

Against Hibernian Exceptionalism ¹

Louise Brangan

During the early stages of my PhD at the University of Edinburgh, in a moment of flippant chit chat, I suggested to a fellow student that I was toying with the idea of writing my entire dissertation on the comparative sociology of punishment without reference to David Garland. This obviously sounds like the ludicrous or crude act of a provocateur. My friend was reasonably alarmed – not least because writing a thesis situated within the sociology of punishment that didn't acknowledge, let alone mention, David Garland defied the basic logic of a literature review. Embarrassed, I desperately tried to clarify, though not successfully, that I was speaking in jest, but that there was a serious note underlying this statement. I had been wondering how one would write and think about punishment and penal politics in my two comparator states of Ireland and Scotland if David Garland's theses on penal-welfarism and the culture of control had not become so landmark. How differently would we perceive penalty in those places?²

Such a view was shaped by my own academic upbringing. As far as I am aware, I was among only the second cohort of graduate students to achieve a Masters qualification in criminology in Ireland. This was 2007/08 and Irish criminology was still in its 'infancy' (O'Donnell, 2008, p. 124), having only been institutionally formalised as a discipline in 2000 (more on which below). Much like the rest of the Anglophone world, *Culture of Control* (Garland, 2001) was *the* text to be into if you were interested in punishment. As Irish criminology was establishing itself it became deeply immersed in this prevailing thesis, imbricated with the key ideas and engaged in the exciting arguments that were occupying the rest of criminology. As a result, the way Irish penal practices were being read was via the main tenets of this text, but producing what seemed like only partial insights and explanations. What I had tried, and unequivocally failed to express to my friend that day was that Ireland and Scotland know the sociology of punishment, even though the sociology of punishment does not know them (to paraphrase Santos, 2014), and worse still, was not fully equipped to comprehend either nation. There seemed to be few theoretical tools to think about, discuss and understand Irish or Scottish penalty in their own terms. It was not that this preeminent theory had been

presented with an air of universal insight (and that is certainly not my claim), but that it had been adopted and eagerly deployed in places where it seemed only to repeatedly show that they didn't fit. But in a curious move, this not fitting, had somehow *become the theory* of the contemporary Irish penal history and its legacy, which is now coming to be understood as exceptional.

The dominant argument about, and characterisations of, Irish penal policy is that it is exceptional for having been largely stagnant from the middle to late twentieth century, distinguished by a series of peculiar absences: a dearth of philosophy, ideas, policy actions and research infrastructure. It is the conventional account of what makes Irish penal history exceptional that I wish to discuss within this chapter. Drawing on Southern theory (Carrington et al., 2016; Santos, 2014; Connell, 2006; Aas, 2012; Sozzo, 2020) and decolonial criminology (Moosavi, 2019, 2020), I argue that we need to develop an Hibernian epistemology rather than an Hibernian exceptionality. This does not mean a parochial style of theorisation, but is about developing bespoke theory, while simultaneously expanding our purview to include the global South, and remaining in theoretical conversation with the Anglophone world so as to further refine mainstream ideas.

The argument is developed as follows. First, I draw on southern criminology to establish that the sociology of punishment is always rooted in particular times and places. This certainly does not diminish the importance of these theories, but should make us cautious about using them as the prism through which to research and interpret penal problems in very different social contexts. Second, focusing on the late twentieth century of Irish punishment, I sketch out the main features of Hibernian exceptionalism, giving a brief overview of its context and main theoretical claims. Following this, I critique this account of Irish penal history. The hegemony of Anglophone sociology of punishment has come to shape how we think about the world of politics and punishment in Ireland. This has effaced from view important cultural characteristics and penal practices that would help us theorise Irish penality. In the fourth section I give examples of research that reorientates the social study of Irish penality that begins to transcend these limitations. I then suggest a possible critical sensibility for academics interested in Irish penal history, that of the *epistemic underlabourer*. Finally, I conclude that such struggles about how to interpret the histories of punishment are likely to

be particularly pronounced in Ireland, a postcolonial and criminologically semi-peripheral nation. Hence, being aware of the need to engage with these epistemic conditions of Irish penal history is especially pressing.

The Sociology of Punishment as a Sociology of Time and Place

From the early 2000s up until more recently, the mainstream intellectual preoccupations of the sociology of punishment have tended towards the rise of mass incarceration in the latter part of the twentieth century. These studies have highlighted racial and class inequalities in uses of imprisonment, informed by liberal and neoliberal styles of political reasoning or late modern social changes (Garland, 2001; Wacquant, 2009a, 2009b; Lacey, 2008; Alexander, 2010; Cavadino & Dignan, 2006). These have become the standard narratives around which much sociological study of incarceration and penal politics has pivoted.

Despite the seemingly wide embrace of the punitive turn as criminology's most urgent issue (Downes, 2011), these concepts and ideas should not be misunderstood as 'universal, timeless and placeless' (Carrington & Hogg, 2017, p. 183), tantamount to generic measures of penalty. These theories are largely drawn from an English and American perspective and experience, where the punitive turn inflicted disastrous social change. As a result, many of the dominant outlooks in studies of punishment explain contemporary penal history in post-industrial, urban, liberal societies that were organised around ideas of individualism and modernism, where the belief in abstract reasoning and scientific proof shaped government policy (Loader, 2006; Aas, 2012; Fonseca, 2018). Thus, no matter how abstracted the theories, the sociology of punishment is always to some degree a sociology of place, reflecting the social dynamics, cultural currents and political life in which those theories are born.

