competition process isn't based on meritocracy'.

As scholars such as Janet Chan (1997) observe, however, we shouldn't forget that policing culture is not a free-floating idea or concept. It connects with the postcolonial context which, as I have already said, exhibits a strong preference for informal resolution. Particularly relevant here, I think, is the 'weak rules/strong relationships' balance that authors such as Niamh Hourigan (2015) argue is a reflection of the Irish value system. Further, as with many other debates in contemporary criminal justice, there is the danger of the pendulum swinging too far in the other direction, and neglecting the important role played by discretion in effective policing. As Reiner (2017: 4) has recently warned, we should avoid at all costs a view of police culture, often present in managerial and political debates about police reform, that conceives of police officers as 'paranoid, insular, and intolerant' individuals who 'intransigently oppose change' and therefore 'must be rigidly controlled from the outside, or at least from the top' (citing Sklansky, 2007: 20).

Department of Justice subculture

Part of the fall-out from the McCabe scandal,¹ which has engulfed An Garda Síochána for some years now, was the commissioning of a report into the performance and management of the Department of Justice and Equality, published in 2014 (Toland, 2014). The report revealed 'a closed, secretive and silo driven culture', where 'secrecy was part of its DNA' together with an overly 'deferential relationship with An Garda Síochána' (Toland, 2014: 8, 10). The origins of this insular and defensive culture can be traced of course to the sensitive nature of its work in dealing with a terrorist threat that has dogged the state since its foundation and the 'Troubles' in Northern Ireland. From a criminological perspective, the opening up of this Department to closer scrutiny is important given the attention it draws to cultural constraints, not only on those at the coalface of criminal justice, but also on those operating in the hinterlands of criminal justice whose decisions hold great importance for criminal justice policy.

As Lucia Zedner (2005) has suggested, there is a need for greater research into these more hidden areas of criminal justice and the working cultures of civil servants such as prosecutors. In terms of changing this culture, it is heartening to see in the new Department Data and Research Strategy a commitment to 'developing a culture of research', with research and analysis rather than secrecy as the new 'DNA' of organisational culture (Department of Justice and Equality, 2018: 6).

Prison subculture

Like the Gardaí, the penal system has been the subject of sustained and unprecedented critique in recent years, with a string of reports into its operation dating from the Thornton Hall Review Group in 2011 to the sixth report of the Penal Policy Review Group (PPRG) Implementation Oversight Group (Thornton Hall Project Review Group, 2011; PPRG, 2014; Houses of the Oireachtas, 2013, 2018; PPRG Implementation Oversight Group, 2015–2018).

¹ Maurice McCabe was a Garda sergeant who came to national attention as a whistle-blower on corruption within An Garda Síochána. In 2012 Sergeant McCabe claimed that several well-known personalities had had their penalty points (for driving offences) wiped. This is supported by a Comptroller & Auditor General report one year later. In 2014, then Garda Commissioner Martin Callinan told the Public Accounts Committee that only two officers (McCabe and John Wilson) out of a force of 13,000 were making allegations, and that 'on a personal level' he thought it was 'quite disgusting'. An investigation was held into an alleged smear campaign, including false allegations of child sexual abuse, against Sergeant McCabe (Charleton/Disclosures Tribunal), which vindicated him and argued that 'A cultural shift requiring respect for the truth is needed'. To date, the scandal has resulted in the resignation of two Garda Commissioners, two Ministers for Justice and two Secretaries General of the Department of Justice.

In terms of implementation of these reports, as carefully detailed by the Irish Penal Reform Trust in its recent report on *Progress in the Penal System* (2018), this has been slow but perhaps we can take heart that, unlike with reports from the 1980s and 1990s such as the ill-fated Whitaker or Management of Offenders reports, there is here a commitment to monitoring and implementation which was not evident in the past.

Commensurate with these reports has been a detailed and excellent report on *Culture and Organisation in the Irish Prison Service* authored by the late Judge Michael O'Reilly, former Inspector of Prisons, and Professor Andrew Coyle in 2015 (Office of the Inspector of Prisons, 2015). It is interesting that many of the terms used to describe the Irish Prison Service, such as 'closed mindset' and 'silo driven culture', had been used one year previously by Toland to describe the parent department. Some of the problems highlighted in the report in relation to the unprofessional behaviour engaged in by some prison officers and problems with the management of prisons, including the role played by the Prison Officers' Association in the 'co-management' of some prisons, have again pointed up the need for further criminological research into these issues. As Alison Lieblich (2014: 399) has argued, 'Very few studies of the organizational behavior and influence of prison officers' associations exist—and yet ... they have been, and continue to be, a major inhibitor of reform in many jurisdictions.' In an Irish context, O'Donnell (2005) similarly identifies the strength of organised labour within the prison, police and probation services as an important factor contributing to inertia.