To claim that theory bears the traits of a particular time and place certainly does not mean it cannot be generalised beyond that original context. There is nothing inherently problematic with applying theory generated in one nation to another. It becomes limiting in this particular knowledge economy, however, given the asymmetries in the knowledge we privilege as generalisable, and in the sociology of punishment our theories bear the hallmark of the Global

North. There are mainstream nations – central to knowledge production – and semi/peripheral regions, those nations seen as beyond the metropole and outside the realm of theoretical significance (Connell, 2006; Aas, 2012). We now tend to describe the latter as the sets of nations that constitute the global South. The global South is not a fixed geographical space. Southern nations are not necessarily third world, or developing, countries. The global South also includes white settler colonies and wealthy nations which may be postcolonial. Hence, a nation *is rendered southern*. These are the countries that ‘continue to occupy a subordinate position in the global organisation of social scientific knowledge’ (Carrington & Hogg, 2017, p. 182). While indisputably a nation that is English-speaking, European and western, within the sociology of punishment Ireland is rendered peripheral in its own geopolitical realm (though within the grander global scheme would be better understood as semi-peripheral). It is rarely included in accounts of the Anglophone punitiveness or penal transformation. Ireland is usually a footnote or an aside. Historically and within the production of criminological knowledge, Ireland is a Southernised space within the Global North.

This ‘mental geography’ (Aas, 2012) has implications for how we understand our own histories. In outlier and subordinate nations such as Ireland, our history can become skewed if rendered visible usually via metropolitan theory (Brangan, 2020). History matters because it allows us to identify the factors and forces that lead to our penal present (Bosworth, 2001), and through historical knowledge we can better grasp the distinctive local dynamics of meaning and structure underlying punishment (Barker, 2009). The history of exceptional or peripheral regions, while often excluded, can also provide rich new grounding for alternative and less dystopian historical narratives (Churchill, 2019; Hamilton, 2016), thus enriching the academic debate. Further elaborating the Irish historical enterprise, and developing our knowledge of how and why Ireland punished, also improves our ability to make cogent critiques and culturally coherent claims about how to improve policy now. Improving our understanding of Ireland’s penal history is timely and necessary.

To be able to fully grasp the potential of histories in countries that exist at the periphery and semi-periphery, we need to democratise our knowledge (Carrington et al., 2016). Southern theory is an epistemological project, intent upon innovation and diversity, as well as

expanding and refining the theoretical frameworks that shape our research. Sociology of punishment remade through a southern lens would enhance the field as it is an inclusive rather than isolationist approach. We retain our capacity to speak to empirical penal patterns elsewhere, while delivering theories that do not exclude or misrepresent penal phenomena in postcolonial and semi-peripheral nations, such as Ireland. Thus, to achieve a more inclusive theoretical landscape – and therefore an important first step in southernising criminology – requires a return to re-examine ‘peripheral’ penal patterns that have potentially been read via inappropriate metropolitan conceptual schema.

The Context and Characterisation of Hibernian Exceptionalism

The term Hibernian exceptionalism is intended to express that Ireland, like other small exceptional nations, has not followed the path of the USA and England and Wales in the last number of decades. Ireland, however, is not distinctive in the North Atlantic for laying claim to the mantle of exceptionalism. Scotland and Scandinavia have also been identified as distinctive, premised on the belief that this cluster of nations has retained progressive penal cultures in spite of the prevailing force of punitiveness that took hold, specifically in England and the USA (McAra, 2008; Pratt & Eriksson, 2013). Contrastingly, the notion of American exceptionalism is intent on expressing the USA’s extreme punitiveness. While the latter differs to Scottish and Nordic strains of exceptionalism, each variant – the Nordic, American and Scottish – aims to provide a description of penalty’s main forms as well as offer an overall analysis. Each of these exceptional cases are rooted in the supposed distinctiveness of their respective histories and cultures. Hibernian exceptionalism differs from these other North Atlantic exceptions as it offers no such cultural or structural explanation. In addition, what makes Ireland exceptional is the belief that when it came to punishment and penal culture in the second half of the twentieth century, not much happened there at all. Before we can understand this peculiarity, we need to outline the wider context of the emergence of Irish criminology and the problematic around which the discipline pivoted.

Late Emergence of Criminology

From the middle of the last century, Western and English-speaking penology appeared to cycle through epochs and existential crises:³ penal-welfarism lost its settled status as a crisis of penal modernism gathered pace and moral panics emerged. There was a drift into an illiberal law and order atmosphere and it was perceived that new penology replaced old. It was argued that crime control became industry, governments reorientated their penal policy thinking by focusing on what works rather than what was humane and fair, penal populism became the bedrock of policy, and risk paradigms emerged as the new framework for crime and justice practice.⁴ In sum, such seismic changes ushered in what was felt to be an unprecedented punitive turn. Scholars reflected upon the criminologist's role in this changing social and political landscape (Garland & Sparks, 2000; Loader & Sparks, 2011; Matthews, 2005; Hillyard et al., 2004).

All the while, and in stark contrast, in the Republic of Ireland criminology remained an 'absentee discipline' (Rolston & Tomlinson, 1982, p. 25; Kilcommins, et al., 2004)⁵. Criminology was formalised as a field of academic study in 2000 when the first Institute of Criminology was established at UCD, though this contained only a single dedicated academic position (O'Donnell & O'Sullivan, 2003). This was taken up by Ian O'Donnell who spearheaded an Irish criminological enterprise, and with remarkable prodigiousness shone a light on the history of prison policy, crime and violence, while also making the compelling case for the contemporary relevance of the discipline in Ireland. Yet it wasn't until the trailblazing efforts by Claire Hamilton and Mairead Seymour at Dublin Institute of Technology to commence Ireland's first Masters programmes in 2006/2007 that one could say a field of criminology researchers, academics and students existed.

Ireland's late interest in criminology and sociology of punishment at the dawn of the new millennium made it especially susceptible to the big debates of that period, in particular, the subversion of penal-welfarism and claims about a late twentieth century punitive penal transformation. Ireland's emerging criminologists began to test these claims while also undertaking the necessary historical recovery to shed light on Ireland's penal past. This approach has had significant consequences for how we understand the late twentieth century of Irish penal politics as exceptional. The works I discuss below mostly do not deploy the term Hibernian exceptionalism, nor is it used anywhere as an explicit paradigm, but the notion has

come to reflect the dominant ways we frame and represent Ireland's penal politics at the end of the twentieth century. The term was coined first in 2012 (Griffin & O'Donnell, 2012) to encapsulate the main patterns and ideas within contemporary Irish penal history.