Legal subculture

The final subculture I will examine is the Irish legal subculture, an area I am currently researching. Shane Kilcommins in particular has done important research in this area, highlighting the liberal ideology of legalism and constitutionalism in Ireland (Kilcommins, 2015) and the liberal judicial habitus or 'assumptions, values and beliefs' that continues to afford important protections for those accused of crime (Vaughan and Kilcommins, 2008). This was confirmed in my own research into Irish legal culture, with a number of respondents suggesting that this due-process orientation could be extended to the legal community more broadly (Hamilton, 2014a). Its origins can of course be traced to the desire by the late Brian Walsh and other judges of the 1960s, 1970s and 1980s to forge a body of jurisprudence distinct from that of Britain and more aligned with our neighbours across the Atlantic (Mac Cormaic, 2016). Thus, Brian Walsh, one of the driving forces behind this project, wrote in

the foreword to a torts law book published in 1981 that ‘the man on the Crumlin omnibus was not the same as the man on the Clapham omnibus’ (McMahon and Binchy, 1981). This area too has witnessed change, albeit in two apparently contradictory directions. On the one hand, as pointed out by scholars such as Campbell (2008), the ‘culture of control’ in Ireland has not overlooked procedural rights and more recently we have seen decisions such as *JC v. DPP*,² overturning the previously highly protectionist approach taken to the exclusion of unconstitutionally obtained evidence in *Kenny*.³ On the other, we have experienced a ‘levelling-up’ of rights protection driven by EU Directives and European Court of Human Rights case law, as best illustrated in the *Gormley and White*⁴ decision on right of access to a solicitor before questioning.

Quo vadis?

So, what does all this tell us about the direction of travel of Irish criminal justice and its cultures? In order to contemplate where we are headed as a criminal justice system, it’s important to know where we are coming from. Mary Rogan (2011, 2016), Ian O’Donnell (2008) and others have, I think correctly, broadly characterised the historical trajectory of criminal justice policy-making in Ireland as one of ‘stagnation and change’: long periods of neglect punctuated by occasional ‘crime crises’ or periods of hyperactivity.

While at least some of the factors identified by O’Donnell (2005) as contributing to this stagnation remain in place (e.g. strength of organised labour within the prison, police and probation services), given the very significant corpus of critical reports on the Gardaí, Prison Service, and the Department of Justice itself that has accumulated in recent years, it seems as if we are living through a time of unprecedented change for the Irish criminal justice system. As someone who has worked in and researched that system for nearly 20 years now, I feel optimistic: if not about the circumstances that have triggered some of these investigations, then at least about the fact that these cultural traits – in my view so fundamental to the functioning of our criminal justice agencies – are finally being given the acknowledgement they deserve.

One aspect that I think it is useful to focus on in this concluding section is the pressure towards convergence, particularly the pressure flowing from European standards and norms. Recent critical scrutiny of the organisational cultures of our key agencies has perhaps resulted in a new receptiveness to

² [2017] 1 IR 417.

³ [1990] 2 IR 110.

⁴ *People (DPP) v. Gormley; People (DPP) v. White* [2014] IESC 17.

change and to European influences, with many of the reports cited above referencing European standards and norms as a roadmap for the future. I don't want to adopt here what can be described as a Pollyanna approach to the incorporation of human rights standards, and indeed I have written elsewhere (Hamilton, 2017b, 2018) about the highly inconsistent influence of European human rights norms on the penal field.⁵ However, it is at least certain that the standards promulgated by European institutions have provided and will continue to provide claims makers in Ireland with the conceptual resources to capitalise on the opportunities presented by emergent controversies (Hamilton, 2017b). At the more coercive end of the policy transfer spectrum (what lawyers would describe as 'hard law'), this pressure towards convergence is likely only to intensify once Britain leaves the EU, given our position as the only common law jurisdiction among the EU 27 and the potential for more rapid and deeper integration in areas where the UK has hitherto been a barrier to progress (Bond *et al.*, 2016).⁶ The impact may be that norms that are currently local, informal, subjective and relational are increasingly challenged by the turn towards more formality and objectivity.