There isn't enough space to do justice to the richness of the works surveyed below. Suffice to say, in a nation without a criminological field, these researchers provided remarkably detailed historical studies of Irish prison policymaking and practice. Their combined contribution has been to illuminate and recover previously unknown dimensions of Irish punishment and to build a sophisticated academic discipline from the ground up, all in an impressively short space of time. The method here focuses on the most influential texts in Irish punishment scholarship, highlighting the 'historical generalizations' (Said, 1979, p. 4) that frame Irish penality, and highlighting those central themes that tend to define how we discuss and define contemporary Irish penal history. And in doing so, it explores the consequences of Northern theory upon the Irish criminological imagination, especially how it shapes characterisations of penality in the late twentieth century. As we will see, in comparison to the USA and England, it is argued that during this period Irish penal policy operated in a vacuum, best defined by an array of absences, including a culture of stagnation, inertia and an uninspired pragmatism.

Absences

Foremost among the characteristics that marks Ireland's penality out as exceptional are its absences, essentially, that it operated in a 'vacuum' (Griffin & O'Donnell, 2012; Rogan, 2011a). This vacuum had three main forms: data, expertise and principles. O'Donnell has described 'massive data deficits', such as 'worthwhile sentencing statistics' (2005, p. 100; see also O'Donnell & O'Sullivan, 2003) and delays in the publication of prison reports, which undermined their statistical usefulness given they are out of date (see also Rogan, 2011a). From the 1970s, there were few bold policy initiatives and no important ministerial statements on punishment. Consequently, it was believed that decisions were made 'on the back of an envelope' (Kilcommins, et al., 2004) and that '[t]he raw materials that are required to hammer out a meaningful understanding of the Republic of Ireland's penal system are largely absent' (O'Donnell, 2008, p. 121).

The knowledge vacuum of Hibernian exceptionalism expands to include the absence of criminologists or professional prison researchers supporting policy choices. Following Garland (1985, 2001), Rogan (2011a, 2011b) suggests the absence of the social elites – that we know were critical in shaping English prison policy (Loader, 2006; Ryan, 2003) – defined Ireland's distinctive penal policy process. This includes the professional classes of government ministers, civil servants, administrators, academics and NGOs. The relationship between prison policy and evidence is the 'hallmark of modern penal planning as described by Garland...[which] has never been the tradition in Ireland' (Kilcommins et al., 2004, p. 243). Kilcommins et al add that there was a general apathy towards the importance of criminological research. This absence stands 'in marked contrast to developments in other jurisdictions such as the US and England and Wales' (Kilcommins, et al., 2004, pp.179-180).

It is argued that, as a consequence of lacking criminal justice elites, Ireland failed to develop a penal philosophy of any kind. What has further marked Irish penal practice out among comparable nations is that it 'is rarely supported by reference to a set of clear principles' (Kilcommins et al 2004, p. 293). The absence of ideology is seen as among the main peculiarities of Irish penal policy at the end of the twentieth century, where policy was based upon 'on nothing particularly substantial at all' (Rogan, 2012, p. 306, 2011a). By the 1990s, in England and Wales prisoner numbers were rising, and a rancorous penal politics displayed explicit and readable signs of intention for prison policy, albeit a pernicious law and order outlook, which claimed "prison works". At the end of the twentieth century, it appeared Ireland had simply not experienced anything like this level of ideological stimulation (Rogan, 2011; Griffin & O'Donnell, 2012; Griffin, 2018). In striking contrast, in 1990s Ireland there was a tumultuous but short lived punitive penal moment which, it has been argued, did not reflect any deeper evolution in cultural or social dynamics, but was the result of political opportunism and the proclivities of Ministers and senior civil servants (Rogan, 2011a; O'Donnell & O'Sullivan, 2001).

It has even been subversively lamented that a punitive and politicised penal context 'at least has the virtue of clarifying the moral principles upon which we expect our society to rest. In the Irish case, the hope for such clarity is defused by the imperative to respond' (Kilcomminset

al., 2004, p. 292). Thus, neither the rehabilitative model nor punitive paradigm took hold in Ireland (Kilcommins et al., 2004; Rogan, 2011a, 2011b). Following this inference that criminologists are a key source of policy know-how, O'Donnell (2011) has hypothesised that the absence of a criminal justice research community in Ireland was an important protective factor during this period, preventing the importation of punitive penal ideals. For good or ill, Irish penal policymakers are perceived to have shown an ongoing 'reluctance to look beyond its own horizons' (Griffin, 2018, p. viii). Irish prison policy is defined by what it is not: Ireland is presented as 'neither punitive nor more liberal' – it is exceptional in this region for its 'lack of an entrenched penal ideology' (Rogan, 2011b, p. 33).

Pragmatism, Stagnation and Neglect

In lieu of established credo, lacking in long-term vision and having had no research capacity or inclination, the style of penal policymaking has been defined as pragmatic and expedient (Kilcommins et al., 2004; O'Donnell, 2004; Rogan, 2011a). Rather than seeing pragmatism rooted in a local social milieu and cultural vernacular, at best Irish penal policy was seen as a rational calculus of prisoner numbers and prison space. For example, from the 1970s the prisoner numbers went up and the prison estate expanded, but even this is argued to have lacked a punitive force. In the 1970s alone, Ireland opened four new adult prisons; a dramatic rise, but born of a purely expedient response to what was seen as a practical problem of overcrowding (Rogan, 2011a; Kilcommins et al., 2004). Similarly, the increased use of temporary release across this period has been suggested to also be the result of the same kind of common-sense prison population control (O'Donnell, 2004). As such, the administration's view of the prison and release was motivated by capacity alone, and thus incarceration is implied to have been used as nothing more socially meaningful or politically useful than a temporary warehouse for the convicted.

This pragmatism resulted in the contemporary Irish penal system being subject to a litany of disregard. The 1947 prison rules were not updated until the 2000s (O'Donnell, 2005), prison conditions were poor (Behan, 2018) and there was very little legislative, policy and practice change across the period (Griffin, 2018; Healy & O'Donnell, 2005). Whatever progress there was occurred at a 'slower rate of development' (Kilcommins et al., 2004, p. 200; Rogan,

2011b) than in comparable nations. Ultimately, these absences meant that the 1970s-1980s was a period of 'neglect', 'stagnation', 'inertia' and 'calcification' (Behan, 2018; O'Donnell, 2008; Griffin, 2018; Kilcommins et al., 2004).

Hibernian Epistemology

Describing Ireland in terms of Hibernian exceptionalism is an appealing proposition. As criminologists and prison reform NGOs arrived on the political scene from the late 1990s, it became clear that Irish prison standards needed to be improved, the prison rules had to be updated, more official data was required, and that there should be more sustained political interest in matters of incarceration and rehabilitation. Hibernian exceptionalism, therefore, theoretically formalises a criticism that Irish punishment practices must modernise and reform, policy deficits which are exposed when contrasted against the innovations and pace of change (good or bad) elsewhere. In addition, while mainstream criminology has been rightly challenged for its universal overtures (Carrington et al., 2016, 2017; Aas, 2012), the value of Hibernian exceptionalism is that it challenges the generalisability of mainstream penal theory within the English-speaking north Atlantic (Hamilton, 2016; Healy, 2020).

Sociologically, however, defining contemporary Irish penal policy as stagnant and formed in a vacuum appears to be partially built on a reading of Irish penal history 'from the centre' (Connell, 2006; Brangan, 2020). Kilcommins et al (2004) use their survey of Ireland's criminal justice system and crime control practices to test the reach and veracity of Garland's thesis within the Atlantic Isles – an entirely sensible intellectual tactic that can provide the 'imaginative resources' to inspire new analysis (Steinberg, 2016). Kilcommins et al (2004) also rightly commence their study with the wise warning that scholars should 'beware of generalising from experiences that may be atypical' and note that the culture of control thesis does not fully capture Ireland's penal culture (2004, p. 37). Similarly, Rogan's research (2011a) is embedded in a critique of the universal claims of mainstream sociology of punishment. Among the many important contributions of this body of work has been a reminder to resist the grand narratives that have dominated that field. Yet, despite their respective sensitivities to the limits of punishment and society's punitive theories, as well as providing ongoing comparative dialogues between Irish and Anglophone penal developments at the end of the

twentieth century, the end effect is to also further peripheralise Ireland. When social phenomena are rendered non-existent and presented as absences, it is a signal that these places are being viewed as on ‘the other side’ of the mainstream (metropolitan) debates (Santos, 2014, p. 120). This is not an exclusively Irish issue, there is a widely acknowledged ‘academic dependency’ (Alatas, 2006) upon Northern practices of knowing.

The distinctive characterisation of Irish penalty as a series of absences and distinction is the result of deploying a limited frame of analysis, designed to explain problems in England and the USA. The above body of scholarship frames an understanding of Irish penal history in comparison to these main tenets of Anglophone penal theory. These conceptual frameworks seek to explore two opposing epochs: progressive ideas of penal-welfarism which were tightly associated with early to mid-twentieth century US and English clinical practices of reforming criminals and reducing crime. These stand in contrast to the subsequent penal excesses, explicitly populist politics and increasingly punitive punishment practices of the late twentieth century. Viewing Irish penalty through this lens can misdirect our research, however, looking to inappropriate metrics and cultural practices to understand contemporary Irish penal history.⁶ The problem is one of *invisibility* rather than absence.

For example, from looking at the mainstay of punishment and society scholarship – directly concerned as it was with the late twentieth century – we feel we know that penal policy must be shaped by government work that produces reports, reviews, Ministerial statements, White Papers, and watershed political moments.⁷ This activity occurs in concert with expertise and all of this political activity is usually underpinned by explicit principled positions and penal philosophies. However, as Santos warned, what appears ‘outside this highly intellectualized field’ of scientific modernism risks being stigmatised and overlooked (Santos, 2014, p. 5). The ways of late twentieth century Irish policymaking may have been too quickly dismissed or simply not visible when read this way.

Penal politics didn’t quite happen or behave in Ireland as it did in the USA or England. And this has become the basis by which we begin to see that Ireland is presented as exceptional in general and *sui generis* among the cluster of Anglo-Atlantic exceptions. Theoretically and empirically, Hibernian exceptionalism erroneously reduces Ireland to a set of absences.

Where we should see something, we see only disinterest and stagnation – categorising it as penologically aberrant and rendering it as theoretically illegible.

As a result, one can detect an implied characterisation of contemporary Irish penal history as somewhere comparatively backwards. It is to invoke an image of a nation that was philosophically underdeveloped and technically unsophisticated. As Walter and Andersen (2013) write in *Indigenous Statistics*, when Australian and Canadian government statistics examine socio-economic patterns of Aboriginal communities, they have done so with a progressive aim of identifying problems so as to seek policy solutions. However, this also tends to (mis)represent Aboriginal communities as being behind mainstream white settler society (Walter & Andersen, 2013). Similarly, in the Irish penological case, there has been a tendency to conceptualise Irish penal patterns by negation, namely, defining findings by what they are not. The effect of this theoretical imposition is to present a gap, that Ireland is a laggard, producing conceptual ‘configurations anchored in development of deficit-based understandings’ of Irish penal culture (p. 22).