Writing about the effects of forms of legal, political and indeed economic globalisation on legal cultures, Nelken (2007) has argued that with the publication of league tables etc. these cultures are becoming increasingly 'relational', by which he means the extent to which attitudes and behaviour in one legal culture are influenced by information about what is happening in legal cultures elsewhere. The result is that countries try to come into line, in terms of their imprisonment rates, for example, so as not to be too distant from the norm or average of other countries. Karstedt (2015) has made similar arguments about nation states becoming more relational, but in the narrower sense of being influenced by groups of 'cultural peers', including those from which they have borrowed policies before, which in Ireland's case has historically been Britain.⁷ And yet, as Loader and Sparks (2002: 94) correctly observe, 'It is precisely under globalising conditions that people's sense of place and of differences between here/there, inside/outside, us/them – takes on a renewed force as a structuring feature of social relations and culture.'

⁵ I describe Ireland as 'not quite' the Good European in my paper on the impact of European standards in Irish prisons (Hamilton, 2017b).

⁶ Though we will perhaps be more open to arguments by Germany and other countries on the importance of privacy and other human rights.

⁷ John M. Kelly TD commented in the Dáil in relation to the Criminal Justice (Community Service) Act 1983: 'this is simply one more example in the ignominious parade of legislation masquerading under an Irish title ... which is a British legislative idea taken over here and given a green outfit with silver buttons to make it look native' (Dáil Debates, 3 May 1983; cited in Kilcommins *et al.*, 2004).

Indeed, as the recent rise of global nationalism has taught us, this longing 'for a lost (if mythical) world of secure and settled identities' (Morley, 2000: 152), seems to be at the forefront of contemporary political debate. It is interesting to see some of these tensions playing out in an Irish context in the recent Supreme Court decision in *JC* referenced earlier. O'Donnell J., for the majority in favour of reforming the (protectionist) exclusionary rule, seems keen to identify Ireland as an outlier among common law jurisdictions: 'it seems clear that *Kenny* represents a near absolute exclusion which is the most extreme position adopted in the common law world'. McKechnie J. for the minority, on the other hand, appears unimpressed with the argument that we should follow in the footsteps of other common law jurisdictions, emphasising the distinctly Irish approach to the exclusion of unconstitutionally obtained evidence: 'This is what I have seen: as great as the show may be, it is not for me and I suspect not for a great number of others whose bedfellow is the 1937 Constitution of Ireland.'

On the subject of difference, a recent and important contribution to this debate has been made by Louise Brangan (2019) who, adopting a post-colonial critique, has argued that the 'recovery' of Ireland's penal culture, including revealing its aims and ambitions, may provide us with new, progressive ways to imagine our future. Arguing against the universalist assumption that all societies are knowable in the same terms, and basing her arguments on her research into Irish penal culture in the 1970s, Brangan points to a distinctively Irish approach whose aims are driven by compassion and community cohesion, not criminal correction as in the UK and US. In her view, this form of 'pastoral penality' saw experts in the system acting as shepherds seeking to strengthen prisoners' familial and social bonds and their moral connections to 'the flock', rather than treating their individual transgressions or recovering them from criminality. Notably, such 'pastoral penality' includes a commitment to humanitarianism and the liberal use of discretion, which I discussed earlier.

Similar sentiments have been expressed by Healy and Kennefick (2017) in their research into probation practice in Ireland across the same period (1960s/1970s). These authors also reject the contention that Ireland's 'discovery' of rehabilitation during this period was merely a 'catch up' exercise with England and Wales, arguing instead that it arose from deeply rooted local contextual factors. Their accounts reveal a 'practice philosophy embedded within Catholic social values and characterized by a deep sense of vocation' (Healy and Kennefick, 2017: 14).

To conclude, therefore: given the unprecedented level of scrutiny that has been brought to bear on the key agencies of our criminal justice system in the past five to seven years, and indeed a growing body of research in a post-colonial vein, it may be fair to say that we have become increasingly self-aware as a criminal justice system. I feel that this can only be to the good, for, as Socrates said, 'To know thyself is the beginning of wisdom.' As discussed earlier, we have become more reflexive also as regards our relationship with other states and our positionality among European states in particular. That this will result in convergence, at least in the sense of the elimination of difference, seems to me highly unlikely. Much more probable in my view is a form of cultural hybridity ('glocalisation') formed as a result of complex interaction between the global and local for, as persuasively argued by criminologists such as John Muncie (2011), it is always *local* actors who are responsible for activating and implementing the 'global' 'on the ground', thus bringing the national cultural traits identified at the beginning of this paper back into focus.

Paradoxically, as I have mentioned, one of the effects of these pressures towards convergence may be to force a deeper understanding of Irish criminal justice culture and the 'recovery', as Brangan has argued, of its own assumptions, values and fundamentals. In this, I do not claim to have any easy answers, but as a point of departure we may be well served by the values attributed to Martin Tansey himself: 'patience, humanity, courage, a ... capacity to balance ... rights ... [and] belief that the rehabilitation of offenders was a supremely rational social objective' (ACJRD, n.d.).

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