This has ramifications for knowledge production within the wider field of scholarship. First, despite the important historical illumination and recovery, reading from the centre, as Connell (2006) warns, may also miss and misrepresent the history of Irish penalty, hence, disconnecting our understanding of the present from the legacies of the past. Secondly, and relatedly, Hibernian exceptionalism may impinge upon the development of criminology in Ireland by rendering its past inaudible. Highlighting similar patterns of theory importation in Asia, Carrington et al. write that the consequence of this pattern of analysis is to stunt ‘the intellectual development and vitality of criminology’ in these regions (Carrington et al., 2017, pp. 183-184; see also Sozzo, 2020, p. 60). Third, as long as we rely on ideas of Hibernian exceptionalism, we run the risk of situating Ireland as subordinate in the world of knowledge production. Fourth, by presenting Ireland as exceptional, it reinforces the view that there is a hierarchy and a mainstream, a hegemony from which the contemporary history of punishment practices and penal politics everywhere can be read and understood. Thus, the notion of Hibernian exceptionalism helps perpetuate the power imbalances in penological knowledge production, reinforcing ‘the universal, placeless, and timeless tone of that privileged intellectual production generated in the North’ (Sozzo, 2020, p. 60). As such, if the

theory has limited explanatory power in one place, the theory is lacking in that particular context, not that the context is itself lacking in activity, culture, values and ideas.

How can we give an account of Ireland's contemporary penal history that captures its distinctive penal practices, expands the conceptual horizon and lives up to the potential of historical punishment and society? What might a more theoretically generative, globally integrated and empirically appreciative approach to the history and sociology of Irish punishment reveal? To achieve this agenda, we need an Hibernian epistemology, whereby a knowledge of Irish penality is rooted in Irish social, political and cultural relations: researching penal patterns in Irish contemporary history within its own terms; and describing Irish punishment practices by what they were and sought to do, as much as by what they are not. Moosavi writes that '[t]his would involve original analyses, properly adapted to the immediate context that would offer a more precise engagement with local issues' (2020, p. 335). If penal politics in Ireland didn't unfold in a similar vein to English and US populism, then how did it operate? If neither penal welfarism nor punitiveness, what ideas propelled punishment policy in Ireland in the late twentieth century? And practically, how were people punished? What systems of control, incentive and intervention shaped prison practices? What were the contours of Irish penal idiosyncrasies? Hence, we need to revisit, revise and build upon the important research that has already been done to further enliven the vitality of Irish punishment and society scholarship.

This will yield studies of punishment in general a further space from which 'to renovate its methodological approaches and to inject innovative perspectives into the study of crime and global justice from the periphery' (Carrington et al., 2017, p. 184). Below I provide a brief number of examples of this work emerging in Irish historically focused punishment scholarship. These redirect our attention to how Ireland can support the 'southernizing' of criminology, along with a refinement of our historical knowledge of Irish penality.

Revisiting and Revising Punitiveness

In a work of comparative breadth and depth, Hamilton (2014a, 2014b) has sought to re-examine the new punitiveness thesis. The limitations of this concept, questions regarding its

precise meaning, how adequately it describes penal problems, as well as the enduring problem of how one may even sufficiently measure such degrees of severity, have been raised by a number of scholars (Matthews, 2005; Pease, 1994). Hamilton takes on these challenges by exploring this concept from a novel vantage point, not merely by conducting her study using a cross-national perspective, but by undertaking this comparison in three Anglophone nations often excluded or marginalised within Anglophone penal theory: Ireland, Scotland and New Zealand.

By looking outside the usual standard bearer nations of the Northern metropole, what Hamilton shows through the comparison is that criminology's 'punitive obsession' (Coleman & Sim, 2005) is understood by a limited range of metrics influenced by its constrained geographical purview of England and USA. Having travelled beyond the boundaries of mainstream knowledge production allows Hamilton the capacity to chart new methodological territory, showing how comparative penal studies can undertake refined quantitative cross-national study. Her work provides comparative criminologists with a multidimensional appreciation of penality, that acknowledges the potential for punitive measures at the 'front' as well as the 'back' end of the criminal justice system. Here we see how putting Ireland into a sustained international and intellectual discussion regarding one of criminology's most prevailing debates helps problematise and refine the theory.

This retheorisation also deepens our understanding of Irish penal culture. With the newly distilled concept of punitiveness, Hamilton reveals that in the 1990s penal harshness did come to bear upon Ireland, but in ways that were entangled in the cultural context and political contestations of the time. As a result, Hamilton challenges what it is we consider when we wish to study punitiveness, in Ireland but also elsewhere. By looking beyond the centre, this comparative approach avoids the crude juxtaposition that tends to be common in comparative penality (Brangan, 2020) and, by making the concept more inclusive of penal patterns beyond the metropole, broadens and enhances understandings of the punitive turn.

Gendered Punishment

Looking past the prison in the twentieth-century, examining why women had their death sentences commuted and the operation of a carceral archipelago of Magdalene Laundries in post-independence Ireland, Smith (2007), Fischer (2016) and Black (2018) have each shown how perceptions and beliefs about gender shaped a distinctive penal system for women. By researching the social meanings of Ireland's major penal infrastructure in the twentieth century, these works establish that Ireland's penal culture was driven by express and taken-for-granted values.

In a nation that sought to remake itself in the image of Catholic moral purity after the long imposition of British colonialism, women's double deviance was much more severely responded to. Women's transgressions were often viewed through a prism of moral deviancy rather than legal infraction. This legitimised an alternative system of Magdalene Laundries that sought neither to reform women nor return them to civic life, but to remove them from society.

Such a penal culture was rooted in rural values, nationalist politics, and Catholic fundamentalist principles. Looking beyond the prison for evidence of Ireland's penal culture challenges the presumption that Irish punishment was a vacuum of outlooks, ideologies and penal philosophies. Rather than simply seeing Ireland as exceptional, this work points towards important future avenues of comparative research and theoretical investigation (see O'Donnell & O'Sullivan this volume), encouraging others to explore the particular social structures and cultural conditions that made this system possible. It also points to the limits of the mainstream tendency to study shifts in penality via prison populations. The study of Irish penal history also reminds us of the importance of looking to the wider carceral archipelago in which people were confined (Foucault, 1977; O'Sullivan & O'Donnell, 2007).

Pastoral Penality

The final example is the concept of pastoral penality. This begins explicitly from the place that Hibernian exceptionalism leaves off. It accepts that Ireland's penal history does not fit with Anglophone penal theory of this period but seeks to scrutinise the historical gaps that persist in our understanding of Irish penality and asks (1) how were people punished and (2) what

were the forces behind Irish penal practices and policies in order to firmly establish the distinctive and generative ideas, meanings and desires driving actual penal practices in Ireland in the 1960-1970s (Brangan, 2021a, 2021b; Healy & Kennefick, 2019; Healy & Kennefick, this volume)?

In a pastoral penal culture, such as Ireland's in the 1970s, the prison is understood as socially disruptive. Thus, the primary focus of prison policy is upon the problems of the prison, rather than the problems of the prisoner, who is not viewed as inherently criminal and in need of treatment. Instead, the person imprisoned is largely felt to require support in coping with the degradations of imprisonment, its inevitable social harms and the severing of community ties and family bonds. Reflecting this penal culture, in Ireland in the 1970s the Probation Services and Temporary Release were eagerly expanded. The new prisons were not merely designed to address overcrowding, they included open and semi-open prisons intentionally designed to be more progressive. The principle behind these penal practices was to develop forms of punishment that helped support prisoners with the pains of imprisonment and return them more frequently to the fold of their families, communities and jobs (Brangan, 2021a).⁸

These decisions were based on moral reasoning rather than scientific reasoning, and within this penal culture the prisoner was viewed as a member of a collective rather than as an individual. These sensibilities were embedded in Ireland's sociocultural and political environment. Ireland was not a modernist and liberal nation, therefore making it unlikely that in Irish penal policy we will discover an interest in either scientific rationality in the use of experts, or individual responsibility and reform in how prisoners were responded to. In the 1970s Ireland was modernising, but still firmly agrarian and rural, with a communitarian class structure, and with a conservative political ethos and Catholic values. This informed a penal culture driven by humanitarian values, a deep scepticism of the prison and a belief that the community, and not the prison, was a superior form of social control and reintegration.

These accounts concur that Ireland was dominated by neither punitive nor penal welfare aspirations during this period. Rather than only understanding prison policy developments in the 1970s quantitatively, as pragmatic responses to rising prison numbers, we now know that these policy choices resulted from active preferences about how to imprison people, which

were intentionally more humane and parsimonious. In light of all that was clearly being done, all the decisions being made, and purposeful regimes being developed (Brangan, 2021b), bring claims of inaction, stagnation and the absence of a political culture back into debate. A new lens can change how we view policymaking which revises the belief there was an absence of penal philosophies in Ireland during the 1970s.

Pastoral penality is about theorising Irish penality in a more appreciative manner that makes visible its characteristics and causes, as well as attempting to contribute to a more inclusive and theoretically diverse sociology of punishment. These nuances are near impossible to grasp if this history is read only via Anglocentric penal tropes. Pastoral penal culture evidences that other forms of penality, and different modes of rehabilitation and penal transformation were occurring in the Atlantic Isles, providing a more optimistic, less catastrophic, view of penal culture in the global North. Thus Irish penal history is not an adjunct, an exceptional footnote to Anglophone penal theory. This work, along with research on gender and punitiveness, extends our general understanding of penal philosophies and adds to punishment and society's theoretical lexicon.

Southernising Punishment and Society

The history of Irish penality has been among the most magnetic and prodigious areas of research for Irish criminologists over the last twenty years. However, the examples above show that there is still sociological scope to investigate Irish penal history from fresh standpoints, which can help expand our history, generate new theories, diversify conceptual debates, and push the frontiers of penal theory. This might appear as a rather banal and obvious point, but it has special salience in Irish criminology at this current juncture. As the nascent field of Irish criminology has begun to mushroom (for a comprehensive overview see Hamilton & Healy, 2016; Lynch et al., 2020) and there is growing interest in Irish penal history, it seems a timely and important moment to have a discussion about the problems of exceptionalism – and its attendant ideas of absences and inertia – along with the aspirations and potential for Irish criminological knowledge production it implies.

For criminology to move beyond the laggard position as a ‘fledgling discipline’ we certainly do need more government data to test and explore (O’Donnell, 2005), along with a critical mass of researchers to provide expert analysis to guide and judge the efficacy of Irish criminal justice policy choices (O’Donnell, 2020a; Rogan, 2020). Undoubtedly, the expanding university and government infrastructure will result in more research into matters of criminal justice, punishment and crime control in Ireland, and an increased presence of criminologists in the administration of justice. Seen this way, working critically with, and seeking to inform, government data, Irish criminologists are poised to be democratic under-labourers: those knowledge producers who are involved in the public and political dissemination of their work, supporting the policymaking process and giving intellectual weight to the causes of penal parsimony and social justice (Loader & Sparks, 2011).⁹ Alternatively, having looked at the oversights in our historical record and theorisations, we may first need a paradigm shift. It is not merely that we need more criminologists and government data *in* Ireland, but we require criminological theory that is *of* Ireland.

The suggestion of an Hibernian epistemology is not about trying to produce nativist autonomous systems of knowledge. Future research in this area could be driven by a ‘democratising epistemology’ that ‘challenges the power imbalances which have privileged knowledge produced in the metropolitan centres of the Global North’ (Carrington et al., 2017, p. 184). What I suggest is that as Irish criminologists we also see ourselves also as *epistemic under-labourers* who are part of the movement to ‘Southernize’ criminology (Carrington et al., 2018) using Irish penal history. Unlike a democratic under-labourer, this is a primarily intellectual rather than policy activist (Santos, 2014), requiring a particular kind of critical disposition towards the dynamics of knowledge production. An epistemic under-labourer aims first to democratise ‘the toolbox of available criminological concepts, theories and methods’ (Carrington et al., 2017, p. 184). We should not silo our work. Instead, it is about continuing to open up space for reflexivity in how we read our historical data and theoretical experimentation in our analyses.

An Hibernian epistemology thus aspires for cognitive justice (Santos, 2014). Irish criminologists could better embrace the view from the periphery (Aas, 2012). While it is common within criminology to lament that Ireland is often overlooked by mainstream

criminology, this is far from a uniquely Irish experience (Comaroff & Comaroff, 2012; Lee & Laidler, 2013; Fraser et al., 2017; Liu, 2009; Agozino, 2010; Fonseca, 2018; Carrington et al., 2016). Yet it is not common to see Irish work which is deeply engaged with ideas that have arisen from the history of other similar semi/peripheral spaces.¹⁰ One gets the sense that among some Irish based and concerned criminologists there is a lament and a frustration that scholars from more developed academic fields in the UK and USA have not engaged with penalty and security in the Republic of Ireland. Exasperating as this may be, Ireland is no longer a nation without a criminological discipline. We now bear the responsibility to take note of what goes on across the periphery.

Such a reorientation is important. This will allow us to further develop our own ways of knowing as we grapple with the realities of Ireland's penal past. Future work might explore Irish penal history by situating its analyses in alternative theoretical grounding, beyond the urban, post-industrial metropole. How did Ireland's evolving punishment practices compare to other rural, agrarian nations (Donnermyer & DeKeseredy, 2014; Carrington et al., 2014)? Did Ireland's systems of penalty and processes of criminalisation converge or diverge with those in other religious fundamental (Karimi & Bayatrizi, 2019) or culturally Roman Catholic nations (Melossi, 2001)? How does an understanding of Ireland's post-independence systems of incarceration contribute to, or challenge, ideas of postcolonial penalty (Cunneen, 1999; Brown, 2017)? How might theories used to explain the end of mass systems of penal control, such as the Gulag or apartheid, help us explain the end of Catholic penal control in Ireland (Piacentini, 2004; Steinberg, 2016)? How does a penological understanding of Ireland's nationwide system of Catholic welfare and corresponding Catholic carceral infrastructure of Magdalene Laundries add to the literature that problematises the relationship between welfare regimes and penal control (Barker, 2017)? What kind of new insights might be revealed if we collaborate and work comparatively with more scholars outside the Anglosphere (Blaustein, 2017)?¹¹ More broadly, rather than lambast the absence of criminological research, this seems to me to be a valuable but surprisingly overlooked topic of comparative research. What new insights are garnered into the sociology of punishment in a postcolonial context by examining how the absence of Irish criminology diverges or converges with other former colonial societies, which similarly didn't embrace criminology

(Agozino, 2010).¹² This list is far from exhaustive, but is suggestive of the new questions that could be raised if we also look beyond Anglophone theory to illuminate Ireland's penal past.

Maybe what we require is that we follow Santos' provocative description of an 'epistemological break' (Santos, 2014, p. 163) with Anglophone penal theory, or at least reduce our reliance on it. What I propose, however, is not seeing Ireland primarily in relation to what happened in England and the USA, but as a semi-peripheral and post-colonial, post-Catholic authoritarian nation, whose penal history may be better understood using broadly Southern principles rather than a Northern framework. Doing so enables us to set other new research agendas that can incorporate other neglected (often non-Western and non-Anglophone) scholarship (Moosavi, 2019 p.262). This has critical ethical consequences for Irish scholarship, preventing us from inadvertently perpetuating the sense of exceptionalism that has at times beleaguered Irish criminology.

This pivot would also contribute to the discipline at large by diversifying the historical contours and theoretical understanding of Anglophone penalty. At the very least, we should seek to integrate Irish penal history with the story of these Atlantic islands (therefore further challenging the hegemonic narrative of late twentieth century punitive transformation in this small part of the world, see Brangan, 2019; McEvoy, 2001). This approach would shine a light on the unseen and overlooked, and develop 'more inclusive histories' (Carrington et al., 2017, p. 184) that trouble and refine our assumptions, and therefore forge new avenues of intellectual possibility. As a consequence of taking a more expansive and inclusive approach to history, we can recast what it is we imagine as the borders, practices and histories of Anglophone penalty (Brown, 2002). In so doing, we will also push the frontiers of penal theory. What research we produce can support the democratisation of criminological thinking, highlight new ideas, diversify interpretive frameworks and introduce new perspectives.

Why might a reencounter with Irish history on these terms matter to us today beyond the epistemological dimension? Hibernian exceptionalism foregrounds its contemporary understandings of penalty on a penal past that is seen as a vacuum, which risks 'historical provincialism: the assumption that the present is a sort of autonomous creation' (Mills, 1962,

p. 168). Certainly, any aspirations we harbour to act as democratic under-labourers would be enhanced if we had a richer understanding of the antecedents of contemporary Irish prison policy, such as the crime crises, cultural traditions, ideologies and normative beliefs that inform how we punish today. This kind of qualitative understanding of the legacies of why we punish would leave us better equipped to suggest different approaches to address Ireland's particular crime and punishment problems. As Santos reminds us, our 'ways of knowing cannot be separated from ways of intervening in the world' around us (2014, p. 238).

While remaining cautiously optimistic, for the sociology of punishment to benefit from theoretical expansion and refinement, and for Southern and decolonial criminology to succeed, we also need an academic culture that does not file these new insights and findings away under the "world music" section of criminological concepts. This kind of inclusive epistemological project is dependent on the development of a democratic and decolonising academic *habitus*. This spirit of knowledge production becoming the taken-for-granted disposition in which our work is valued and judged (Bourdieu, 1990) is the ultimate goal of Southernising criminology.

Admittedly, Ireland has the undeniable advantages of being physically within the north Atlantic and part of the Atlantic Isles, being English-speaking and therefore more immediately able to find a space in mainstream academia (accepting these privileges is why Ireland is better categorised as being at the semi-periphery). This should not diminish our sense of the potential contribution Irish punishment and society scholarship can yield in supporting this important critical project. Given that criminology in Ireland is still relatively novel, and that Ireland is postcolonial and peripheral in the knowledge economy, Irish researchers interested in penalty could be well placed to undertake the work that also fosters this kind of inclusive academic culture. Irish sociology of punishment that doesn't labour under the Anglophone imposition could help further blur the lines between global North and South, particularly by diversifying what is perceived to be the Northern epistemological paradigm.

Conclusion

In this chapter I have sought to problematise the conventional ideas that have come to characterise Irish penal history and in turn to challenge the notion of Hibernian exceptionalism. This is because (1) empirically and theoretically it doesn't accurately capture the penal culture that existed in Ireland at the end of the twentieth century; (2) it is a symptom of when Anglocentric theory is imported into and implanted upon places in which it does not fit and was not designed to address. Hibernian exceptionalism is a result of criminology's western, urban and modernist gaze; (3) it risks perpetuating the deep and enduring imbalances in criminological knowledge production.

What I have argued here is not intended to dismiss what has gone before, but only to discuss some of the ideas that are quickly becoming convention and to problematise their epistemological roots. It has been fairly suggested that 'Criminology remains underdeveloped in the Republic of Ireland' (O'Donnell, 2005, p. 99; 2020b). Debate and discussion are essential if a fully-fledged field of criminological scholarship is to continue to advance in Ireland. This chapter as an academic act is intended to further us some small distance down this road: to suggest alternative theoretical questions and historical narratives, point towards fresh empirical readings, recast conventions, and show the value of taking new approaches to old penal problems. While decolonising criminological knowledge might be over idealistic (Moosavi, 2019, p.261), democratising our discipline is possible. However, this is dependent on us not just recognising that Ireland has been overlooked by the (Anglophone) criminological gaze. Irish penological scholarship must not perpetuate this inequality by then not engaging with theory and research from other peripheralised places and penal practices.

Given Ireland's colonial and postcolonial past, this is an enduring and ubiquitous problem, and thus not isolated to academia. From the Gaelic revival in the nineteenth century, to writing the Constitution in 1937, and in Brian Friel's eminent play *Translations* (1981), we see that as a nation we have laboured under the imposition of a language and culture not our own and sought to recover and forge new ways to identify, distinguish and understand ourselves. These cultural, political and social struggles are in a small way mirrored in some aspects of Irish academia, seeking to establish distinction and relevance in a knowledge economy dominated by the imperial nations. What has been sketched out here is not a nationalistic and hermetically sealed project. It is one that seeks to use sociology to identify

and theorise our commonalities and differences in how we punish, based first on an understanding of Irish patterns of penalty, social structure and cultural practices. And done so while also in dialogue with the wider (and widening) international criminological field – seeking at once to integrate, expand and recompose that enterprise (Burawoy, 2021).

If I could return to my past PhD self, I would strongly suggest that writing (or at least proposing to write) without certain ideas is naïve and extremely short-sighted. As Steinberg (2016) writes, Garland’s work, like that of so many of his contemporaries of that critical period in the early 2000s, travels best when it inspires methodological approaches and explanatory questions in new contexts – thus revising and creating theories born from different places and in conversation with each other. A Southernising approach to knowledge production advocates that we write alongside and in intellectual exchange with a plethora of ideas and theoretical questions, not in terms dictated by findings from elsewhere.

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² This point is not so much about David Garland as an individual scholar, but as a symbol of the main epoch and theoretical turns that have been made in the sociology of punishment in the last 40 years and how certain research becomes the predominant reference points. It is worth noting that Garland's ideas have heavily influenced my own research. In particular, his compelling and erudite vision of a sociology of punishment that avoids doctrinaire commitments to a single paradigm: Marx or Foucault; power or culture; desire or ideology, etc. Instead, the sociology of punishment is at its most deft and incisive when concerned with establishing the empirical particulars of a definite penal problem and using a coherent bricolage of theories and concepts to explain the question at hand (in particular see Garland, 1990a, 1990b).

³ This depiction is not without its critics. Goodman et al. (2017) provide a grounded re-engagement with these perspectives and for a critique of the historiographical basis of these claims see Churchill (2018).

⁴ To present these theories in this form, as soundbites, is not intended to be glib or dismissive, admittedly this kind of quickfire account does not sufficiently illuminate to the nuance of these theories. However, that they have come to also exist as turns of phrase, immediately recognisable and identifiable, is indicative of the powerful position they hold within criminology.

⁵ This was not the case in Northern Ireland.

⁶ It remains open for debate as to whether or not these theoretical narratives are effective distillations of penalty in the USA during the late twentieth century. For an important overview of how this set of binary oppositions may oversimplify matters see Barker (2009) and Goodman et al. (2017).

⁷ Further to this, Souhami (2015) argues that this methodological approach, to equate policy with 'policy products', may have led to a misunderstanding of the values shaping policy in England and Welsh youth justice policy.

⁸ This therefore should not be misunderstood as merely a discursive journey through the hearts and minds of policymakers. The pastoral outlook materialised as a more humane set of prison policies and practices.

⁹ There is a remarkable degree of consistency within Irish criminology about policy impact being central among the disciplinary agenda (Lynch et al., 2020, p. 5; Rogan, 2012, 2020; Griffin, 2020).

¹⁰ Though, obviously a gap this volume directly seeks to address.

¹¹ This cooperative move is essential if we are to redistribute academic resources and to ensure that the issue of decolonizing and southernizing isn't being instrumentally appropriated by English-speaking and European scholars (Moosavi, 2020).

¹² The prevailing instrumental view of criminology – and the belief that Ireland needs more policy relevant criminological research – tends to overlook the important and longstanding critique that criminology may not be the most productive discipline when it comes to exposing social injustice and holding states to account. This is in large part due to criminology viewing social problems in relation to the criminal justice system and therefore as a corollary of crime rather than social injustice or harm (Cohen, 1988; Hillyard et al., 2004).